

Sylvania City Council
being held via Zoom
February 16, 2021

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 Mrs. Cappellini.
3. Additions to the agenda.
4. Approval of the regular council meeting minutes of February 1, 2021.
5. Proposed Ordinance No. 15-2021, An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances; to repeal Ordinances in conflict therewith, and to publish the enactment of new matter.
6. Wall & Slope Easement Agreement. (5480 Main Street-Wyndham Hotel)
 - a. Service Director's report on Easement Agreement.
 - b. Proposed Ordinance No. 16-2021, Accepting an Easement from Louisville Title Agency for N.W. Ohio, Inc., Trustee for Retaining Wall and Slope Maintenance purposes.
7. Luc-Monroe-0127 Bridge Rehabilitation Project.
 - a. Service Director's report on the bids received.
 - b. Authorize the Clerk to re-advertise for bids.
8. Large Diameter Sanitary Sewer Lining Project (Phase 1) OWDA Loan.
 - a. Service Director's report on project.
 - b. Proposed Ordinance No. 17-2021, Authorizing to apply for, accept, and enter into a Cooperative Agreement for construction of the Trunk Sanitary Sewer Lining Phase 1 Project between the City of Sylvania and the Ohio Water Development Authority.
9. Zoning Ordinance Application No. SUP-1-2021 from Stephen E. Carr, Agent for Cellco Partnership dba Verizon Wireless and Tarpon Towers II, LLC, Collectively Applicant for a Zoning Change from "R-1", Single Family Residential to "R-1, Special Use Permit" for property located at 5403 Silica Drive, Sylvania, Ohio 43560 to allow the placement of a 130' wireless communication facility with a 10' lighting rod a total 140' tall. (Referral to the Planning Commission)

10. Proposed Ordinance No. 18-2021, Authorizing to enter into an Annexation Agreement with the Sylvania Township Board of Trustees on behalf of the City of Sylvania.
11. Approval of items to be offered for auction on GovDeal.com.
12. Committee reports.
13. Committee referrals.
14. Executive Session for discussion of sale of real estate.

INFORMATION

- A. January 2021 Bank Reconciliation.
- B. Board of Architectural Review minutes from February 10, 2021.
- C. Municipal Planning Commission minutes from February 10, 2021.

Minutes of the Meeting of Council
February 1, 2021

The Council of the City of Sylvania, Ohio met in regular session via Zoom on February 1, 2021 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, Brian McCann, Patrick Richardson, Lyndsey Stough, Mary Westphal; (7) present; (0) absent.

Roll call:
All present.

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

Pledge of
Allegiance.

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

The following items have been added to the agenda:

- 7a. Report of Committee of the Whole held on 1/6/21.
- 9a. Report of Finance Committee Meeting held on this date.
- 11. Executive Session to discuss items of litigation.

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

Agenda approval.

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

Mr. Frye presented the January 19, 2021 meeting minutes. Mr. Frye moved, Ms. Stough 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 January 19, 2021 be approved; roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the
January 19th,
2021 meeting
minutes.

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

Mayor Stough provided a COVID-19 Update. He stated one employee in administration contracted the virus, but is now back to work. Three city police officers have been vaccinated and others will when available. Mayor stated he will be updated tomorrow from the Governor.

COVID-19
Update.

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

Mr. Haynam introduced and read by title only Resolution No. 2-2021, "Adopting a Statement, pursuant to Revised Code of Ohio 709.03(D), indicating what services will be provided to the area proposed to be annexed to the City of Sylvania by Petition for Annexation filed with the Lucas County Commissioners; and declaring and emergency"; Mr. Haynam moved, Mr. McCann seconded passage of Resolution No. 2-2021 as an emergency measure. Roll call vote being: Haynam, McCann, Richardson, Stough, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Resolution No.
2-2021,
"...statement of
what services to
Annexed area..."
(Centennial
Terrace).

Minutes of the Meeting of Council
February 1, 2021

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

Mr. Sanford reported on the proposed amended contract with Environmental Design, which adds an additional meeting. This meeting will be a Virtual Open House for review and comments on the Downtown Master Plan.

Downtown
Master Plan
Contract
amendment.

Mr. Frye reported on the Committee of the Whole meeting held on January 6, 2021 with Michelle Johnson and Ben McKeeman of Environmental Design Group. Discussion was mainly about the potential use of a Tax Incremental Financing (TIF) structure for downtown. Other discussions included new leases on the first floor in downtown to be retail and local small developers rather than one large developer for downtown.

COW Mtg
Report:
Downtown
Master Plan.

Mr. Frye introduced and read by title only Ordinance No. 14-2021, "Accepting the Amendment to the Proposal of Environmental Design Group relative to the Sylvania Downtown Master Plan; appropriating funds therefore in the amount of \$1,998; and declaring an emergency"; Mr. Frye moved, Mr. Haynam seconded passage of Ordinance No. 9-2021 as an emergency measure. Roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Ordinance No.
14-2021,
"Accepting
Amendment...En
vironmental
Design Group
contract..."

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

Service Director's report on a list of obsolete equipment to be offered for auction on GovDeals.com was placed on file. Mrs. Cappellini moved, Mr. Richardson seconded to approve the items listed on the Service Director's report to be offered for auction on GovDeals.com. Roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, McCann; (7) yeas; (0) nays. The motion carried.

Approval of
items for auction
on
GovDeals.com.

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

Mr. Frye reported on the Finance Committee meeting held on this date at 6:45p.m. to discuss the City's Debt Policy. Mr. Schroyer addressed items for possible modification of the Policy including income tax flow, bank depository agreement and interfund transfers be approved by Council in advance.

Finance Com.
Mtg report from
2/1/21.

Minutes of the Meeting of Council
February 1, 2021

Mayor Stough stated there are no items for agenda item 10, so Council will now consider agenda item 11.

Mr. Frye moved, Mr. Haynam seconded to enter into Executive Session for discussion on items of litigation. at 8:09 p.m. Roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, McCann, Richardson, (7) yeas; (0) nays. The motion carried.

Executive
Session: Items
of Litigation.

Mr. Haynam moved, Mr. McCann seconded to return from Executive Session to General Session at 8:25 p.m. Roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Richardson, Stough, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated all agenda items have been addressed.

Mr. Richardson moved, Mr. Haynam seconded to adjourn at 8:27 p.m. Roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays.

Adjournment.

Clerk of Council

Mayor

Ordinance No. 15 -2021

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

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

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

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

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

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

SECTION 1. That the ordinances of the City of Sylvania, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections with the 2021 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

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

Traffic Code

- 331.42 Wearing Earplugs or Earphones Prohibited. (Amended)
- 335.09 Display of License Plates or Validation Stickers; Temporary License Placard.
(Amended)
- 335.091 Operating Without Dealer or Manufacturer License Plates. (Added)

General Offenses Code

- 501.99 Penalties for Misdemeanors. (Amended)
- 505.04 Abandoning Animals. (Amended)
- 513.01 Drug Abuse Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.17 Reserved. (Previously "Criminal Child Enticement")

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

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

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

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas_____ Nays_____

Passed, _____, 2021, as an emergency measure.

President of Council

ATTEST:

Clerk of Council

APPROVED AS TO FORM:

APPROVED:

Director of Law

Mayor

Date

Summary of 2020 Model Amendments

331.42 Wearing Earplugs or Earphones Prohibited. (Expands definitions for earphones and earplugs. Adds exception for hearing protection while operating a motorcycle.)

335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (License plate and temporary license placard to be displayed on the rear of vehicle.)

335.091 Operating Without Dealer or Manufacturer License Plates. (Adds new section regulating operating a manufacturer or dealer vehicle without license plates or placards.)

501.99 Penalties for Misdemeanors. (Expands the regulations for court ordered restitution.)

505.04 Abandoning Animals. (Amended to update penalty wording to match ORC and ORC reference.)

513.01 Drug Abuse Control Definitions. (Completely rewrites section to comply with ORC 2925.01.)

529.07 Open Container Prohibited. (Adds a new subsection further defining alcoholic beverage and closed container.)

537.17 Criminal Child Enticement. (Deleted. This section was based on ORC 2905.05. The Ohio Supreme Court held that ORC 2909.05(A) was unconstitutionally overbroad in violation of the First Amendment.)

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DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

February 16, 2021

To: The Mayor and Members of Sylvania City Council

Re: **Wall and Slope Easement Agreement**
5480 Main Street (Wingate by Wyndham Hotel)

Dear Mr. Mayor and Council Members:

On October 31, 2019 the City purchased property in our downtown area that was commonly referred to as Joe's Tire, located at 6501, 6503, and 6511 Monroe Street. The condition of the existing retaining wall in between this property and the Wingate Hotel at 5480 Main Street is in poor condition and in need of replacement.

The Service Department and our retaining wall engineering consultant have been working on designing a new wall that would not only address the issue adjacent to the Wingate Hotel, but also on the commercial property immediately to the east as well as for SOMO Flats. Coordination with those owners is ongoing.

In order to accommodate the improvement a wall and slope easement between the City and Wingate is necessary for construction and future maintenance. The Service Department has coordinated this easement request with owners of the Wingate Hotel (Louisville Title Agency for N.W. Ohio Inc.) and have reached an agreement.

We would recommend approval of the easement request with Louisville Title Agency for N.W. Ohio Inc. Trustee.

Please call if you should have any questions.

Sincerely,

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

EASEMENT FOR RETAINING WALL AND SLOPE MAINTENANCE PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **Louisville Title Agency for N.W. Ohio Inc. Trustee**, the Grantors, in consideration of one dollar (\$1.00), and other good and valuable considerations, to them paid by the **City of Sylvania**, the Grantee, do hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns forever, a permanent easement for the construction and maintenance of a retaining wall, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described and drawn, as attached.

TO HAVE AND TO HOLD the said easement rights with all the rights, privileges and appurtenances thereto belonging to the Grantee, its successors and assigns forever.

The Grantors, their successors and assigns, retains the right to use the attached described property for any and all purposes, provided that such use does not interfere with nor impair the exercise of the rights herein granted.

The Grantors claims title by instrument recorded in Instrument Number 20060302-0013151 in the Deed Records of the Lucas County Recorder's Office.

The Grantors hereby covenant that they are the true and lawful Owners of said premises and are well seized of the same, and have good right and full power to bargain, sell and convey the same in the manner aforesaid.

The Grantee covenants that it is the true and lawful Owner of Lucas County Tax District Parcel No. 82-10274 and No. 82-03708 and claims title by instrument recorded in Instrument Number 20191031-0044619 in the Deed Records of the Lucas County Recorder's Office. This easement agreement is for the benefit of the Grantee, as owner of these two parcels, and their successors and assigns forever.

IN WITNESS WHEREOF, the Grantors, **Louisville Title Agency for N.W. Ohio Inc. Trustee**, has hereunto set their hands this 30th day of MARCH, 2020.


John W. Martin, CEO


James M. Lindsay, President

STATE OF OHIO

}SS

COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared John W. Martin, CEO, and James M. Lindsay, President of Louisville Title Agency for N.W. Ohio Inc. Trustee, who acknowledged the signing thereof to be their voluntary act and deed for the purpose therein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

Notary Public 

City of Sylvania, Ohio



By: JENNIFER A. BURNOR
Notary Public - State of Ohio
My Commission Expires Feb. 23, 2022

Craig A. Stough, Mayor

By: _____

Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

February 13, 2020
Revised February 24, 2020
Revised February 28, 2020

**WALL AND SLOPE EASEMENT
LOUISVILLE TITLE**

A parcel of land being part of Lot 1 in Block 34, as shown on the map of Sylvania, as recorded in Volume B-2, Page 103, Lucas County Plat Records, and also part of the Northwest quarter (1/4) of Section Ten (10), Town Nine (9) South, Range Six (6) East, in the City of Sylvania, Lucas County, Ohio;

Commencing at the intersection of the centerline of Monroe Street with the centerline of Main Street;

thence in a southerly direction, along the centerline of Main Street, having a bearing of South one (01) degree, zero (00) minutes, forty-eight (48) seconds East, passing through a found monument box at a distance of five and seventy-six hundredths (5.76') feet, a total distance of one hundred forty-five and fifteen hundredths (145.15') feet to a point;

thence North eighty-eight (88) degrees, fifty-nine (59) minutes, zero (00) seconds East along the North line of a Parcel of land as Described in Official Record 20060320-0013151, Lucas County Deed Records, a distance of one hundred sixty-four and fifty-one hundredths (164.51') feet to the Point of Beginning;

thence continuing North eighty-eight (88) degrees, fifty-nine (59) minutes, zero (00) seconds East along a line, a distance of nine and zero hundredths (9.00') feet to the intersection of the East line of a parcel of land as described in Official Record 20060320-0013151, Lucas County Deed Records;

thence South one (01) degree, zero (00) minutes, forty-eight (48) seconds East along the East line of a parcel of land as described in Official Record 20060320-0013151, Lucas County Deed Records, a distance of eighty-seven and twenty-two hundredths (87.22') feet to the intersection of the North line of a parcel of land as described in Official Record 20060320-0013151, Lucas County Deed Records;

thence North seventy-two (72) degrees, thirty-two (32) minutes, thirteen (13) seconds East along the North line of parcel of land as described in Official Record 20060320-0013151, Lucas County Deed Records, a distance of one hundred forty-seven and sixty-seven hundredths (147.67') feet to a point;

thence South one (01) degree, one (01) minute, zero (00) seconds East along the East line of parcel of land as described in Official Record 20060320-0013151, Lucas County Deed Records, a distance of five and twenty-one hundredths (5.21') feet to a point;

thence South seventy-two (72) degrees, thirty-two (32) minutes, thirteen (13) seconds West along a line, a distance of one hundred fifty-seven and five hundredths (157.05') feet to a point;

thence North one (01) degree, zero (00) minutes, forty-eight (48) seconds West along a line, a distance of ninety-five and nine hundredths (95.09') feet to the point of beginning.

Said parcel of land containing an area of 1,582 square feet, 0.036 acres of land, more or less.

The above described parcel of land is subject to any and all leases, easements and restrictions of record.

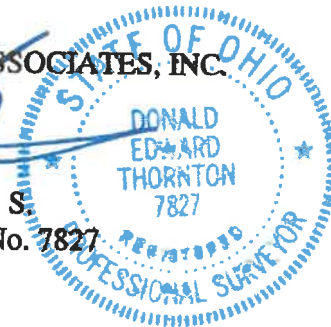
The bearings used hereon are based on an assumed meridian and are for the express purpose of calculating angular measurement.

Prior Deed Reference is Official Record 20060320-0013151, Lucas County Deed Records.

Prepared by:

FELLER, FINCH & ASSOCIATES, INC.


D. Edward Thornton, P. S.
Professional Surveyor No. 7827



WALL AND SLOPE EASEMENT EXHIBIT

A PARCEL OF LAND BEING PART OF THE NORTHWEST
1/4 OF SECTION 10, TOWN 9 SOUTH, RANGE 6 EAST,
IN THE CITY OF SYLVANIA, LUCAS COUNTY, OHIO.

POINT OF
COMMENCEMENT

MONROE STREET
(A.K.A. SOUTH STREET)

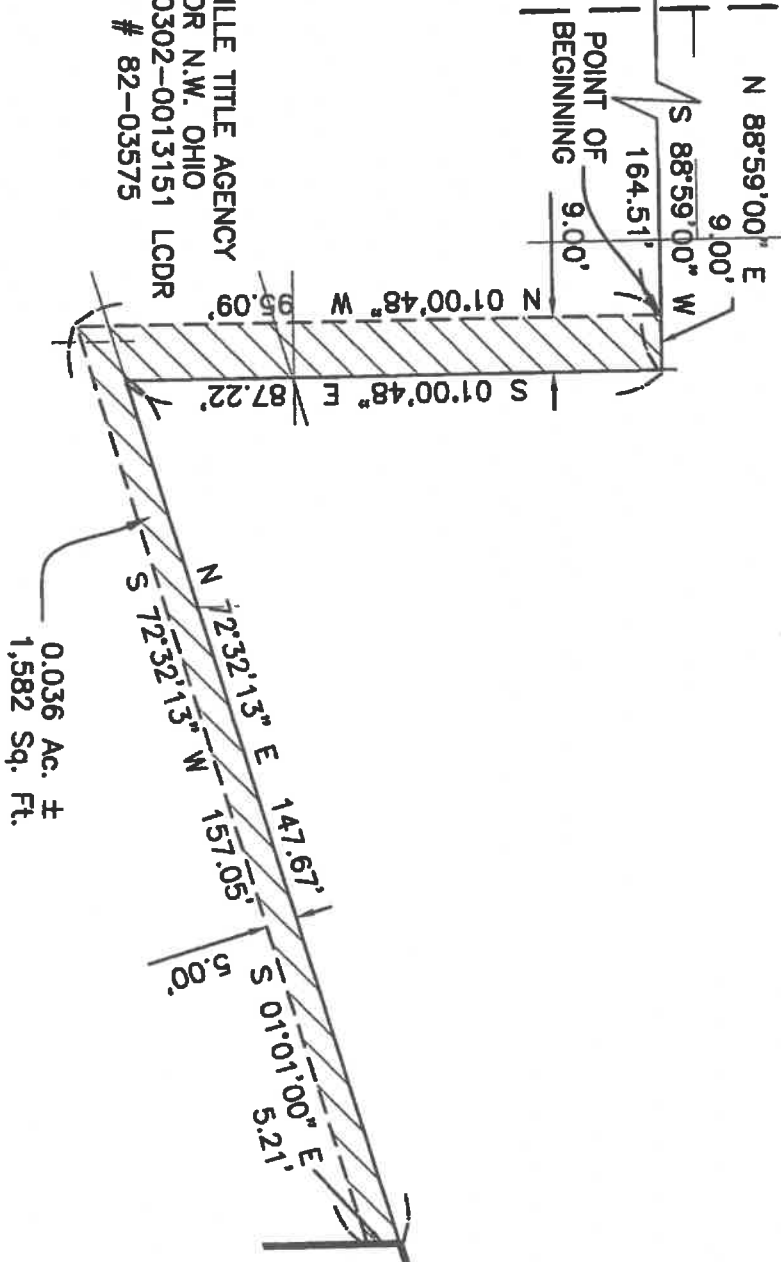
EAST R/W MAIN STREET
LINE DRAWN 37.125' EASTERLY
OF AND PARALLEL WITH THE
CENTERLINE OF MAIN STREET



GRAPHIC SCALE IN FEET

N. MAIN STREET
(A.K.A. DIVISION ST.)

LOUISVILLE TITLE AGENCY
FOR N.W. OHIO
OR 20060302-0013151 LCDR
TP # 82-03575



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SCALE: 1" = 30'

DATE: 2-12-20

DRAWN BY: DEM

PROJECT NO.: SCRATCH

DRAWING: 10-09128FE00A1

NORTH



FellerFinch
& ASSOCIATES, INC.
Engineers • Surveyors

1683 Woodlands Drive,
Maumee, Ohio 43537
Phone: (419) 893-3680
Fax: (419) 893-2982
www.fellerfinch.com

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ORDINANCE NO. 16 - 2021

**ACCEPTING AN EASEMENT FROM LOUISVILLE TITLE AGENCY
FOR N.W. OHIO, INC., TRUSTEE FOR RETAINING WALL AND SLOPE
MAINTENANCE PURPOSES; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 86-2019, passed October 7, 2019, authorized the Mayor and Director of Finance to enter into an Assignment of Purchase Agreement for the property located at 6501, 6503 and 6511 Monroe St., Sylvania, Lucas County, Ohio (commonly referred to as “Joe’s Tire Property”); and,

WHEREAS, the condition of the retaining wall between this property and the Wingate Hotel, 5480 Main Street, Sylvania, Ohio is in poor condition and in need of replacement; and,

WHEREAS, Ordinance No. 97-2019, passed December 2, 2019, accepted the proposal of Fishbeck to provide professional engineering services for the South of Monroe (SOMO) Retaining Wall Improvement Project to extend the project between the former Joe’s Tire Property and the Wingate Hotel; and,

WHEREAS, a Retaining Wall and Slope Easement is required between the City and the Wingate Hotel Property to provide for the construction of the retaining wall and future maintenance of the wall; and,

WHEREAS, Louisville Title Agency for N.W. Ohio, Inc., Trustee has executed and delivered an Easement for Retaining Wall and Slope Maintenance Purposes, a copy of which grant of easement is attached hereto as “Exhibit A”; and,

WHEREAS, said grant of easement is presented to this Council for acceptance.

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

SECTION 1. That the Easement for Retaining Wall and Slope Maintenance Purposes as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Louisville Title Agency for N.W. Ohio, Inc., Trustee, the grantor therein.

SECTION 2. That the Director of Law is hereby directed to deliver the recorded temporary easement document to the Director of Finance for retention by him as custodian of the records of this City.

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 the Easement for Retaining Wall and Slope Maintenance Purposes should be accepted at the earliest possible time and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote on passage as an emergency: 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

7a



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

February 16, 2021

To: The Mayor and Members of Sylvania City Council

Re: **LUC-MONROE-0127 BRIDGE REHABILITATION PROJECT**

Dear Mr. Mayor and Council Members:

The Service Department requested authorization to advertise for bids for the above referenced project on January 19, 2021. We solicited the project for sale on January 21st and conducted the bid opening on February 9, 2021.

We received two (2) bids and both bids were more than 10% over the engineer's published construction estimate. According to the Ohio Revised Code, Section 153.12(A), the City is not permitted to accept a bid above 10% of the engineer's estimate. As a result, both bids were rejected.

The City and project engineer, Fishbeck, have reviewed the plans and cost estimate and have made several modifications. The revised engineer's estimate for the project is \$285,788.79.

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

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

8a

February 16, 2021

To: The Mayor and Members of Sylvania City Council

Re: Ohio Water Development Authority (OWDA) Loan Application
Trunk Sanitary Sewer Lining Phase 1

Dear Mr. Mayor and Council Members:

In April of 2017 the City performed an inspection of our sanitary sewer system that is 15-inch diameter and larger. We discovered there were approximately 8,600 lineal feet of sanitary sewer that was rated as being in poor condition. This project is the first phase of rehabilitating those pipes in need.

We received bids on February 12 and the lowest bid was submitted by Visu-Sewer of Ohio in the amount of \$1,092,743.50. We have secured an Ohio Public Works Commission grant for 49% of the project, or \$535,444.32. The remaining cost of \$557,299.18 is the City's responsibility and we recommend this amount be financed through a 20-year OWDA loan with a current interest rate of 1.68%. Our current rate structure includes the anticipated debt payment for this loan.

We request approval to apply for a loan from OWDA in the amount of \$666,500 (10% contingency) for construction of this project.

Please call if you have any questions.

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

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ORDINANCE NO. 17 -2021

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO
APPLY FOR, ACCEPT, AND ENTER INTO A COOPERATIVE
AGREEMENT FOR CONSTRUCTION OF THE TRUNK SANITARY
SEWER LINING PHASE 1 PROJECT BETWEEN THE CITY OF
SYLVANIA AND THE OHIO WATER DEVELOPMENT AUTHORITY;
AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Sylvania (hereinafter referred to as the "LGA") performed an inspection of the sanitary sewer system that is 15-inch diameter and larger in April, 2017; and,

WHEREAS, as a result of the inspection, it was discovered that there were approximately 8,600 lineal feet rated in poor condition; and,

WHEREAS, the LGA desires to obtain a loan from the Ohio Water Development Authority (hereinafter referred to as the "OWDA") to finance costs of the planning of such facilities on the terms set forth in the Cooperative Agreement (defined below); and,

WHEREAS, the Director of Public Service, by report dated February 16, 2021, has recommended that the cost of \$557,299.18 be financed through a 20-year OWDA loan; and,

WHEREAS, the OWDA has indicated its willingness to make a loan for that purpose and on those terms.

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

SECTION 1. That the LGA hereby approves the planning of the aforesaid Large Diameter Trunk Sanitary Sewer Lining Phase I Project in cooperation with the OWDA under the provisions, terms and conditions set forth in the "Cooperative Agreement for State Planning Project" as set forth in Exhibit A (the "Cooperative Agreement") and hereby authorizes the Mayor and Director of Finance of the LGA to execute the Cooperative Agreement with the OWDA substantially in the form set forth in "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 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, Sections 11 and 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 immediate construction of the _____ at the earliest possible time is necessary in order to protect the health of the inhabitants of the LGA by providing _____ 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 on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2021, as an emergency measure.

President of Council

ATTEST:

Clerk of Council

APPROVED:

APPROVED AS TO FORM:

Mayor

Director of Law

Date

PETITION FOR SPECIAL USE APPROVAL

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

Application No. SUP-1-2021
Date 1/20/21

Petitioner Name(s): Stephen E. Carr, Agent for Celco Partnership dba Verizon Wireless and Tarpon Towers II, LLC,
Collectively Applicant.
Petitioner Address: PBM Wireless Services, Attn: Stephen E. Carr, 2894 Aldersgate Drive, Greenwood, IN 46143

Email: scarr@stevecarr.hostpilot.com Telephone: 1-317-446-7747

Location of property for which zoning amendment is requested:
5403 Silica Drive, Sylvania, OH 43560. Special Use Approval request will be located behind the Sylvania

Northview High School property located on tax parcel #: 8201867

Purpose of amendment request: To allow the placement of a 130' wireless communication facility with a 10'
lightning rod for a total height of 140'tall.

Current Zoning: R-1 Residential Requested Zoning: Requesting Special Use Approval

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

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

A check for \$100.00 + cost of advertising, payable to the City of Sylvania is attached for processing of said Petition. It is understood that no refund is to be made after the filing of the Petition.

By: STEPHEN E. CARR
Stephen E. Carr

Date referred by Council: _____

Date of Commission Action: _____

Date of Council Action: _____

Action: _____

For Office Use Only

Date: 1/24/21 Check #: 5967 Cash: _____ Fee: \$ 100.00
SC Land Services, LLC

Office of the Treasurer

Lisa Shanks, Treasurer/CFO



February 3, 2021

To Whom It May Concern:

The Board of Education of Sylvania Schools authorizes Tarpon Towers II, LLC to apply for a special use permit for the property subject to the option and land lease agreement entered into by and between the parties.

Thank you,

A handwritten signature in cursive script that reads "Lisa Shanks".

Lisa Shanks

Treasurer/CFO



Think outside the triangle.

January 18, 2021

City of Sylvania
Attn: Timothy S. Burns, Zoning Administrator
6730 Monroe Street
Sylvania, OH 43560-1948

RE: Tarpon Towers II, LLC/Verizon Wireless Special Use Approval
Site Location: 5403 Silica Drive, Sylvania, OH 43560

Dear Mr. Burns:

Please accept this letter and enclosures as application for Special Use Permit approval to allow Tarpon Towers II, LLC ("Tarpon") to install a new Wireless Communication Facility installation located at the above address. The scope of work that Tarpon will perform includes installation of a Wireless Communication Facility to include, antennas, radios, cables, backup power generator and /or related equipment at this location per the plans submitted. Please accept the following information that is enclosed regarding this application:

1. Check in the amount of \$100.00.
2. Complete Petition (Application).
3. Statement of Compliance.
4. Full legal description of property.
5. Eighteen copies of the site plan drawings with location map

It is my understanding that the Plan Commission will review and approve this application, and subsequently City Council and its applicable committee will review and grant final approval. Please confirm with me the date, time, and location of the next available public hearing when this matter will be heard by the Plan Commission as I will be present to represent Verizon. If a fee is due, please email me at scarr@stevecarr.hostpilot.com with the amount of the fee and to whom it should be made payable and I will forward a check. Please email the agenda and staff report(s) to Stephen Carr upon release (along with a copy of the receipt) and mail a copy to:

PBM Wireless Services, LLC

2894 Aldersgate Drive, Greenwood, IN 46143 – (317) 446-7747



Think outside the triangle.

Stephen E. Carr
PBM Wireless Services, LLC
2894 Aldersgate Drive
Greenwood, IN 46143

I appreciate your time and assistance with this development project. Feel free to contact me at 317-446-7747 if you require additional information or have any questions.

Sincerely

A handwritten signature in dark ink that reads 'Stephen E. Carr'. The signature is fluid and cursive, with the first and last names being more prominent.

Stephen E. Carr
PBM Wireless Services
Project Director

enclosure

PBM Wireless Services, LLC
2894 Aldersgate Drive, Greenwood, IN 46143 – (317) 446-7747

EXHIBIT "A"
Legal Description

An interest in land, said interest being over a portion of the following described parent parcel:

That part of the northeast quarter (1/4) of Section nine (9) south, Range six (6) east, in the Village of Sylvania, Lucas County, Ohio, bounded and described as follows:

Beginning at a point in the east and west center line of said Section nine (9) which is twelve hundred eighty-four and seven tenths (1284.7) feet east of the center post of said Section nine (9), and running thence west along the said east and west center line of said Section nine (9), a distance of seven hundred forty-nine and five tenths (749.5) feet to a stone monument on the east and west center line of said Section nine (9) (said east and west center line of Silica Drive); thence north a distance of eight hundred sixty-one and six tenths (861.6) feet to an iron pipe which is five hundred thirty-two (532) feet east of the north and south center line of said Section nine (9); thence north eighty-five (85) degrees thirty-eight (38) minutes east, a distance of three hundred thirty-nine and two tenths (339.2) feet to an iron pipe; thence north forty-nine (49) degrees fifty-five (55) minutes east, a distance of six hundred sixty three and two tenths (633.2) feet to an iron pipe on the north and south center line of the northeast quarter (1/4) of said section nine (9); thence north one (1) degree sixteen (16) minutes west, being along the said north and south center line of the northeast quarter (1/4) of said Section nine (9), a distance of two hundred eighty-five and sixty-five hundredths (285.65) feet to a point on the northeasterly line of the former right of way of the Toledo and Western Railway Company (said northeasterly line of said former right of way of the also being the southwesterly line of Monroe Street); Thence southeasterly along the northeasterly line of said former right of way, a distance of four hundred seventy-six and three tenths (476.3) feet, more or less, to the center line of Silica Drive; thence in a southwesterly direction along the said center line of Silica Drive to the point of beginning, containing twenty-three and ninety-hundredths (23.90) acres, more or less.

AND BEING the same property conveyed to The Board of Education of Sylvania Exempted Village School District from Harbor Farms, Inc., a corporation by Corporation Warranty Deed dated December 6, 1958 and recorded December 9, 1985 in Deed Book 1710, Page 178.

PARCEL 2:

That part of the west half (1/2) of the northeast quarter (1/4) of Section nine (9), Town nine (9) south, Range six (6) east, in Sylvania Village, Lucas County, Ohio, described as follows:

Commencing at a stone monument at the center of said Section nine (9); thence north one hundred twenty-eight and sixty hundredths (128.60) feet, along the north and south centerline of Section nine (9) to the point of beginning; thence continuing north along the north and south center line of Section nine (9), a distance of seven hundred sixty-three and forty hundredths (763.40) feet to an iron pipe; thence north eighty-five (85) degrees and thirty-eight (38) minutes east, five hundred thirty-two and no tenths (532.0) feet to an iron pipe; thence southerly, along a line forming an included angle with the last described line of eighty-five (85) degrees, twenty-four (24) minutes and forty-five (45) seconds, to a point which is one hundred forty and no tenths (140.0) feet northerly along said line from a stone monument in the east and west centerline of Section nine (9); thence westerly, at right angles to the last described line, a distance of two hundred eighty and no tenths (280.0) feet; thence Southerly, at right angles to the last described line, a distance of eighty-two and fifteen hundredths (82.15) feet; thence westerly, at right angles to the last described line to the point of beginning. Containing nine and no hundredths (9.00) acres of land, more or less.

AND BEING the same property conveyed to The Board of Education of Sylvania Exempted Village School District from Joseph D. Bissonnette and Nora A. Bissonnette by Warranty Deed dated August 31, 1959 and recorded September 2, 1959 in Deed Book 1733, Page 393.

Tax Parcel No. 8201867

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Statement of Compliance – Special Use Permit Approval Request Proposed New Wireless Communication Facility

Site: TOLD-270-Tarpon Towers II, LLC

Address: 5403 Silica Drive, Sylvania, Ohio 43560

Property Zoning Classification: R1-Residential-See Exhibit A-Zoning Map/Zoning Code Description

Lats/Longs: 41 42 44.92, -83 42 41.67 – See Exhibit B – Aerial Photo

Statement Submitted By:

Stephen E. Carr
Project Director
PBM Wireless Services LLC (Agent)
2894 Aldersgate Drive
Greenwood, IN 46143
Mobile: (317) 446-7747
email: scarr@stevecarr.hostpilot.com

Property Owner:

Board of Education of Sylvania City School District
Attn: Alan Bacho
4747 North Holland Sylvania Road
Sylvania, OH 43560
Mobile: (419) 276-9910
email: abacho@sylvaniaschools.org

Date: January 12, 2021

Purpose:

The purpose of this Statement of Compliance is to demonstrate to the City of Sylvania, Ohio that Tarpon Towers II, LLC ("Applicant") and Applicant's tenant, Cellco Partnership, dba Verizon Wireless ("Verizon") comply with applicable sections of the City of Sylvania Zoning Ordinance and other applicable local, state and federal laws as required and that Applicant and Verizon have performed the Due Diligence necessary to be entitled to zoning approval for construction of the proposed Wireless Communication Facility at the proposed height and proposed location.

Project Description:

Applicant proposes to construct a new 130' tall monopole style communication structure with a 10' tall lightning rod for a total height of 140' tall structure with antennas, radios, cables and related equipment and equipment cabinets to be located within a new 60' x 60' lease area surrounded by a 60' x 60' x 7' high chain link fence with screen slats near 5403 Silica Drive, Sylvania, Ohio 43560 (the "facility"). The proposed Verizon 30'-0" x 12'-0" (approximate) equipment space will be located within the new fenced area. Access and utilities to the site will run within existing and/or new access and utility easements/rights-of-way. The existing entrance drive curb cut will be used to provide access to the site; therefore, a new curb cut will not be required along Silica Drive.

Request for Approval:

On behalf of Applicant, PBM Wireless Services LLC respectfully requests Special Use approval for applicant to construct the Wireless Communication Facility as proposed in the Site Plan drawings.

Statements of Compliance:

The following Statements of Compliance demonstrates compliance with the applicable requirements of the Special Use Procedure as adopted by the City of Sylvania Ohio under Section 1153.02 Special Uses (n) Radio or Television broadcasting Tower or Station in R (Residential) Districts, as well as any applicable State or Federal Laws, including but not limited to the Telecommunications Act of 1996. Responses to applicable sections are inserted below in the **Underlined Bold Italics**:

Site Plan Submittal Requirements

Site plans shall meet the following requirements:

- (a) All Site Plan drawings shall be prepared by a professional engineer or architect and shall bear their professional seal, unless it is determined by the Services Director or his/her designee, that due to the simplicity of the project, a professional seal is not required at this stage of the project development. The Service Director or his/her designee may also waive any submission requirement by determining that such information is not needed or relevant to making a determination regarding compliance with requirements of the Zoning Code.

See attached exhibit D which includes a detailed set of site plan drawings stamped by: State of Ohio Engineer Gary S. Holiday E-62425, with Burgess & Niple Engineers with offices at: 5085 Reed Road, Columbus, Ohio 43220. Phone number: 1-614-459-2050.

- (b) The cover letter shall indicate the applicant name, address, and phone number; the owner name, address, and telephone number; and provide an overview of the project being proposed. **Information is provided in cover letter and application response.**

- (c) Site Plan drawings shall include the following information:

- 1. Name, address and telephone number and State of Ohio registration number of the registered surveyor, city planner, landscape architect or professional engineer who prepared the Site Plan. **Information provided on Site Plan.**

2. Name, address and telephone number of the owner/developer. **Information provided on Site Plan.**
3. Proposed name of the site, original lot or section number, sub-lot number, street address. **Information provided on Site Plan.**
4. Proposed use of structure or site. **Information provided on Site Plan.**
5. North arrow, legend, date prepared and scale. **Information provided on Site Plan.**
6. Scale. Site Plan Drawings shall be drawn to a scale so that all features required to be shown on the plans are readily discernible, preferably one inch equals twenty feet (1" = 20'), but no smaller than one inch equals fifty feet (1"=50'). **Page 2 of the survey drawing is 1"=50'.**
7. Vicinity Map. The map shall show the relationship of the proposed development site to existing community facilities which serve or influence it. The vicinity map may be on the same sheet as the preliminary plan drawing. The vicinity map shall be at a scale of 1"=400' and must illustrate major intersecting streets, water features and political boundaries. **Information provided on Site Plan.**
8. Architectural drawings shall include floor plans and exterior elevations for existing and proposed buildings with proposed design guidelines that express common architectural themes in buildings, and other improvements. If exterior elevations are not available, reasonable graphic representations may be submitted. **I have supplied engineered photosimulation drawings showing the proposed structure and its elevation as it will occur once the structure is built. See attached the photosimulation package.**
9. Existing features on maps should be clearly distinguished from proposed features. **Information provided on Site Plan.**
10. Format. Site plan drawings shall be submitted in a hard copy format on 11" x 17" or 24" x 36" (plan sizes greater than 24" x 36" in size shall not be accepted), or in an electronic media format acceptable to the Zoning Administrator. **The required number of site plan drawings will be provided in hard copy in the 11" x 17" format.**
11. Legal features: A property boundary line survey, as surveyed by a registered surveyor, showing bearings and distances including

geometric layout of the site showing complete dimensions of existing and proposed buildings, roads, drives, parking areas, utilities, landscaping and other site elements with adequate detail and dimensions to allow construction without the need to scale from the plan to determine the designer's intended location property lines, easements (and their purposes), and street right-of-way lines in the vicinity or adjacent to the subject property. Indicate street centerline stationing and pavement edges and walks for adjacent road(s). Bearing and distance dimensions shall be shown on property lines and to property corners. Property pins or other approved markers shall be set and shown at all property corners and property line stakes shall be set and shown where, due to topography, length of line or obstructions, the location of the property line cannot be determined by sighting from property corner to property corner. **Legal features have been provided in the detailed survey that is provided in the site plan drawings. Survey was performed by FStan Surveying.**

12. Zoning of the property, including zoning district lines where applicable, and lot size and front, rear, and side yard setback requirements. **See attached survey and site plan that provides this information.**
13. Location of all public and private above ground and underground utilities on the site including but not limited to; natural gas, electric, cable TV, telephone, steam, water, sanitary sewer and storm sewer. **Information provided in the Site Plan drawings.**
14. Proposed location of accessory structures, buildings, and uses including, but not limited to, all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators, and similar equipment, and the method of screening where applicable. **Information provided in the Site Plan drawings. The fenced compound that will surround the equipment area of the tower will utilize slats within the chain link fence to create screening for the ground equipment.**
15. Existing and proposed topographical features. Ground elevations shall be shown as contour lines with no larger than five-foot contour

intervals if ground slope is in excess of four percent in any area and two-foot intervals if ground slope is less than four percent. The location of areas with existing slopes in excess of twelve percent (12%) shall be designated as such. Existing grades of 50 feet beyond the site property lines may also be deemed necessary. **The proposed site location is located on flat ground and has not significant elevation changes where the proposed tower site will be located.**

16. Location and elevations of existing watercourses and water bodies, including natural and/or man-made surface drainage ways, flood plains, and wetlands. **The proposed site does not have any existing bodies of water on the property nor is the site located in a flood plain or wetland area.**
17. When a Storm Water Pollution Control Plan (SWP3) is required in accordance with Ohio EPA regulations, a copy of such plan shall be submitted with the Site Plan. **A SWP3 is not a requirement for the installation of the wireless communication facility on this subject property.**
18. Landscaping Plan detailing the location and specifications for all significant existing, and proposed perimeter and internal landscaping or construction or other devices (such as walls, fences, etc.) to comply with the landscaping, buffering, and shading requirements of the Zoning Code (See Chapter 1160). **The proposed site compound will be enclosed with a 7' tall chain link fence and will have slats inserted into the chain link fence to screen the ground equipment.**
19. All existing and proposed on-site uses, structures, buildings, decks, porches, storage sheds, dumpsters, fences and walls, landscape beds, power lines and poles, telecommunication towers, flagpoles, bulkheads, docks, transformers, air conditioners, generators and such similar equipment. **Information provided in Site Plan drawings.**
20. Dimensions of each structure footprint as well as any roof or floor overhangs or wall or window projections; the distances all buildings and freestanding signs are set back from property lines, streets, or street right-of-way lines; and the method of applicable screening. **The proposed site compound will be enclosed with a 7' tall chain**

link fence and will have slats inserted into the chain link fence to screen the ground equipment.

21. Location and type of existing trees on the site with a diameter of eight inches (8") or more at four and one-half feet (4-1/2') feet above grade. Included with the location of the tree should be associated with the "drip line". **The proposed site does not have existing trees near the property site location.**
22. The total square footage of all existing and proposed impervious area on the site. **Information provided in Site Plan drawings.**
23. The Site Plan shall show the locations and dimensions of all proposed streets and sidewalks, pedestrian connections, thoroughfares, roadways, service roads, driveways and parking areas. **Information provided in Site Plan drawings.**
24. An Access Plan and Traffic Impact Study, if required pursuant to Chapter 1110. **A proposed traffic impact study will not be required as the proposed site location is visited less than a single family home once the site is constructed. Access will be obtained by existing access paths to the existing uses on the property.**
25. Refuse storage and pick-up facilities shall be indicated on the Site Plan illustrating the steps taken provide to an adequate visual barrier from locations both on-and off-site. **The proposed site compound will be enclosed with a 7' tall chain link fence and will have slats inserted into the chain link fence to screen the ground equipment.**
26. Location, size, and characteristics of all loading and unloading areas. **Access to the site location will come off an existing entrance off Silica Drive. Information provided in Site Plan drawing.**
27. A Utilities Plan shall show the location, purpose, and dimensions of all existing (dashed lines) and proposed (continuous lines) utility easements, lines, service laterals, and other facilities including, but not limited to water, sewer, electric power lines and poles, natural gas, telephone, cable television, and telecommunications/data transfer facilities. **Information provided in Site Plan drawings.**
28. Lighting Plan. Location of existing and/or proposed exterior lighting locations and poles, with area of illumination and type of fixtures

illustrated, demonstrating compliance with applicable Zoning Standards. **The proposed site location will not have a light at the site. The site has received an FAA approval and no light will be required for the tower.**

29. An implementation plan providing specific dates for the expected completion of all building construction, site work and landscape installation. **Once the proposed Special Use Approval is received it will take about another four months to get some additional federal approvals in place and construction will commence. Once construction starts it takes about 45-60 days to complete the project.**

Criteria

The following criteria shall be used in considering a special use application by the Planning Commission and Council:

- a) The special use is necessary or desirable for the public convenience at that location. **Verizon Wireless has received many complaints about the poor coverage for this area of Sylvania. The poor coverage makes this site necessary for providing adequate and reliable coverage which Verizon Wireless is required to provide per the Telecommunication Act of 1996. The reason this proposed site is so desirable is the school property is large enough to create adequate separation from the residential homes in the area. Another good thing about this property that makes it desirable is the property currently has tall light structures on the property and adding an additional structure will minimize the impact of the installation.**
- b) The special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected. **The telecommunications facility will not create smoke, dust, noise, odor, significant traffic, or significant lighting, or demands on the public infrastructure. The facility will not impair visibility for motorists or pedestrians, and will not result in additional traffic along the adjacent**

Silica Drive. The site is also located in the center of the property to create the greatest separation from the residential uses in the area.

- c) The special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. **The telecommunications facility will not create smoke, dust, noise, odor, significant traffic, significant lighting, or demands on the public infrastructure. The site is located in the center of the school property thus increasing the distance from the existing residential uses around the school property. The surrounding parcels can continue to use their property in the manner that they do and the installation of the wireless communication will not affect the values of the surrounding properties.**
- d) The special use conforms, with the exception of planned developments, to the applicable regulations of the district in which it is to be located, including yard and height restrictions, and also conforms to the requirements for off-street parking and loading facilities as set fourth in Chapters 1157 and 1159.
 - i. Note: Section 1117.04 with governs Maximum Height in the R-1 District provides: "No building or structure shall be erected or enlarged to exceed two and one-half stories or thirty-five feet in height"

This criteria is not applicable to the project.

EXHIBIT A ZONING MAP

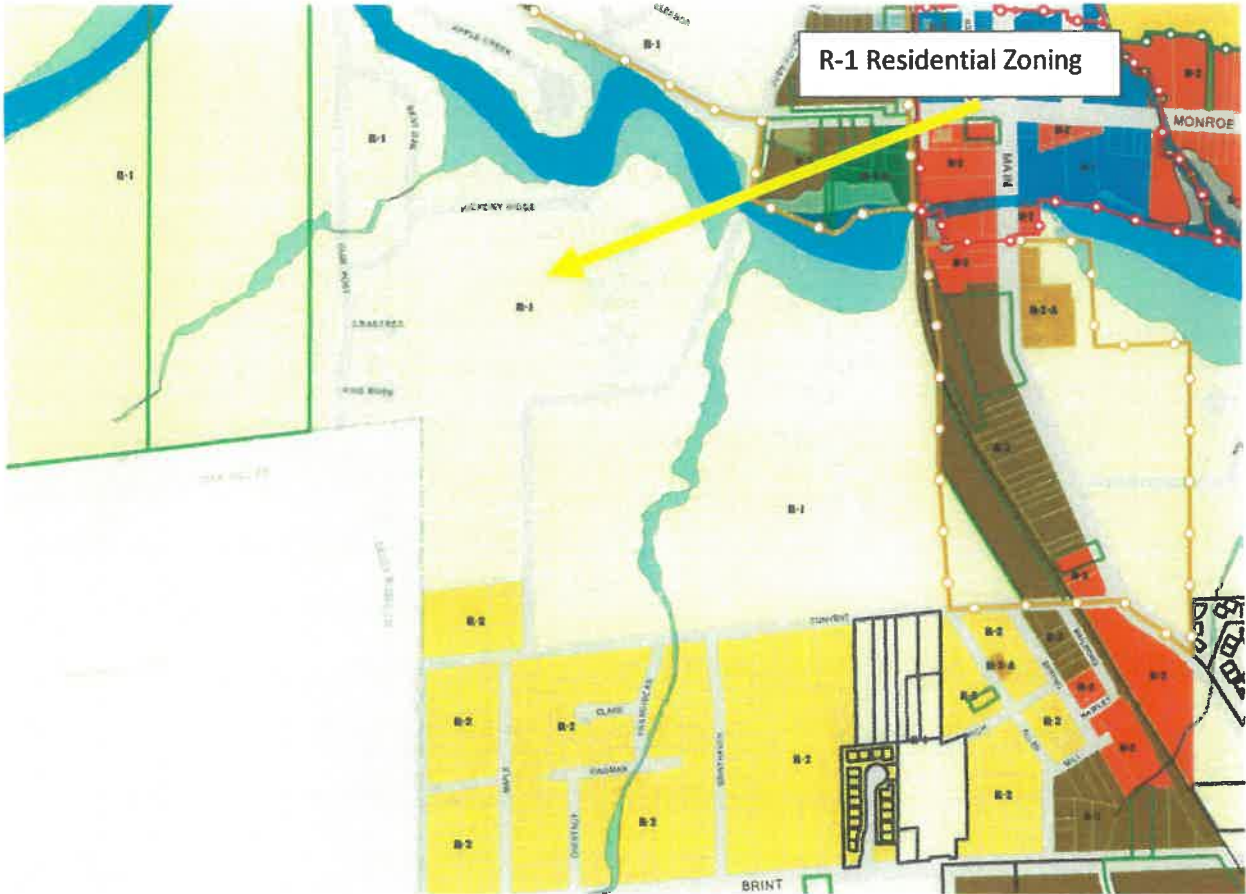
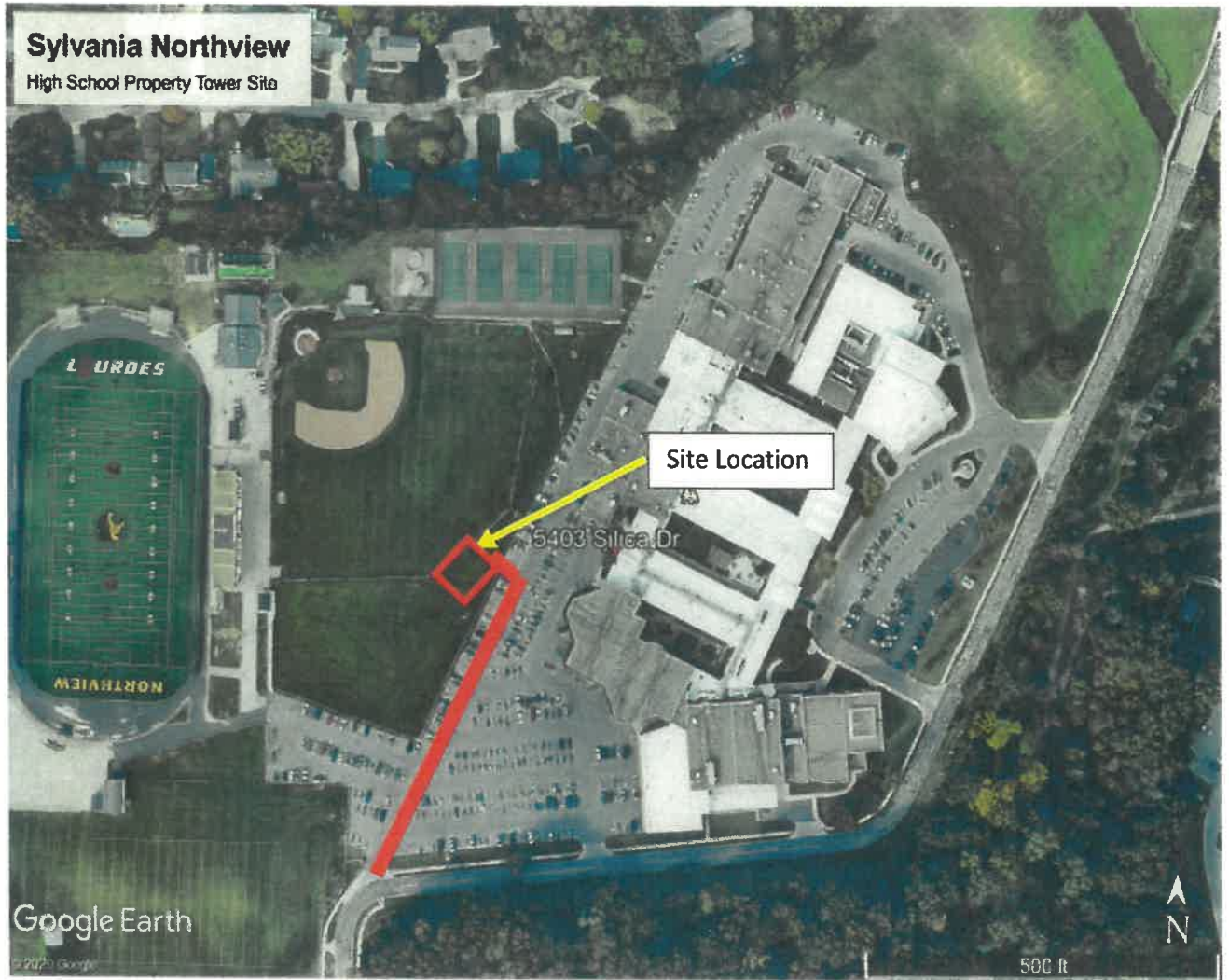


EXHIBIT B AERIAL MAP





Engineering Design Justification for New Cell Site: Sylvania Northview High School

Introduction:

Verizon proposes a new cell site at Northview High School located at 5403 Silica Drive, Sylvania OH 43560, as shown in figure 1. This new site is needed to offload capacity at surrounding towers, and to also improve coverage in the area.

Verizon Wireless is licensed by the FCC to build and operate a wireless communications network in Ohio. Our licenses include, among others, the 700 MHz band and the 2100 MHz AWS band. The different performance characteristics of these frequency bands are important to an understanding of what it is that Verizon Wireless is seeking to accomplish with this site, and are discussed below.

Wireless services are central to the economic, civic, and social lives of over 320 million Americans, with more than 95% now owning a wireless device. Americans are now in the transition toward increasing reliance on their mobile devices for broadband services, in addition to voice services. A U.S. Government Semi-Annual Report on Wireless Substitution shows that more than 50% of all American homes have abandoned the older wireline home phone service entirely, and instead rely exclusively on wireless phones to make emergency 911 and other calls.

National statistics compiled by the FCC indicate that more than 80% of E-911 calls to police and fire departments are now made using wireless phones. That percentage grows each year. For many Americans, the ability to call E-911 for help in an emergency is one of the main reasons they own a wireless phone. Other wireless E-911 calls come from "Good Samaritans" reporting traffic accidents, crimes or other emergencies. The prompt connection of wireless E-911 calls to public safety organizations benefits the public by promoting safety of life and property. The public relies on wireless communications for emergency access to law enforcement and public safety services. Many police departments also rely on wireless data services between patrol cars and law enforcement databases. Wireless data services helps police departments utilize their limited resources more effectively to better protect the public. It is in public's interest to ensure that robust and reliable emergency voice and data services remain available to everyone in our service areas.

700 MHz Capacity Problem - The first problem is one of capacity. Briefly put, although other existing antenna sites were in the past able to serve this area, they can no longer do so efficiently because the number of customers has grown enormously over the past few years. As problems go, a large and growing customer base is a good one to have, but it also means that local demand for wireless services is starting to exceed the capacity of our existing sites in this area to handle. Customers will then experience that during peak use times they can't connect to the network, or reflexively that calls to customers within this service area are not getting through. This means that this geographic area is no longer being served effectively.

Bandwidth limitation. When a wireless network reaches the maximum number of connections it can handle at one time, the service area is saturated, and new connections are put into a queue and will drop off when the wait timer is met. This most often occurs during high demand periods, such as emergencies and social events, but as the customer base in a given area grows, bandwidth limitations are met and start to occur more often, even daily, especially during high-demand periods. The logical solution to cure exceeding the bandwidth is to add capacity. Because this frequency band has to be able to "see" its service area, the coverage area for each 2100 MHz cell must be physically smaller for the network to interconnect, and to provide the same level of reliability that lower frequency bands provide.

High band AWS coverage problem: The huge increase in demand for wireless services, in particular the exponential increase in demand for mobile data services, requires the use of all of the applicant's licensed frequencies in this area, which in this instance means the 700 MHz and 2100 MHz AWS frequency bands. The problem is that the higher AWS bands have less "propagation power" compared to the 700 MHz band.

The 2100 MHz wavelengths are physically shorter than the 700 MHz wavelength. In practice, shorter wavelength frequencies provide much less coverage (about 40%) than the older 700 MHz bands. In many cases, the 2100 MHz bands are so limited in terms of propagation power that only persons who are in a direct line-of-sight to the antennas will be able to connect to the national telephone system. In order to create a network using the 2100 MHz frequency bands, the antenna sites must therefore be physically closer to each other than sites in the 700 MHz network in order to perform call handoffs between cells. Because this frequency band has to be able to "see" its service area, the coverage area for each 2100 MHz cell must be physically smaller for the network to interconnect, and to provide the same level of reliability that lower frequency bands provide.

The 2100 MHz frequencies can have a performance disadvantage, in that these frequencies could have a limited ability to provide in-building penetration. Depending on building construction (whether wood, or brick, or steel), 2100 MHz frequencies typically experience more signal degradation compared to in-building penetration by 700 MHz frequencies. The in-building penetration problem is a critical design and performance issue.

Capacity:

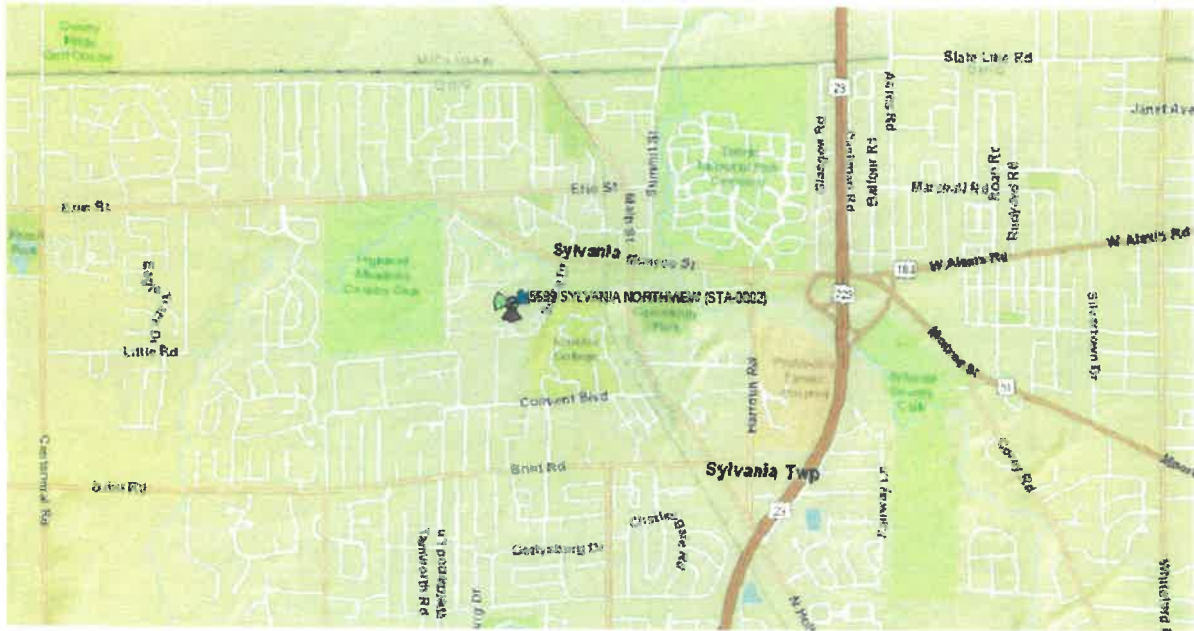
At Verizon, we constantly monitor all of our cell sites in our network for any capacity issues that may arise. We have advanced analytical tools and reports that help engineers stay on top of any areas that are "hot spots". These Hot Spots can be locations such as shopping malls, schools, sporting venues, high density residential areas, and college campuses to mention a few. In addition to always monitoring our current capacity needs, we are always forecasting when we expect cells sites to become "exhausted". Exhausted cell sites result in connection issues, slow download speeds, 911 call dangers of no connection, and poor quality voice calling for our customers.

As part of Verizon Planning Instruments, The Antenna Planning Tool is used to estimate future data usage by calculating values using the least-squared linear regression (LSLR) algorithm. Other capacity measures used for LTE forecasts include Physical Resource Block Utilization (PRBU), Average Eligible User per TTI (ASEU), Forward Data Volume (FDV), Average Active Connections (AvgAC), Max Active Connections (MaxAC) and Forward Data Throughput (FwdTP). Verizon always aims to stay ahead of the capacity curve so our customers can continue to be on the best wireless network. With the growing demand for our services, we are always forced to add additional capacity to our existing network via building new cell sites to offload existing exhausted sites. The latest unlimited data offering by Verizon Wireless adds an even greater capacity need to the network.

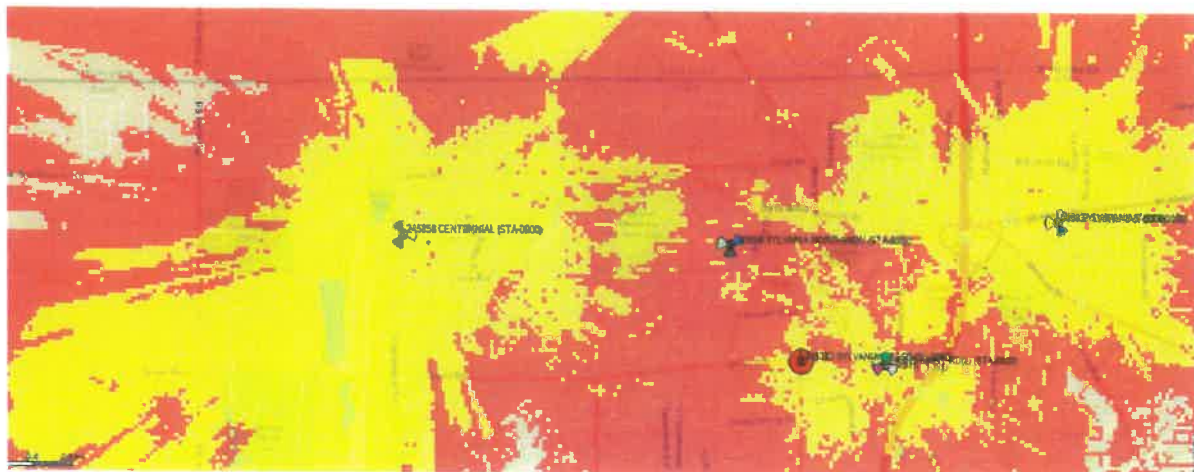
Coverage:

Before and after coverage plots are shown below. Yellow indicates good coverage and red indicates fair outdoor coverage and poor indoor coverage. No color indicates a lack of AWS service and these areas would need to be served only by Verizon's low band 700 MHz service. Notice the improvement in coverage in the second plot (less red) in the areas along I-80, the high school and middle school areas as well as all surrounding homes. For this proposed new site, capacity offload is a prime focus since the existing towers are reaching the capacity exhaust limit.

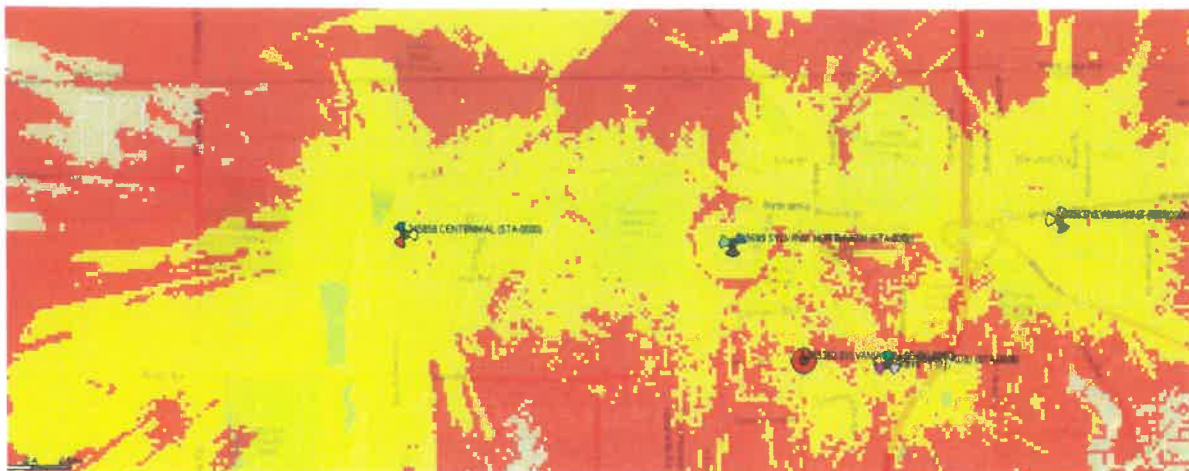
Figure 1: Proposed Location



Existing high band AWS coverage W/O the proposed new site (yellow good, red poor)



Capacity plot including the proposed Sylvania Northview site



Verizon Wireless radio frequency engineers have worked to identify the optimum location and height at which antennas should be placed to connect with the existing network in order to accommodate growing customer demand, to avoid interference with other wireless communications sites, and to close this growing service capacity gap.

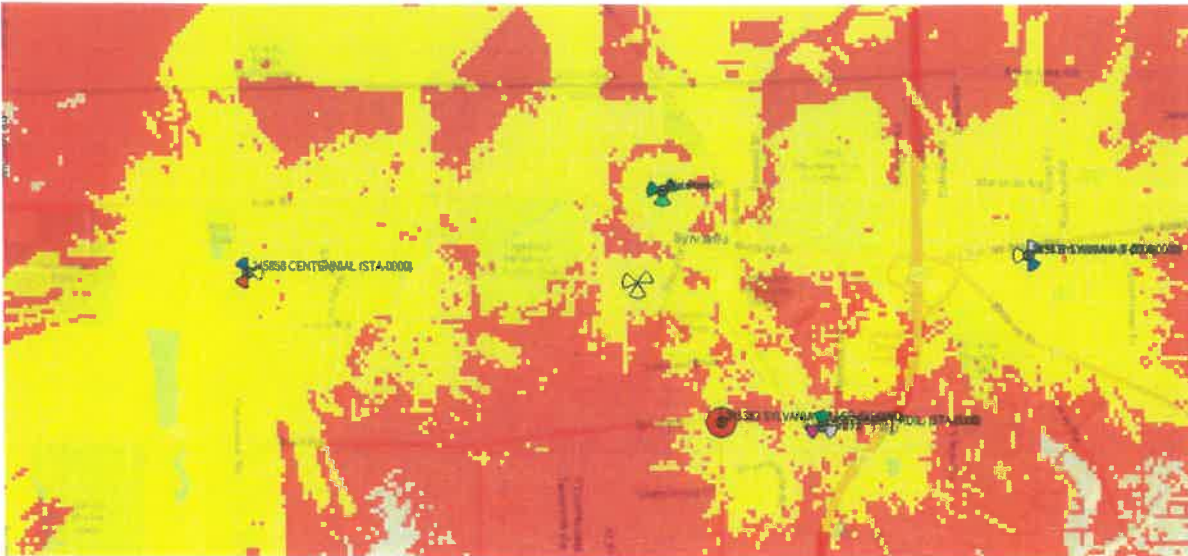
The Search for Existing Tall Structures - Before proposing this new tower site, Verizon Wireless first evaluated whether any existing towers or other tall structures might be technically feasible for coverage purposes, and suitable for collocation. Verizon Wireless is committed to collocation and regularly locates its equipment on existing towers and buildings. Collocation on existing tall structures saves time and money compared to building a new tower. In this instance, there were no suitable tall structures in the area that would meet the engineering needs of the project. Since there are no suitable tall structures for collocation, it is necessary to construct a new tower at the proposed location.

The plot below shows another location – Water tower. This plot shows a 130' tower with Verizon's antennas at a 130' centerline height.

There are two issues with this location:

- It's very close to Ohio border. Licenses and Call Signs that allow Verizon to operate are issued by geographical areas and in this case we won't be able to use PCS frequency due to close proximity to the border.
- We would increase coverage of Michigan State rural areas instead of providing better coverage and capacity to city of Sylvania which is the main purpose for this New Build.

Capacity plot including the Water Tank site



Confirmation of Continued Regulatory Compliance - The applicant affirms that the wireless communications facility proposed at this site has been designed and will be constructed and operated in accordance with all federal, state and local regulations applicable to such facilities. Verizon Wireless affirms it and its licensed operating units will operate exclusively within the frequencies and service areas licensed to it by the Federal Communications Commission. Verizon Wireless further affirms that it will operate its facility in conformance with all applicable federal requirements for controlling public and worker exposure to radiofrequency energy.

Vadim Torbin
RF Design Engineer, Verizon
01/06/2021


VADIM TORBIN



(BEFORE)



(AFTER)

<u>LOCATION:</u>	<u>VZW SITE NAME:</u>	<u>SITE NUMBER:</u>			
1	Sylvania H.S.	OH1005	PBM Wireless		BURGESS & NIPLE Engineers • Architects • Planners



(BEFORE)



(AFTER)


<u>LOCATION:</u>	<u>VZW SITE NAME:</u>	<u>SITE NUMBER:</u>	PBM Wireless	TARPON TOWERS	BURGESS & NIPLE Engineers • Architects • Planners
2	Sylvania H.S.	OH1005			



(BEFORE)



(AFTER)


<u>LOCATION:</u>	<u>VZW SITE NAME:</u>	<u>SITE NUMBER:</u>			
3	Sylvania H.S.	OH1005	PBM Wireless		BURGESS & NIPLE Engineers • Architects • Planners

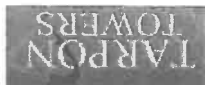


(BEFORE)



(AFTER)

<u>LOCATION:</u>	<u>VZW SITE NAME:</u>	<u>SITE NUMBER:</u>			
4	Sylvania H.S.	OH1005	PBM Wireless		BURGESS & NIPLE Engineers • Architects • Planners



FULL SCALE PRINT IS

CONSTRUCTION
DRAWINGS[illegible]

SITE INFORMATION:
SYLVANIA
NORTHVIEW

5403 SURCA DRIVE
SYLVANIA, OH 43560

SITE NUMBER: OH1005

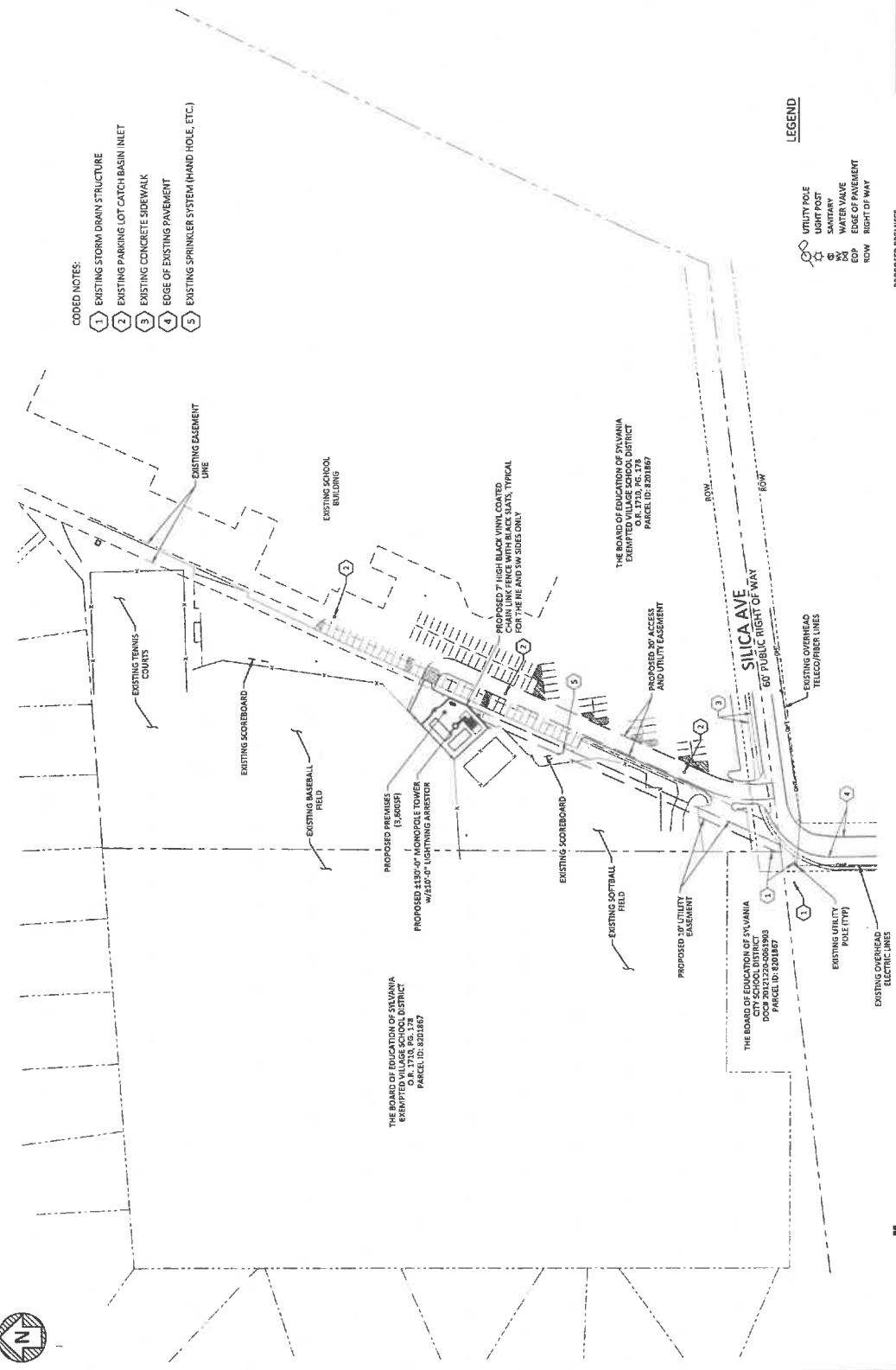
FILE NUMBER:	PI57830
SIGNED BY:	GSH
AWN BY:	JBH
DATE:	03/06/202

SHEET TITLE:

**OVERALL
SITE LAYOUT**

SHEET NUMBER:
C-1

- CODED NOTES:
- | | |
|---|---|
| 1 | EXISTING STORM DRAIN STRUCTURE |
| 2 | EXISTING PARKING LOT CATCH BASIN INLET |
| 3 | EXISTING CONCRETE SIDEWALK |
| 4 | EDGE OF EXISTING PAVEMENT |
| 5 | EXISTING SPRINKLER SYSTEM (HAND HOLE, ETC.) |



LEGEND

- | | |
|------------------|------------------|
| UTILITY POLE | UTILITY POLE |
| LIGHT POST | LIGHT POST |
| SANITARY | SANITARY |
| WATER VALVE | WATER VALVE |
| EDGE OF PAVEMENT | EDGE OF PAVEMENT |
| RIGHT OF WAY | RIGHT OF WAY |

- PROPOSED PREMISES
PROPOSED EASEMENT
PROPOSED UNDERGROUND ELECTRIC CONDUIT
PROPOSED UNDERGROUND FIBER CONDUIT
EXISTING PROPERTY LINE
EXISTING LOT LINE
EXISTING DITCH
EXISTING UNDERGROUND TELEPHONE
EXISTING UNDERGROUND ELECTRIC





OHIO
Utilities
Protection
SERVICE



Call Before You Dig
1-800-362-2764
AT LEAST 48 HOURS PRIOR TO EXCAVATING

BURGESS & NIPILE
ENGINEERS

5086 REED ROAD
COLUMBUS, OH 43220
614-492-2050
FAX 614-492-7305

PROJECT:
FARROW TOWERS

DATE:
11/11/21

STATE OF OHIO
OFFICE OF
PUBLIC SAFETY
HOLIDAY
E-911
PROGRAM
COORDINATOR

11/11/21

FULL SCALE PRINT IS
ON 24" x 36" MEDIA

CONSTRUCTION
DRAWINGS

REV. DATE DESCRIPTION

1. 11/11/21

SITE INFORMATION:
SYLVANIA
NORTHVIEW

5843 SILVER DRIVE
SYLVANIA, OH 45560
LUKE COUNTY

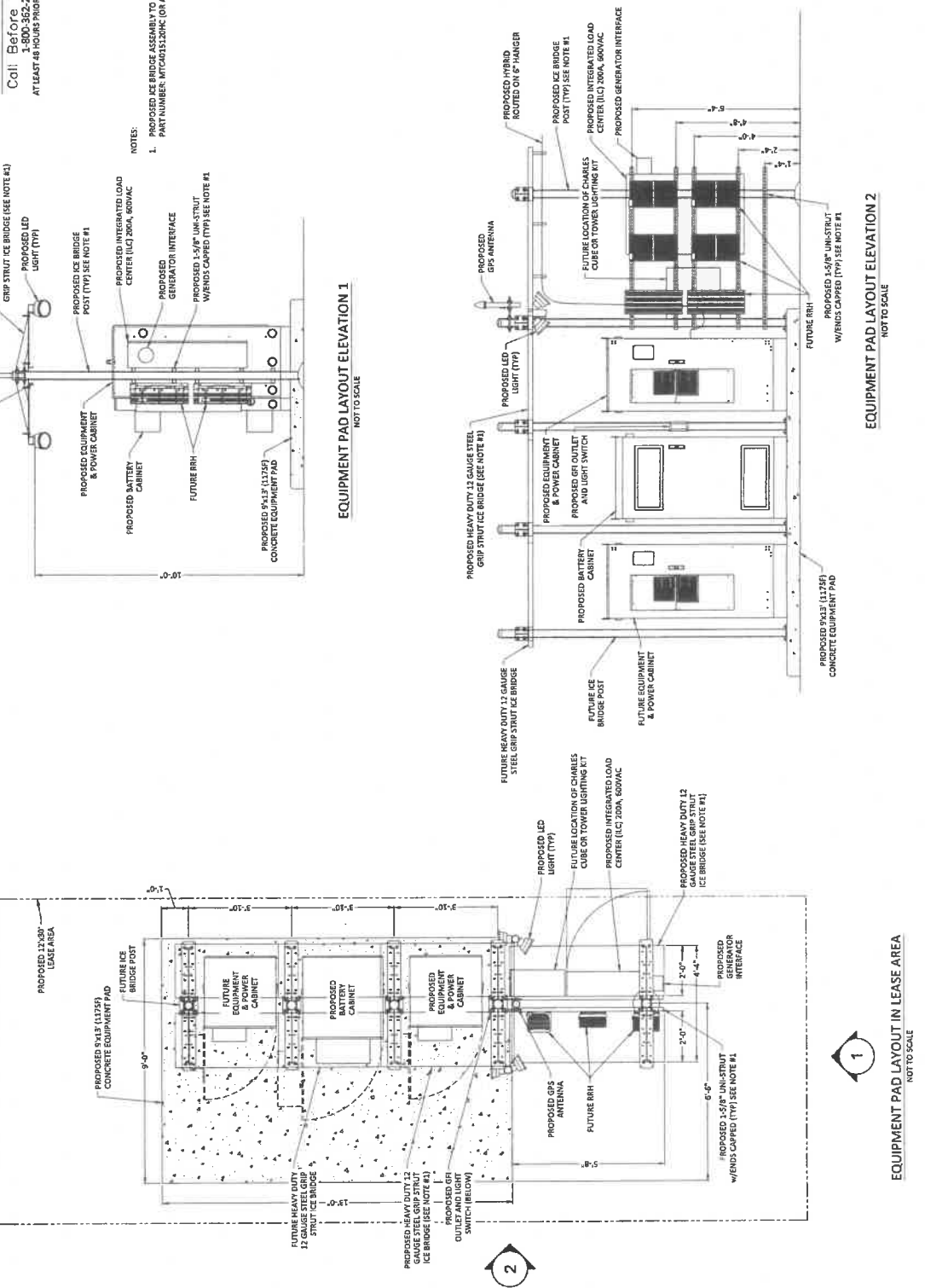
SITE NUMBER:
OH1005

PROJECT NUMBER:
OH1005

DESIGNED BY:
DRAWN BY:
DATE:

SHEET TITLE:
EQUIPMENT PAD
LAYOUT

SHEET NUMBER:
C-4



ORDINANCE NO. 18 -2021**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE
TO ENTER INTO AN ANNEXATION AGREEMENT WITH THE
SYLVANIA TOWNSHIP BOARD OF TRUSTEES ON BEHALF OF THE
CITY OF SYLVANIA, OHIO; AND DECLARING AN EMERGENCY.**

WHEREAS, for many years, annexation issues have been a source of contention between the City of Sylvania and Sylvania Township; and,

WHEREAS, though many attempts at resolving these issues were made, they were previously unsuccessful; and,

WHEREAS, over the past few months, representatives of the City and Township have worked to negotiate an Annexation Agreement as permitted under Ohio Revised Code Section 709.192; and,

WHEREAS, the City and Township wish to provide for the orderly annexation and planned development of certain real property as described in the attached Agreement and provide for public services and improvements within the incorporated area of the Township for the mutual benefit of City and Township residents; and,

WHEREAS, the Agreement will provide for preservation of the Township tax base, expanding the revenues of the City, creating and preserving jobs and employment opportunities, encouraging appropriate and planned development within the City and Township; and,

WHEREAS, the proposed Agreement is attached hereto as "Exhibit A."

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

SECTION 1. That the Mayor and Director of Finance be, and they hereby are authorized to enter into an Annexation Agreement with the Board of Trustees of Sylvania

Township, on behalf of the City of Sylvania, as attached hereto as "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 Agreement should be entered into 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 on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2021, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

APPENDIX A

Payments made by Sylvania Township to the City of Sylvania in accordance with provisions of annexation agreement:

Payment Made:	Payment Made for:	Payment Amount:
On or before December 31, 2021	2021 calendar year	\$75,000
On or before December 31, 2022	2022 calendar year	\$75,000
On or before December 31, 2023	2023 calendar year	\$125,000
On or before December 31, 2024	2024 calendar year	\$125,000
On or before December 31, 2025	2025 calendar year	\$225,000
On or before December 31 of each following year agreement is active	Each calendar year Annexation Agreement remains active	Per Section 5 (B) (6) of Annexation Agreement

Note: Payments beginning in 2026 are made for each specific year (based on the amount of general fund inside millage received by the Township from the incorporated territory of the Township within the City of Sylvania [Tax District 82]) and do not aggregate or compound.

Example calculation included (for illustrative purposes only) regarding payment under Section 5 (B) (6). Example assumes such payment is being made using values established for tax year 2019 payable in 2020.

Total Tax Valuation of Sylvania Township:	\$1,476,305,510
Portion of Sylvania Township Valuation Attributable to Sylvania City:	\$458,423,180
Revenue from 0.5 General Fund Inside Mill Applied to City Valuation:	\$226,671
[Tax District 82]	

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is entered into this ____ day of _____, 2021, by and between the City of Sylvania, Ohio, an Ohio Chartered Municipal Corporation (the "City") and the Board of Trustees of Sylvania Township (the "Township"), a political subdivision of the State of Ohio.

WHEREAS, the City and the Township desire to establish an Agreement as permitted under Section 709.192 of the Ohio Revised Code for the orderly annexation and planned development of certain real property as described herein and public services and improvements within the incorporated area of the Township for the mutual benefit of the parties hereto; and,

WHEREAS, it is the intent of the City and the Township to cooperate in preserving the Township's tax base, expanding the revenues of the City, creating and preserving jobs and employment opportunities, encouraging appropriate and planned development within the State of Ohio, and, more particularly, within the City and Township; and,

WHEREAS, the City and the Township have determined that the execution of this Agreement is reasonable and necessary to serve the interests of their respective residents and it is in the best interest of the residents of each jurisdiction; and,

WHEREAS, the legislative authorities of the City and the Township have each authorized execution of this Agreement through the adoption of City Ordinance No. ____ and Township Resolution No. ____ after public meetings held in accordance with the Ohio Revised Code and the applicable Ordinances of the City.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, the City and the Township agree as follows:

Section 1. Term

- A. Initial Term. The initial term of this Agreement will begin on _____, 2021 and expire on December 31, 2031.
- B. Renewal Term. At the end of the initial term, this Agreement will automatically renew for successive five (5) year terms.
- C. Termination. This Agreement may be terminated by either party giving written notice to other party at least 180 days prior to the expiration of the Initial Term or any successive Renewal Term. If such written notice is given, the Agreement will terminate at the end of the Initial Term or the current Renewal Term, unless the parties herein agree to a different termination date.

Section 2. Annexation

- A. On March 11, 2020, the City of Sylvania filed a complaint against property owners in Country Walk subdivision seeking to enforce its Agreements for Water Service and the relevant provisions of the Sylvania Codified Ordinances. Within thirty (30) days of approval by both the City and Township, the City will dismiss, without prejudice, the complaint filed March 11, 2020 in Lucas County Common Pleas Court, *City of Sylvania, et al. vs. Roshinder Padda, et al.*
- B. The City has sought to enforce its annexation agreements and the provisions of the Sylvania Codified Ordinances by compelling both residential and commercial property owners located within the City of Sylvania Water Service Area in the unincorporated areas of Sylvania Township to annex their property to the City of

Sylvania. During the term of this Agreement, the City will not require annexation of existing residential properties in the City's Water Service Area in the unincorporated areas of Sylvania Township.

- C. The City will continue to require property owners located in the unincorporated areas of Sylvania Township and within the City of Sylvania Water Service Area to sign its Agreement for Water Service. However, the City will not seek to enforce these Agreements during the Initial Term or any successive Renewal Term of this Agreement.
- D. The City may continue to require annexation for contiguous commercial or vacant property, zoned either residential or commercial, in the City of Sylvania Water Service Area, that voluntarily requests the City to provide new water service to a property or requests a larger water line to the property for City of Sylvania Water Service. This includes existing commercial properties who request the City to provide new water service to a property or requests a larger water line to the property for City of Sylvania Water Service. The City will not require annexation or seek to enforce the terms of its Agreements for Water Service or provisions of the Sylvania Codified Ordinances for existing commercial water customers in the unincorporated areas of Sylvania Township and within the City of Sylvania Water Service Area. Annexation required by the City under this subsection does not constitute a breach of the Agreement and is permissible. Reimbursement of the property taxes the Township would have received in the event of annexation will be as set forth in Subsection (E) below.
- E. If a property owner requests the City to provide new water service to a property or requests a larger water line to the property for City Water Service for contiguous

commercial or vacant property, zoned either residential or commercial as outlined in Subsection (D) above, the City will reimburse Sylvania Township for lost revenues in accordance with the schedule set forth in Ohio Revised Code Section 709.19(C) as of January 1, 2021 for annexations of commercial or industrial properties and the schedule set forth in Ohio Revised Code Section 709.19(D) as of January 1, 2021 for annexations of residential property whether or not the property is excluded from the territory of the Township.

- F. In no case shall any real estate owned, whether in whole or in part, by Sylvania Township be annexed to the City of Sylvania without the written consent of the Board of Trustees of Sylvania Township. This shall exclude dedicated road rights-of-way and other real estate where Township's interest is less than a fee simple property interest.
- G. From time to time, residents in the unincorporated area of the Township have approached the City of Sylvania requesting annexation based on services the City provides (the most recent examples being the Arbor Way and Country Walk Commons annexations). In the event that a majority of existing residential property owners in an unincorporated portion of Sylvania Township voluntarily request annexation to the City of Sylvania, the Township will not oppose that request and said voluntary request and annexation will not constitute a breach of this Agreement. In such instances the City will reimburse Sylvania Township for lost revenues in accordance with the schedule set forth in Ohio Revised Code Section 709.19(D) as of January 1, 2021 whether or not the property is excluded from the territory of the Township.

Section 3. Joint Economic Development Districts (JEDD)

- A. Oak Leaf Village JEDD. The parties agree that they will continue to implement JEDD I which currently includes the entire Oak Leaf Village complex.
- B. Sylvania Schools JEDD. The parties will continue jointly discussing the Sylvania School District creating JEDDs for School District property located within the unincorporated portion of the Township.
 - 1. In the event that an agreement is reached with the School District, a separate JEDD will be created.
 - 2. Income from School JEDDs
 - i. City will retain the income tax revenue that it received from the Sylvania School District at the time the JEDD is formed.
 - ii. After the payment of administrative and reinvestment costs, the Township will receive sixty five percent (65%) of the remaining income tax revenue and the City thirty five percent (35%).
- C. Lucas County Properties. The parties will continue to jointly cooperate in creating JEDDS on property owned or recently owned by Lucas County (e.g. 3750 Silica Road), pending property owner approval.
- D. Additional JEDDS. The parties will continue to jointly cooperate in creating JEDDS on other properties located within the unincorporated territory of the Township including, but not limited to, Bon Secours Mercy Health System, nursing homes, assisted living and urgent care centers.
- E. Income from Additional JEDDS.
 - 1. After administrative and reinvestment costs of each District, the Township will

receive seventy five percent (75%) of the remaining income tax revenues and the City will receive twenty five percent (25%).

2. This section shall not apply to the Oak Leaf Village JEDD or any Sylvania School District JEDD.

F. Nothing in this Agreement shall be construed to limit the Township's ability to form a JEDD with any appropriate municipality or to require the Township to form JEDDS only with the City. The Township retains the right to form a JEDD with any municipality. In the event the Township intends to initiate the process to form a JEDD with another municipality, the Township will first consult with the City of Sylvania.

G. In the event an annexation is anticipated by the City, the City will consult with the Township regarding the possibility of including such property that would be annexed in a Joint Economic Development District (JEDD) as an alternative to annexation.

Section 4. Zoning and Planning

A. The parties agree to discuss compatible zoning and land use plans for properties located within the City's Water District that is part of the unincorporated territory of the Township.

B. The parties also agree to discuss compatible zoning and land use plans for properties located adjacent to each other's boundaries.

Section 5. Payments for Public Services and Improvements in the Incorporated Territory of the Township

A. The Township agrees to contribute to the costs of providing public services and

improvements within the incorporated territory of the Township within the City of Sylvania that are provided by the City in accordance with Section 5(B).

B. The Township will remit to the City the following payments for public services and improvements within the incorporated territory of the Township within the City of Sylvania:

1. \$75,000 in 2021;
2. \$75,000 in 2022;
3. \$125,000 in 2023;
4. \$125,000 in 2024;
5. \$225,000 in 2025;
6. After 2025 and through the expiration of this Agreement (either Initial Term or subsequent Renewal Term) such annual payments shall be equal to, and not exceed, the amount of general fund inside millage received by the Township from the incorporated territory of the Township within the City of Sylvania. The existing general fund inside millage is one-half mill. Annual payments will be made as outlined in Appendix A and will exclude inside millage received by the Township for Road and Bridge.
7. The payments shall be made by the Township to the City on or before December 31 for that current year.
8. If the Township does not remit payment for public services and improvements as required under this Section, the City may seek to enforce its annexation agreements and the provisions of the Sylvania Codified Ordinances, however, the City will not be required to reimburse the Township for lost revenues and will also pursue all other legal remedies in the event the Township does not remit payment for public services and improvements required under this section.

Section 6. Involuntary Annexation of Township Territory

- A. Involuntary annexation. For purposes of this Agreement, involuntary annexation shall mean any annexation compelled by the City against the wishes of a property owner, who is not requesting City of Sylvania Water Service or does not conform to Section 2. Notwithstanding any other provision herein, if the City involuntarily annexes any portion of the unincorporated territory of the Township, the City will reimburse the Township for lost Township property tax revenues in accordance with the schedule set forth in Ohio Revised Code Section 709.19(C) for annexations of commercial or industrial properties and Ohio Revised Code Section 709.19(D) for annexation of residential property whether or not the property is excluded from the territory of the Township.
- B. The payments describe in the above section shall survive the termination of this agreement and must be paid by the City to the Township even if this Agreement has been terminated.
- C. Forfeit of Payments. Notwithstanding any other provision herein, if the City annexes any property located within the unincorporated territory of the Township contrary to the terms of this Agreement, the City shall forfeit any and all payments that it would be entitled to under this Agreement, except for its share of the revenues generated by the Oak Leaf Village JEDD.

Section 7. Amendments

- A. This Agreement may be amended by the City and the Township only in writing approved by the legislative authorities of both parties, and further providing that for such amendment to be effective, the legislative actions of the parties must occur and be effective within a period of ninety (90) days of each other.

Section 8. Disputes

- A. In the event that a dispute arises as to any of the terms or applicability of this Agreement, the parties agree to use their best efforts to resolve the dispute through a mutually acceptable mediator at the earliest possible date and with the least amount of expense and inconvenience to the parties. The expenses of the mediation process shall be borne one-half (½) by the City and one-half (½) by the Township.
- B. Failure of any party to comply with the terms of this Agreement shall constitute a default. The non-defaulting party shall give written notice to the defaulting party setting forth the nature of the alleged default. The defaulting party shall have thirty (30) days from receipt of the notice of default to cure the default, or, if the default cannot be reasonably cured within thirty (30) days, to commence to cure and thereafter diligently process such cure to completion. If a default is not satisfactorily cured in a timely manner, the non-defaulting party may call for mediation to resolve the default.
- C. If a dispute or default cannot be acceptably resolved through mediation or a party refuses to participate in mediation, this Agreement does not limit or preclude the parties from initiating appropriate legal action at law or in equity to seek redress.

Section 9. Miscellaneous

- A. Support of Agreement. The City and the Township agree to cooperate with each other and to use their best efforts to do all things necessary to effect the purpose of this Agreement. In the event that this Agreement, or any of its terms, conditions or provisions, is challenged by any third party or parties in a court of law, the City and the Township agree to vigorously defend this Agreement with the object of upholding its terms. The City and the Township shall each bear its own costs in any such proceeding challenging this Agreement

or any of its terms.

- B. Notices. Any notices or communications issued in accordance with this Agreement must be given in writing and delivered in person or by mail to the following:

Mayor
City of Sylvania
6730 Monroe Street
Suite 203
Sylvania, Ohio 43560

Sylvania Township Administrator
4927 N. Holland-Sylvania Road
Sylvania, Ohio 43560

- C. Severability. In the event any one or more of the provisions of this Agreement are held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement. However, if the provisions set forth in this Agreement related to the sharing of income taxes are held to be invalid, illegal, or unenforceable, the Township shall have the option to terminate the Agreement at any time thereafter during the remainder of the initial or renewed term of the Agreement upon thirty (30) days advance notice, or continue performance pursuant to the remaining portions of the Agreement, or both the City and the Township shall have the option to, for a period of sixty (60) days, use their best efforts to renegotiate so that the spirit and intent of Paragraph 4(D) is preserved.
- D. Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.
- E. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the City and the Township and their respective permitted successors, subject, however, to the specific provisions hereof. This Agreement shall not inure to the benefit of anyone other than as provided in the immediately preceding sentence.

F. Entire Agreement. This Agreement constitutes the entire agreement of the parties and may be amended or modified only as provided herein. All prior agreements between the parties, either oral or written, are superseded by this Agreement.

IN WITNESS WHEREOF, the City and the Township have caused this Agreement to be duly signed in their respective names by their duly authorized officers as of the day and year first above written.

Signed in the presence of:

CITY OF SYLVANIA

Print Name: _____

Craig A. Stough, Mayor

By: _____

Toby A. Schroyer, Director of Finance

Signed in the presence of:

THE TOWNSHIP OF SYLVANIA

By: _____

Print Name: _____

Trustee

By: _____

Print Name: _____

Trustee

By: _____

Print Name: _____

Trustee

Approved as to legal form:

By: _____

Law Director

By: _____

Counsel for Sylvania Township

Memo

To: The Mayor and City Council
From: Kevin G. Aller, Director of Public Safety/Service *KGA*
Date: 2/5/2021
Re: Obsolete Equipment

Council Members,

The following vehicles are no longer of use in our City operations:

Police Department: 2007 Ford Explorer 4X4 Vin# 1FMEU73EX7UB31977
2009 Ford Crown Victoria Police Interceptor Vin# 2FAHP71V69X129026
IT Department: 2005 Dodge Grand Caravan Vin# 2D4GP44LX5R334462
Zoning Department: 2007 Chevy Equinox Vin# 2CNDL13F776070803

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

Please call if you have any questions. Thank you.

City of Sylvania
Bank Reconciliation
January 2021

A

Ending balance for December 2020		30,683,938.93
Add: Monthly Receipts		<u>3,067,364.65</u>
Subtotal	\$	33,751,303.58
Less: Monthly Disbursements		<u>2,940,133.22</u>
Ending balance for January 2021	\$	30,811,170.36

Less:

CD Metamora Bank	\$	(2,176,639.59)
Star Ohio		(82,301.72)
Petty Cash (1)		(2,050.00)
Cemetery Savings		(1,062.86)
Toledo Community Fund		(31,803.18)
Key Bank Securities		(8,173.21)
5/3rd Securities		(8,119,035.79)
SJS Account		(5,829,373.54)
Morgan Stanley Investment		
UBS Financial		(7,348,156.97)
Premier Bank (CD)		(2,100,782.56)
Key Bank (CD)		(1,048,400.00)
Sylvania Township Bonds		(155,000.00)
	\$	3,908,390.94

Misc. Receipt		0.08
---------------	--	------

(1)

Division of Public Service	\$	150.00
Department of Finance		100.00
Division of Water		600.00
Division of Police		200.00
Municipal Court		700.00
Division of Taxation		150.00
Division of Forestry		150.00

Petty Cash Balance	\$	2,050.00
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BANK BALANCE

EOM 5/3rd Bank Balance	\$	3,877,793.55
Deposit in Transit:		
Income Tax		31,379.26
General Deposit		51,561.65

Subtotal	\$	3,960,734.46
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Less: Outstanding Checks (2)		52,343.44
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Adjusted Bank Balance	\$	3,908,391.02
-----------------------	----	--------------


(2) December Outstanding Checks	\$	116,754.43
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Checks written this month		1,078,736.39
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Subtotal	\$	<u>1,195,490.82</u>
----------	----	---------------------

Checks Cleared this month		<u>(1,143,147.38)</u>
---------------------------	--	-----------------------

January Outstanding Checks	\$	52,343.44
----------------------------	----	-----------


Toby Schroyer
Director of Finance, City of Sylvania

B

Board of Architectural Review

Minutes of the regular meeting of February 10, 2021. Mr. Marciniak called the meeting to order.

Members present: Mayor Craig Stough, Kate Fischer, Carol Lindhuber, Jeff Schaaf and Ken Marciniak, (5) present. Zoning Administrator, Timothy Burns also present.

Ms. Fischer moved, Mr. Schaaf seconded to approve the Minutes of the January 13, 2021, meeting as submitted. Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 3 – Building Review – app. no. 4-2021 requested by Stephanie Pilgrim for Spacebar, 5687 Main Street, Sylvania, Ohio 43560. Application is for new front and rear entrance doors.

Mr. Burns said that the doors will be bronze coated aluminum.

Building design is within the limits of the Sylvania Code.

Mr. Schaaf moved, Ms. Lindhuber seconded, submitted with the application. Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 4 – Building Review – app. no. 5-2021 (an amendment to app. no 6-2020) requested by Christopher McCoy of AIA-McCoy Architects, LLC for Toledo Islamic Academy, 5225 W. Alexis Road, Sylvania, Ohio 43560. Application is for a building addition.

Mr. Burns said that the new design would only increase the square footage and would not increase the footprint. That the new design is for two stories in the northwest corner verses the one story design that was previously approved.

Building design is within the limits of the Sylvania Code

Ms. Lindhuber moved, Ms. Fischer seconded to approve the building design shown in the drawing submitted with the application. Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Mr. Marciniak stated that he will need to recuse himself from the discussion and vote for the next item on the agenda.

Item 5 – Building Review – app. no. 6-2021 requested by Mitchol Pappan for MSP Properties of Ohio, L.P., 5549 W. Alexis, Sylvania, Ohio 43560. Application is for a new building design. Mr. Rod Artur of the Arter Company was present with Mr. Pappan.

Mr. Artur gave a brief description of the new building, which would be a General Dollar store. He said that they would be using a more upscale version of materials than generally used in their designs that includes khaki colored Hardie Board for the walls with white trim and that bronze awnings would be added to give the building a more upscale appearance than they're typical. He said that they would be installing heavily dense landscaping on the side of the building as well

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as dense landscaping along the front.

Ms. Lindhuber asked if they would be using hardwoods or pine trees for the landscaping.

Mr. Pappan said that they would use a variety of trees including some maple, lotus and arborvitae trees.

Mayor Stough asked if deliveries were going to be made in the front of the building and referred to the area in the front parking lot. Mr. Pappan and Mr. Burns both said that the area in the front parking lot was to allow for the turning radius of delivery trucks and would not be used for unloading.

Building design is within the limits of the Sylvania Sign Code.

Ms. Lindhuber moved, Mr. Schaaf seconded, to approve the building design shown in the drawing submitted with the application. Vote being: Stough, Lindhuber, Fischer and Schaaf (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Mr. Burns acknowledge Mr. Christopher McCoy, of AIA-McCoy Architects, who arrived to the meeting during the discussion of the last item. Mr. McCoy was advised that his application for Toledo Islamic Academy had already been heard and was approved and was asked if he had anything that he would wish to say. Mr. McCoy apologized to the Board for being late and thanked them for the approval.

Item 6 – Regulated Sign – app. no. 7-2021 requested by Breann Dander of True Aerial Signs for Stilla - Salon·Spa·Boutique, 4900 N. McCord Road, Suite B4, Sylvania, OH 43560. Application is for a new wall sign.

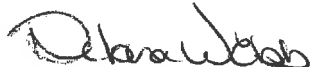
Ms. Dander was present.

Sign is within the limits of the Sylvania Sign Code.

Mr. Schaaf moved, Ms. Fischer seconded, to approve the sign shown in the drawing submitted with the application. Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Ms. Lindhuber moved, Mr. Schaaf seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary
Municipal Planning Commission

Sylvania Municipal Planning Commission

Minutes of the regular meeting of February 10, 2021. Mr. Marciniak called the meeting to order.

Members present: Mayor Craig Stough, Kate Fischer, Carol Lindhuber, Jeff Schaaf and Ken Marciniak, (5) present. Zoning Administrator, Timothy Burns also present.

Mr. Schaaf moved, Ms. Lindhuber seconded to approve the Minutes of the January 13, 2021, meeting as submitted. Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 3 – Council Referral – Proposed Ordinance 12-2021, Amending Chapter 1157 – Off-Street Parking of the Sylvania Codified Ordinances, 1979, as amended, by adding Section 1157.16 – Bicycle Parking.

Mayor Stough said that the City is close to approving a new downtown plan and that they are looking at what other cities are doing in regards to bicycle parking plans; and that the proposed ordinance is based closely on Cleveland's ordinance.

Mayor Stough also said that while he has no problem with the requirement of bicycle parking in new site plans, he added that he is reluctant to enforce the requirement for existing businesses. He suggested that the wording of "required" be changed to "encouraged".

Mr. Marciniak suggested that existing businesses should be exempt from the requirement.

Discussion took place among the members and more also said that they would like to see the word "encouraged" used in place of "required".

Keith Webb of 6906 Shooter Hill, Toledo, Ohio was present and said that he was present on behalf of "We Are Traffic".

Mr. Webb said that he has been in contact with Kevin Aller, the City's Public Service Director, and asked if he could share some of the suggestions that he made to the City in regards to the proposed ordinance through email correspondence with Mr. Aller.

Mr. Webb said that he recognizes that bike racks are not always needed and made several suggestions regarding the proposed ordinance. Some of the suggestions he made included the following:

- an "exclusion by commission" clause could be added to section (b) that could waive or modify the requirement of bicycle parking spaces for businesses such as a gas station that does not have a convenience store.
- that a minimum requirement of (2) bicycle parking spaces be added to section (c)
- that a bike space requirement addition to section (e) for when multiple bike racks are installed side-by-side, that the space between racks be reduced from (4) feet to (3) feet

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- a provision that the bicycle parking spaces are not installed in an area the encroaches on ADA requirements/compliance

Mr. Webb made also provided a few other suggestions and comments.

Mr. Marciniak said that the suggestions that Mr. Webb made merit more discussion and asked if the Planning Commission would need to make their recommendation tonight.

Mr. Webb asked if he could forward his email correspondence with Mr. Aller to the Planning Commission Secretary to be distributed to the members for consideration. The members agreed that they would like to see the correspondence.


Mayor Stough said that it would be appropriate for the Service Director to revisit the proposed ordinance amendment and make some changes based on the discussion that took place at the meeting; and that both he and Mr. Burns would provide some input to Mr. Aller.

Mr. Marciniak suggested that the Planning Commission table the discussion until the next meeting.

Ms. Lindhuber moved, Mr. Schaaf seconded, to table this item until the March 10, 2021 meeting. Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Mr. Schaaf moved, Ms. Lindhuber seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary
Municipal Planning Commission