

Sylvania City Council
April 6, 2020

7:30 p.m. Council Meeting
Agenda

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mr. McCann, Mr. Richardson, Ms. Stough, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mr. McMann.
3. Additions to the agenda.
4. Approval of the regular council meeting minutes of March 16, 2020.
5. Brookfield Estates Resurfacing Project.
 - a. Service Director's report on project.
 - b. Authorize Clerk to advertise for bids.
6. City Administration & Municipal Court Building's Roofing Replacement Project.
 - a. Service Director's report on bids received.
 - b. Proposed Ordinance No. 18-2020, Accepting the bid of Overhead Roofing and Sheet Metal, Inc. and awarding contract for the Administration building and Sylvania Municipal Court Roof Replacement project.
7. US-23 Noise Wall project.
 - a. Service Director's report consent requirement.
 - b. Proposed Resolution No. 12-2020, A Resolution of the Council of the City of Sylvania consenting to the Ohio Department of Transportation's Construction of Type II Noise Barriers on a stretch of I-475 and US-23.
8. Committee reports.
 - a. Safety Committee meeting held on March 19, 2020.
9. Committee referrals.

INFORMATION

None.

Minutes of the Meeting of Council
March 16, 2020

The Council of the City of Sylvania, Ohio met in regular session on March 16, 2020 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, Patrick Richardson, Lyndsey Stough, Mary Westphal; (6) present; Brian McCann, (1) absent.

Roll call:
McCann,
absent, excused.

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

Pledge of
Allegiance.

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

- 4a. COVID-19 Update from Fire Chief Ramm, Police Chief Schnoor and Safety Director Aller.
- 10b. Schedule a Safety Committee Meeting.
- 10c. Discuss Streaming council meetings.
- 12. Update on Strongest Towns Competition.

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

Agenda
approval.

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

Mrs. Westphal presented the March 2, 2020 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 March 2, 2020 be approved; roll call vote being: Frye, Haynam, Richardson, Stough, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

Approval of the
March 2
meeting
minutes.

Fire Chief Ramm provided updated information in the COVID-19 from the State of Ohio and Lucas County. He also reviewed the staffing contingency plans in place. Police Chief Schnoor provided information on staffing contingency plans for the Police Dept. Safety Director Aller reported on steps that are being considered as information comes from Lucas County.

COVID-19
Update.

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 15-2020, a written copy of same having been previously furnished to each member of Council, "Authorizing an agreement with Zambelli Fireworks Manufacturing Co. for the Independence Day Celebrations on July 3, 2020 July 3, 2021, and July 3, 2022 at Centennial Terrace and Quarry; authorizing the Mayor and Director of Finance to sign an agreement for the Fireworks Display which will cost Thirty Five Thousand Dollars (\$35,000); authorizing a 50% deposit payment for each year's fireworks display due in February of each calendar year which will be shared by the City, Sylvania

Ordinance No.
15-2020,
"...authorizing
agreement with
Zambelli....
Fireworks for
7/3/17, 7/3/18,
and 7/3/19...."

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Township, Coca-Cola Corporation, the Sylvania Area joint Recreation District and area businesses; and declaring an emergency.” Mr. Frye moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Frye, Haynam, Richardson, Stough, Westphal, (6) yeas; (0) nays. The motion carried.

Mr. Frye moved, Mr. Haynam seconded, that Ordinance No. 15-2020 be enacted as an emergency measure as declared therein; roll call vote being: Frye, Haynam, Richardson, Stough, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

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

Service Director’s report on the 2020 Sidewalk Replacement Program was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 16-2020, a written copy of same having been previously furnished to each member of Council, “Accepting the proposal of Scott’s Quality Concrete and awarding the contract for the 2020 Sidewalk Replacement Program to same; authorizing the expenditure for the improvements in the amount of \$28,635; appropriating funds therefore; and declaring an emergency.” Mr. Frye moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Haynam, Richardson, Stough, Westphal, Cappellini, Frye (6) yeas; (0) nays. The motion carried.

Ordinance No. 16-2020, “... 2020 Sidewalk Replacement program....”

Mr. Frye moved, Mr. Haynam seconded, that Ordinance No. 16-2020 be enacted as an emergency measure as declared therein; roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

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

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 17-2020, a written copy of same having been previously furnished to each member of Council, “An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances; to repeal Ordinances in conflict therewith; to publish the enactment of new matter, and declaring an emergency.” Mrs. Westphal moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, Richardson, (6) yeas; (0) nays. The motion carried.

Ordinance No. 17-2020, “...Approve, adopt and enact current replacement pages to the Codified Ordinances...”

Mrs. Westphal moved, Mr. Haynam seconded, that Ordinance No. 17-2020 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam, Richardson, Stough (6) yeas; (0) nays. The motion carried.

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

Mrs. Westphal moved, Mr. Haynam seconded, that no hearing be requested for the transfer of the D5 and D6 liquor permit from Bellyworthy, LLC d/b/a 5th Street Pub, 5577 Monroe St, Suite D, Sylvania, Ohio to Georghios Grill, LLC, d/b/a Georghios Grill, 5577 Monroe St., Suite D, Sylvania, Ohio; roll call vote being: Cappellini, Frye, Haynam, Richardson, Stough, Westphal, (6) yeas; (0) nays. The motion carried.

No objection to liquor permit transfer for Georghios Grill.

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

Mr. Haynam presented and read aloud by title only, proposed Resolution No. 11-2020, a written copy of same having been previously furnished to each member of Council, "A Resolution of the Council of the City of Sylvania declaring its intent to enter into an agreement with the Board of Trustees of Sylvania Township to create a Joint Economic Development District located in a portion of the unincorporated area of Sylvania Township; and declaring an emergency." Mr. Haynam moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Resolution; roll call vote being: Frye, Haynam, Richardson, Stough, Westphal, Cappellini (6) yeas; (0) nays. The motion carried.

Resolution No. 11-2020; agreement with Sylvania Twp. to create a JEDD...." (Oakleaf Village)

Mr. Haynam moved, Ms. Stough seconded, that Resolution No. 11-2020 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Richardson Stough, Westphal, Cappellini, Frye (6) yeas; (0) nays. The motion carried.

Mr. Haynam moved, Mrs. Westphal seconded to set a public hearing for May 4, 2020 at 7:00 p.m. on the Proposed JEDD1; roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Public Hearing 5/4/20 for JEDD1 (Oakleaf Village)

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

Mr. Richardson stated the Employee & Community Relations Committee met on March 3, 2020 to interview and discuss Board appointments to SAJRD and Board of Zoning Appeals. There was discussion on the proposed Ordinance No. 7, 2020, Amending Sylvania Codified Ordinance Section 139.07-Leaves of Absence to create a Precinct Election Official Leave Program.

Emp & Com Relations Committee report.

Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 7-2020, a written copy of same having been previously furnished to each member of Council, "Revising the Administrative, Departmental and Divisional Organization of the City and the Codified Ordinances thereof by amending Sylvania Codified Ordinance Section 139.07 – Leaves of Absence, to create a Precinct Election Official

Ordinance No. 7-2020, "...Amending Codified Ordinance

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Leave Program; and declaring an emergency.” Mr. Richardson moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Section 139.07-
...Precinct
Election Official
Leave Program”

Mr. Richardson moved, Ms. Stough seconded, that Ordinance No. 7-2020 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Haynam, McCann, Richardson, (6) yeas; Stough (1) nays. The motion carried.

Mrs. Cappellini presented and read aloud by title only, proposed Resolution No. 8-2020, a written copy of same having been previously furnished to each member of Council, “Appointing Marcus Hansen to the Board of Trustees of Sylvania Area Joint Recreation District (“SAJRD”) for a term expiring December 31, 2021; and declaring an emergency.” Mrs. Cappellini moved, Mr. Frye seconded, that Council dispense with the Second and Third Reading of said Resolution; roll call vote being: Cappellini, Frye, Haynam, Richardson, Stough, Westphal, (6) yeas; (0) nays. The motion carried.

Resolution No.
8-2020,
“Appointing
Marcus Hansen
to SAJRD, term
expiring
12/31/21....”

Mrs. Cappellini moved, Mr. Haynam seconded, that Resolution No. 8-2020 be enacted as an emergency measure as declared therein; roll call vote being: Frye, Haynam, Richardson Stough, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

Mr. Haynam presented and read aloud by title only, proposed Resolution No. 9-2020, a written copy of same having been previously furnished to each member of Council, “Appointing Stephan Risher to the Zoning Board of Appeals for a term expiring December 31, 2020; and declaring an emergency.” Mr. Haynam moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Resolution; roll call vote being: Haynam, Richardson, Stough, Westphal, Cappellini, Frye, (6) yeas; (0) nays. The motion carried.

Resolution No.
9-2020,
“Appointing
Stephan Risher
to Zoning Bd.
Of Appeals,
term expiring
12/31/20...”

Mr. Haynam moved, Ms. Stough seconded, that Resolution No. 9-2020 be enacted as an emergency measure as declared therein; roll call vote being: Frye, Haynam, Richardson Stough, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

Mr. Richardson presented and read aloud by title only, proposed Resolution No. 10-2020, a written copy of same having been previously furnished to each member of Council, “Appointing Danny Royer to the Zoning Board of Appeals for a term expiring December 31, 2020; and declaring an emergency.” Mr. Richardson moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Resolution; roll call vote being: Haynam, Richardson, Stough, Westphal, Cappellini, Frye, (6) yeas; (0) nays. The motion carried.

Resolution No.
10-2020, “
“Appointing
Danny Royer to
Zoning Bd. Of
Appeals, term
expiring
12/31/20...”

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Mr. Richardson moved, Mr. Haynam seconded, that Resolution No. 10-2020 be enacted as an emergency measure as declared therein; roll call vote being: Richardson Stough, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Mrs. Westphal moved, Ms. Stough seconded to schedule a Safety Committee Meeting for Thursday, March 19, 2020 at 8:00 a.m. to receive an in-depth report of the COVID-19, and staffing contingencies for the city. Roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, Richardson; (6) yeas; (0) nays. The motion carried.

Safety Com Mtg
set for 3/19/20
re: COVID-19.

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

Mayor Stough provided information on streaming the city council meetings. Administration will get additional information for discussion at the Safety Committee meeting on March 19, 2020.

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

Ms. Stough provided an overview of the Strongest Towns contest. She stated the City is a finalist with 55% of the vote in round one. We encourage you to vote for Sylvania in the Second round. Information is on the city's Facebook page.

Strongest
Towns Contest
update.

Mayor Stough stated there are no other business to come before Council.

Mrs. Westphal moved, Mr. Haynam seconded to adjourn at 8:48 p.m. Roll call vote being: Haynam, Richardson, Stough, Westphal, Cappellini, Frye (6) yeas; (0) nays. The motion carried.

Adjournment

Clerk of Council

Mayor



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

April 6, 2020

To: The Mayor and Members of Sylvania City Council

Re: **Brookfield Estates Resurfacing**

Dear Mr. Mayor and Council Members:


Bidding documents for the above-mentioned project are now complete and ready for advertisement.

This project consists of milling and resurfacing the top 2" of asphalt in the Brookfield Estates Subdivision. The roadways scheduled to be resurfaced are Brookfield Lane, Fairmeadow Drive, Glenhill Drive, and Westcroft Drive. In addition, curb ramp improvements meeting current ADA standards will be implemented at deficient locations.

The estimated cost of the project is \$293,584 with construction scheduled this year.

We would request that the Clerk of Council be authorized to advertise for bids.

Sincerely,



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



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

April 6, 2020

To: The Mayor and Members of Sylvania City Council

Re: **CONSTRUCTION CONTRACT AWARD**
ROOF REPLACEMENTS (CITY ADMINISTRATION BUILDING AND SYLVANIA MUNICIPAL COURT)

Dear Mr. Mayor and Council Members:

We received four (4) bids on April 1, 2020 for the above referenced project.

The lowest bid was submitted by Overhead Roofing and Sheet Metal, Inc. of Toledo, Ohio. Their bid of \$98,192 was approximately 19.5% under the Engineer's Estimate of \$122,000.

Overhead Roofing has not performed work for the City on past projects, but several references were checked during the bid review process. All references checked yielded a positive response.

As a result, it is our recommendation that the contract be awarded to Overhead Roofing and Sheet Metal, Inc. of Toledo, Ohio in the amount of \$98,192.

Please call if you have any questions.

Sincerely,

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

ORDINANCE NO. 18 -2020

ACCEPTING THE BID OF OVERHEAD ROOFING AND SHEET METAL, INC. AND AWARDING THE CONTRACT FOR THE ADMINISTRATION BUILDING AND SYLVANIA MUNICIPAL COURT ROOF REPLACEMENT PROJECT TO SAME; AUTHORIZING THE EXPENDITURE FOR THE IMPROVEMENTS IN THE AMOUNT OF \$98,192; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the Administration Building and Sylvania Municipal Court Roof Replacement Project have been completed and are now on file with the Clerk of this Council; and,

WHEREAS, the Clerk of Council was authorized to advertise for bids at the March 2, 2020 Council meeting and thereafter the Clerk advertised for bids, and the bids were opened on April 1, 2020, and thereafter, the Director of Public Service, by report dated April 6, 2020, stated that the total engineer's estimate for the Administration Building and Sylvania Municipal Court Roof Replacement Project was \$122,000 and the following bids were received:

<u>BIDDERS</u>	<u>BID PRICE</u>
Overhead Roofing and Sheet Metal, Inc.	\$ 98,192.00
Advanced Concepts, Inc.	110,576.00
United Roofing and Sheet Metal	119,600.00
Holt Roofing	126,287.00

WHEREAS, the four (4) bids offered by the above bidders meet all of the City's specifications and the Director of Public Service, by report dated April 6, 2020, has recommended acceptance of the lowest and best bid of Overhead Roofing and Sheet Metal, Inc. and that the contract for the Administration Building and Sylvania Municipal Court Roof Replacement Project be awarded to same.

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

SECTION 1. That the bid of Overhead Roofing and Sheet Metal, Inc., Toledo, Ohio for said Administration Building and Sylvania Municipal Court Roof Replacement Project, in the amount of Ninety-Eight Thousand One Hundred Ninety-Two Dollars (\$98,192.00), is hereby determined to be the lowest and best bid received and the same is hereby accepted.

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

SECTION 3. That to provide funds for said improvements hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7750-53203, Building Improvements**, the total sum of Ninety-Eight Thousand One Hundred Ninety-Two Dollars (\$98,192.00).

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

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

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the bid of Overhead Roofing and Sheet Metal, Inc. should be accepted immediately so as to provide for the commencement of the Administration Building and Sylvania Municipal Court Roof Replacement Project at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2020, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

April 6, 2020

To: The Mayor and Members of Sylvania City Council

Re: **ODOT-LUC-475/23-9.54-9.63 Noisewall (PID 103647)**

Dear Mr. Mayor and Council Members:

The Ohio Department of Transportation (ODOT) plans to move forward with installing Type II noisewalls along I-475 and US-23. The construction plans are nearly complete and ready for bidding.

Type II noisewalls are scheduled to be installed along I-475 from the systems interchange with US-23 to the railroad overpass near Holland-Sylvania Road. The entire stretch of US-23 between I-475 and the Michigan state line will receive noisewalls as well.


Because a portion of the project is within the City municipal limits ODOT requires legislation that provides consent for the work, even though all of the proposed work lies with their Limited Access right-of-way. A copy of the legislation is enclosed for your reference.

ODOT anticipates selling and awarding a contract for the first phase of the noisewalls in September 2020. The first phase of construction would consist of all walls south of Monroe Street on US-23 and all of I-475 and would occur October 2020 through April 2021. ODOT will sell and award the second phase of noisewalls in 2021. The second phase of construction would complete all work north of Monroe Street to the state line.

This project is 100% funded by ODOT with no local financial contribution requirement. We would recommend approval of the consent legislation for this project.

Please call if you should have any questions.

Sincerely,



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

PRELIMINARY LEGISLATION

Consent

Ordinance # _____

PID No. 103647

County/Route/Section LUC/23-9.54/9.63 Noisewall

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

SECTION I - Project Description

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

Construct type II noise barriers on a stretch of I-475 and US-23 in Lucas County

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

SECTION II - Consent Statement

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

SECTION III - Cooperation Statement

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

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

SECTION IV - Utilities and Right-of-Way Statement

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

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

SECTION V - Maintenance

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

SECTION VI - Authority to Sign

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

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

Passed: _____, 2_____.
(Date)

Attested: _____
(Clerk Signature)

(Contractual Officer Signature)

Attested: _____
(Clerk Signature)

(President of Council Signature)

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

CERTIFICATE OF COPY
STATE OF OHIO

City of Sylvania, Lucas County, Ohio

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

_____, Page _____ .
(Ordinance Record No.)

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

Clerk

(SEAL) _____
(If Applicable) City of Sylvania, Ohio

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

For the City of Sylvania, Ohio

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

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

RESOLUTION NO. 12 -2020

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SYLVANIA
CONSENTING TO THE OHIO DEPARTMENT OF
TRANSPORTATION'S CONSTRUCTION OF TYPE II NOISE
BARRIERS ON A STRETCH OF I-475 AND US-23; AND DECLARING
AN EMERGENCY.**

WHEREAS, the City of Sylvania and State of Ohio have identified the need for the construction of Type II noise barriers on a stretch of I-475 and US-23; and,

WHEREAS, because a portion of the project is within the City municipal limits, the Ohio Department of Transportation requires legislation consenting to the work; and,

WHEREAS, the Director of Public Service, by report dated April 6, 2020, has recommended that the City consent to the construction of the Type II noise barriers on a stretch of I-475 and US-23.

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

SECTION 1. Being in the public interest, the City of Sylvania gives consent to the Director of Transportation to complete the construction of Type II noise barriers on a stretch of I-475 and US-23.

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

- A. The State shall assume and bear 100% of all of the cost of any features requested by the City which are not necessary for the project as determined by the state/or the Federal Highway Administration.
- B. The City of Sylvania consents to having the State acquire all necessary rights of way for the subject project in the name of the City of Sylvania.
- C. The City of Sylvania agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
- D. The State agrees to be the lead agency and to administer all phases of the project.

SECTION 3. The City of Sylvania agrees that all existing street and public right-of-way within the jurisdiction of the City of Sylvania which is necessary for the described project shall be made available therefore. The City of Sylvania further agrees that any right-of-way acquired by said City of Sylvania on behalf of the described project shall be acquired and/or made available in accordance with current State and Federal regulations.

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

SECTION 4. Upon completion of the Project, and unless otherwise agreed, the City of

Sylvania shall:

- A. Provide adequate maintenance for those portions of the Project under the jurisdiction of the City of Sylvania in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C. Section 116.
- B. Provide ample financial provisions, as necessary, for the maintenance of those portions of the Project under its jurisdiction.
- C. Maintain the right-of-way, keeping it free of obstructions.
- D. Hold said right-of-way inviolate for public highway purposes.

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

SECTION 6. That the Clerk of Council is hereby directed to post a copy of this Resolution in the office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12 of the Charter of this City.

SECTION 7. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the City should consent to the construction of the noise barriers at the earliest possible time so that the project can proceed without delay and therefore this Resolution should be made effective immediately. Provided this Resolution receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2020, as an emergency measure.

ATTEST:

President of Council

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date