

**Sylvania City Council**

July 19, 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 Mr. Haynam.
3. Additions to the agenda.
4. Approval of the regular council meeting minutes of June 21, 2021.
5. Proposed Ordinance No. 46-2021, Approving the inclusion of Lucas County as a member of the Toledo Area Regional Transit Authority.
6. Burnham Park Elevated Tank, T-Mobile Site No. T001080A.
  - a. Service Director's report on Amendment No. 2 to the T-Mobile Lease Agreement.
  - b. Proposed Ordinance No. 50-2021, Authorizing a Second Amendment to Water Tower Attachment Lease Agreement between the City of Sylvania and T-Mobile Central, LLC.
7. Solid Waste Agreement Amendment.
  - a. Service Director's report on the Agreement Amendment.
  - b. Proposed Ordinance No. 51-2021, Accepting the proposal of Republic Services to provide residential curbside refuse and recycling collection and disposal.
8. Sewer Department Pickup Truck.
  - a. Service Director's report on purchase of a 2021 Chevrolet Silverado 1500 pickup and disposal of 2004 Ford F-150 pickup via Auction on GovDeals.
  - b. Proposed Ordinance No. 52-2021, Accepting the proposal of Dave White Chevrolet for provision of a new 2021 Chevrolet Silverado 1500 Pickup Truck for the Division of Sewer.
  - c. Motion to dispose of the 2004 Ford F-150 via GovDeals.
9. Cushman Road Improvements – Change Order No. 1.
  - a. Service Director's report on project.
  - b. Proposed Ordinance No. 53-2021, Authorizing to approve Change Order No. 1 to this City's Agreement with Salenbien Trucking & Excavating for Cushman Road Project.
10. Proposed Ordinance No. 54-2021, Amending Part Eleven-Planning and Zoning Code of the Sylvania Codified Ordinances, 1979, by amending Section 1101.-Definitions and by amending Section 1153.02-Special uses. (Referral to Planning Commission.)

11. Police Chief's report on disposal of two Police Vehicles.
  - a. Approval of vehicles to be offered for auction on GovDeals.
12. Notice of the transfer of the D5, Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers until 2:30 a.m., permit from Jim's Pizza & More, LLC, dba Jim's Pizza & More, 4507 Holland Sylvania Rd., Sylvania, OH 43560.
13. Plan Commission's report on Zoning Ordinance Amendment Application No. SUP-3-2021, Zoning Change from "B-2", General Business District to "B-2 SUP", General Business District Special Use Permit from Masjid Saad Foundation for property located at 5225 West Alexis Rd, Sylvania, Ohio. Set public hearing for September 7, 2021. (Set Public Hearing for September 7<sup>th</sup>, 2021)
14. Committee reports.
15. Committee referrals.

### **INFORMATION**

- A. ZA-1-2021 Zoning Amendment Application withdrawn.
- B. June 2021 Bank Reconciliation.
- C. Board of Architectural Review minutes from July14, 2021.
- D. Municipal Planning Commission minutes from July 14, 2021.

Minutes of the Meeting of Council  
June 21, 2021

The Council of the City of Sylvania, Ohio met in regular session on June 7, 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, Mary Westphal, Lyndsey Stough; (7) present; (0) absent.

Roll call:  
All present.

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

Pledge of  
Allegiance.

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

Mr. Frye moved, Mr. Haynam seconded to approve the agenda; roll call vote being: Cappellini, Frye, Haynam, McCann, Stough, Richardson, 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 June 7, 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 June 7, 2021 be approved; roll call vote being: Frye, Haynam, McCann, Richardson, Westphal, Stough, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the  
June 7, 2021  
meeting minutes.

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

Mr. Sanford spoke on behalf of the Sylvania CIC and introduced Senator Theresa Gavarone, Jeff Clegg-CIC President, Oliver Turner-Township Administrator and other CIC members. Mr. Sanford provided recognition for her support to Sylvania. Senator Gavarone spoke and thanked the CIC for the award.

CIC recognized  
Senator Theresa  
Gavarone.

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

Service Director's report on the Harroun Park River Trail Bioretention & Stream Restoration Project was placed on file. Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 49-2021, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to approve and accept the amendment to the proposal of Civil & Environmental Consultants, Inc. for the Design-Build Services for the Harroun Park River Trail Bioretention and Stream Restoration Project; appropriating funds therefore in the amount of \$11,000; and declaring an emergency."; Mrs. Cappellini moved, Mr. Haynam seconded for passage of Ordinance No. 49-2021 as an emergency measure.; roll call vote being: Haynam, McCann, Richardson, Stough, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
49-2021,  
"Authorizing  
amendment to  
Design-Build  
Svcs for Harroun  
Park River Trail  
Bioretention &  
Stream  
Restoration  
Project..."

Minutes of the Meeting of Council  
June 21, 2021

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

Service Director Aller provided various options for the Cushman Road Swale/Drainage issues. Mayor Stough discussed options and recommended Option #2, which installs an 8-inch solid wall corrugated plastic pipe in the bottom of existing swale and through existing drive tiles, backfills as necessary and connect existing drainage pipes and sump pump discharges. Install 6-inch perforated corrugated plastic pipe to provide drainage for the road pavement and connections. Fill the swale with sand and topsoil to ground grade and reseed. Project cost proposal of \$172,835.81.

Cushman Rd.  
Swale/Drainage  
issue resolution.

Mr. Frye moved, Mr. Haynam seconded to authorize payment to proceed with Option #2 at the City's expense. Roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Council has received a petition for speed humps for Cushman Road. Law Director Brinning presented the process and next steps. Mr. Aller stated the traffic count process is now in place. Post cards will be sent to begin the process. Mrs. Westphal moved, Mr. Frye seconded to refer this matter to the Streets Committee for review. Roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, McCann, (7) yeas; (0) nays. The motion carried. Mayor Stough asked the police department for speed checks.

Cushman Rd.  
speed hump  
petition.

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

Service Director's report on the Harroun Road/Flower Hospital-Ravine Drive Traffic Signal Project was placed on file. Mrs. Westphal presented and read aloud by title only, proposed Resolution No. 7-2021, a written copy of same having been previously furnished to each member of Council, "A Resolution authorizing the Mayor and Director of Finance to prepare and submit an application to participate in the Congestion Mitigation and Air Quality Grant Program managed by the Toledo Metropolitan Area Council of Government's Transportation Improvement Program and to execute contracts as required; and declaring an emergency." Mrs. Westphal moved, Mr. McCann seconded for passage of Resolution No. 7-2021 as an emergency measure; roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, McCann, Richardson, (7) yeas; (0) nays. The motion carried.

Resolution No.  
7-2021,  
"...submit  
application to  
participate in  
CMAQ Grant  
Program  
managed by  
TMACOG...."

Minutes of the Meeting of Council  
June 21, 2021

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

Service Director's report on the Erie Street & Monroe Street Roundabout and Erie Resurfacing Project was placed on file. Mrs. Westphal presented and read aloud by title only, proposed Resolution No. 8-2021, a written copy of same having been previously furnished to each member of Council, "A Resolution authorizing the Mayor and Director of Finance to prepare and submit an Application to participate in the Surface Transportation Block Grant managed by the Toledo Metropolitan Area Council of Government's Transportation Improvement Program and to execute contracts as required; and declaring an emergency"; Mrs. Westphal moved, Ms. Stough seconded for passage of Resolution No. 8-2021 as an emergency measure; roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Richardson, Stough, (7) yeas; (0) nays. The motion carried.

Resolution No. 8-2020, "...submit application to participate in Surface Transportation Block Grant managed by TMACOG..."

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

Mayor Stough presented a Zoning Ordinance Amendment Application No. SUP-3-2021, Zoning Change from "B-2", General Business District to "B-2 SUP", General Business District Special Use Permit from Masjid Saad Foundation for property located at 5225 West Alexis Rd, Sylvania, Ohio. Mr. Haynam moved, Mrs. Westphal seconded to refer Zoning Ordinance Amendment Application No. SUP-23-2021 to the Plan Commission for review and recommendation; roll call vote being: Cappellini, Frye, Haynam, McCann, Richardson, Stough, Westphal, (7) yeas; (0) nays. The motion carried.

SUP-3-2021 referral to Plan Commission.

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

Mr. Frye reported on the Committee of the Whole meeting held on this date to discuss proposed Ordinance No. 46-2021, Inclusion of Lucas County as member of TARTA. No one had questions from audience or council. Mrs. Brinning explained the window to pass the legislation which opens July 1, 2021. Ordinance No. 46-2021 will be placed on July 19<sup>th</sup> council agenda for action.

COW Mtg, re: Lucas County inclusion as member of TARTA.

Mayor Stough stated all agenda items have been addressed.

Mr. Frye moved, Mr. Haynam seconded to adjourn at 8:31 p.m. Roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays.

Adjournment.

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Clerk of Council

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Mayor

**ORDINANCE NO. 46-2021****APPROVING THE INCLUSION OF LUCAS COUNTY AS A MEMBER OF THE TOLEDO AREA REGIONAL TRANSIT AUTHORITY; AND DECLARING AN EMERGENCY.**

WHEREAS, the Toledo Area Regional Transit Authority ("TARTA") exists as a political subdivision under the laws of the State of Ohio and is operated in the following jurisdictions (Member Communities): the City of Toledo, the City of Maumee, the City of Sylvania, the City of Rossford, the Village of Ottawa Hills, the City of Waterville and the Township of Sylvania; and,

WHEREAS, TARTA provides transit services within the areas of the Member Communities which are within portions of Lucas County, Ohio and Wood County, Ohio; and,

WHEREAS, TARTA currently derives funding from two ad valorem property taxes (one 1.0 mill levy and one 1.5 mill levy) for a total of 2.5 mills paid by the property owners within the area of TARTA; and,

WHEREAS, several other Regional Transit Authorities in Ohio utilize a sales and use tax to fund operations, which funding system is viewed as a preferable method of funding because it is paid by nonresidents as well as residents; and,

WHEREAS, the Board of Lucas County Commissioners established a community task force comprised of a broad cross section of leaders throughout the region to assess the state of public transportation in and around Lucas County; and,

WHEREAS, in August of 2019, the final report of the task force, entitled Community Task Force: Public Transportation in Northwest Ohio, was issued and it recommended that Lucas County should be invited to become a member of TARTA and that a 0.5% sales tax levy

be proposed to replace the inefficient property taxes; and,

WHEREAS, a sales and use tax funding system requires the addition of Lucas County as one of TARTA's Member Communities; and,

WHEREAS, the Board of Trustees of TARTA has approved a resolution directing its Chief Executive Officer to develop a plan for a new organizational and funding structure that would: (1) expand mass transit service throughout Lucas County by adding Lucas County as a member of TARTA; (2) eliminate the current 2.5 mill property tax levies and substitute a 0.5% sales and use tax; and (3) allocate monies from the sales and use tax collected to TARTA to directly fund its operations and allocate monies from the sales and use tax collected to other local governmental entities for the installation, maintenance and improvement of mass transit related infrastructure; and,

WHEREAS, the Board of Trustees of TARTA's resolution directing its Chief Executive Officer to develop a plan for a new organizational and funding provided that if Lucas County is added as a member of TARTA, the Board of Trustees will amend its composition to reflect its expanded geographical boundaries, as follows: four members, who shall have terms of three years, shall be appointed by the Mayor of the City of Toledo, with the advice and consent of the Council of the City of Toledo; three members, who shall have terms of three years, shall be appointed by the Board of County Commissioners for Lucas County; one member, who shall have a term of three years, shall be appointed by the City of Maumee, with the advice and consent of the Council of the City of Maumee; one member, who shall have a term of three years, shall be appointed by the Mayor of the Village of Ottawa Hills, with the advice and consent of the Council of the Village; one member, who shall have a term of three years, shall be appointed by the Mayor the City of

Rossford, with the advice and consent of the Council of the City of Rossford; one member, who shall have a term of three years, shall be appointed by the Mayor of the City of Sylvania, with the advice and consent of the Council of the City of Sylvania; one member, who shall have a term of three years, shall be appointed by the Board of Trustees of Sylvania Township; and one member, who shall have a term of three years, shall be appointed by the Mayor of the City of Waterville, with the advice and consent of the Council of the City of Waterville; and,

WHEREAS, the Board of Trustees of TARTA's resolution directing its Chief Executive Officer to develop a plan for a new organizational and funding provided that if the current 2.5 mill property tax levies are replaced with a 0.5% sales and use tax, the monies derived therefrom will be utilized in accordance with Ohio Revised Code Section 306.35, and after application of Section 306.322, certain of these sums collected are to be expended for public infrastructure projects to assist other local governmental entities in the TARTA service area in funding installation, maintenance and improvement of transit related infrastructure so that the roads, sidewalks, bridges, bus stops, bus shelters, signage and associated improvements are adequate to allow TARTA to operate its vehicles and serve its passengers in the Member Communities, with annual payments as follows: City of Toledo \$300,000; City of Maumee \$90,000; Village of Ottawa Hills \$90,000; City of Rossford \$90,000; City of Sylvania \$90,000; Sylvania Township \$90,000 and City of Waterville \$90,000; and,

WHEREAS, the proposed changes first require the Lucas County Board of County Commissioners to adopt a resolution or ordinance proposing that Lucas County join TARTA without a time limit on the County's membership, and to then submit a copy of its resolution or ordinance to the governing body of each political subdivision comprising TARTA; and,



WHEREAS, if a majority of the governing bodies of the political subdivisions comprising TARTA, within 30 days of receiving the copy of the Lucas County Board of County Commissioners' resolution or ordinance proposing to join TARTA, adopt a resolution or ordinance approving the inclusion of Lucas County as a member of TARTA without a time limit on the County's membership, TARTA's Board of Trustees may adopt a resolution to submit to the electors of TARTA, as it would be enlarged by the inclusion of Lucas County, the question of including Lucas County in TARTA, of levying a sales and use tax under R.C. 5739.23 and 5741.022 throughout TARTA's territorial boundaries as so enlarged, and of repealing the two property taxes currently levied by TARTA under R.C. 306.49; and,

WHEREAS, if a majority of the governing bodies of the political subdivisions comprising TARTA adopt a resolution or ordinance approving the inclusion of Lucas County as a member of TARTA without a time limit on the County's membership, the Board of Trustees of TARTA intends to proceed to submit to the electors of TARTA, as it would be enlarged by the inclusion of Lucas County, the question of including Lucas County in TARTA, of levying a 0.5% sales and use tax under R.C. 5739.23 and 5741.022 throughout TARTA's territorial boundaries as so enlarged for a period of ten years, and of repealing the two property taxes currently levied by TARTA under R.C. 306.49 at the November 2, 2021 General Election; and,

WHEREAS, at the June 7, 2021 meeting of Sylvania City Council, this ordinance was referred to the Committee-of-the-Whole for its review and recommendation; and,

WHEREAS, the Committee-of-the-Whole met on June 21, 2021 and recommended approval of the proposed legislation thereafter, at the Council meeting on June 21, 2021, the Director of Law was directed and authorized to prepare legislation approving the inclusion of

Lucas County as a member of TARTA; and,

WHEREAS, the Board of Lucas County Commissioners approved a resolution on June 30, 2021 proposing that Lucas County join TARTA without a time limit as to the County's membership and submitted to this Council a copy of the County Commissioners' resolution on July 1, 2021.

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

SECTION 1. That the Council of the City of Sylvania approves the Board of Lucas County Commissioners' proposal that Lucas County join TARTA as a member without a time limit.

SECTION 2. This Council gives approval to TARTA to repeal the two property taxes currently levied and to levy a sales and use tax at a rate of up to 0.5%.

SECTION 3. This Council hereby authorizes the Clerk of Council to promptly take all actions necessary to promptly present this Ordinance to the Board of Trustees of TARTA in time for it to adopt a resolution to submit to the electors of TARTA, as it would be enlarged by the inclusion of Lucas County, the question of including Lucas County in TARTA, of levying a sales and use tax at a rate of up to 0.5% under R.C. 5739.23 and 5741.022 throughout TARTA's territorial boundaries as so enlarged for a period of ten years, and of repealing the two property taxes currently levied by TARTA under R.C. 306.49 at the November 2, 2021 General Election.

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 it is necessary to inform the Board of Trustees of TARTA of this Council's approval of the Board of Lucas County Commissioners' proposal in time for the TARTA Board of Trustees to submit the above-described question to the electors within TARTA's territorial boundaries, as would be enlarged by the inclusion of Lucas County, at the November 2, 2021 General Election 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, \_\_\_\_\_, 2021, as an emergency measure.

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

ATTEST:

APPROVED AS TO FORM:

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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

July 19, 2021

To: Mayor Stough and Members of Sylvania City Council

Re: Burnham Park Elevated Tank  
T-Mobile Site No. T001080A

Dear Mr. Mayor and City Council Members,

T-Mobile has presented proposed modifications to their existing facilities at our Burnham Park Elevated Tank. The plan requires an additional area of approximately fifty (50) square feet on the ground adjacent to their existing leased area. We have negotiated an additional \$50 per month to our existing lease terms, the effects of which are noted in the attached Amendment.

We recommend approval of Amendment No. 2 to the T-Mobile lease agreement. Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Safety/Service

## SECOND AMENDMENT TO WATER TOWER ATTACHMENT LEASE AGREEMENT

THIS SECOND AMENDMENT TO WATER TOWER ATTACHMENT LEASE AGREEMENT ("Second Amendment") is made and entered into on \_\_\_\_\_, 2021 ("Effective Date"), by and between City of Sylvania, Ohio, an Ohio municipal corporation ("Landlord"), and T-Mobile Central LLC, a Delaware limited liability company ("Tenant").

### Recitals

The parties hereto recite, declare and agree as follows:

A. Landlord and Tenant entered into a Water Tower Attachment Lease Agreement (the "Lease"), dated October 5, 2001, which was subsequently amended with the First Amendment to Water Tower Attachment Lease Agreement on May 2, 2008(collectively, the "Lease") for antenna facilities located at 6850 Maplewood Ave., Sylvania, OH 43560(the "Premises").

B. Landlord and Tenant desire to enter into this Second Amendment in order to modify and amend certain provisions of the Lease.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant covenant and agree as follows:

1. Landlord Consent. Landlord hereby grants Tenant the right and consents to Tenant's expansion of the Premises and the installation of Hardening Construction Drawings as described and depicted on Exhibit "B-2", which is attached hereto and by this reference incorporated herein, which equipment shall be considered part of the "Antenna Facilities" under the Lease. The installation, as depicted in the Construction Drawings on Exhibit "B-2" constitutes the entire Premises under the Lease. B-2 shall be incorporated to modify the original Exhibit A.

2. Rent and Costs. The Rent that Tenant pays Landlord will be increased by Fifty Dollars (\$50) per month as of January 1, 2022. Thereafter, Rent, shall be payable in accordance with the terms of the Lease per the following schedule.

January 1, 2022	\$3,566.66/month
January 1, 2023	\$3,744.99/month
January 1, 2024	\$3,932.24/month
January 1, 2025	\$4,128.85/month
January 1, 2026	\$4,335.30/month
January 1, 2027	\$4,552.06/month

The parties hereby agree that, as of the date of this Second Amendment, there are no payment obligations of Tenant under the Lease, including but not limited to the payment of Rent, or other costs or fees, that are overdue.

3. Tenant's Notice Address. Tenant's notice addresses in the Lease are deleted in their entirety and replaced with the following:

If to Lessee: T-Mobile USA, Inc.  
12920 S.E. 38<sup>th</sup> Street  
Bellevue, WA 98006  
Attn.: Lease Compliance  
Site No. TO01080A

T-Mobile Site No: TO01080A  
T-Mobile Site Name: Sylvania Water Tank  
Market: Detroit

4. Terms: Conflicts. The terms and conditions of the Lease are incorporated herein by this reference, and capitalized terms used in this Second Amendment shall have the same meanings such terms are given in the Lease. Except as specifically set forth herein, this Second Amendment shall in no way modify, alter or amend the remaining terms of the Lease, all of which are ratified by the parties and shall remain in full force and effect. To the extent there is any conflict between the terms and conditions of the Lease and this Second Amendment, the terms and conditions of this Second Amendment will govern and control.

5. Approvals. Landlord represents and warrants to Tenant that the consent or approval of no third party, including, without limitation, a lender, is required with respect to the execution of this Second Amendment, or if any such third party consent or approval is required, Landlord has obtained any and all such consents or approvals.

6. Authorization. The persons who have executed this Second Amendment represent and warrant that they are duly authorized to execute this Second Amendment in their individual or representative capacity as indicated.

IN WITNESS WHEREOF, the parties have executed this Second Amendment on the day and year first written above.

**City of Sylvania, Ohio, an Ohio municipal corporation**

By: \_\_\_\_\_  
Craig A. Stough, Mayor (Date)

By: \_\_\_\_\_  
Toby Schroyer, Finance Director (Date)

**T-Mobile Central LLC, a limited liability company**

By:  7/12/2021  
(Authorized signatory) (DATE)

TMO Legally  
Digitally signed by  
TMO Legal  
Date:  
2021.07.12  
14:19:49  
+04'00'



T-Mobile Site No: TO01080A  
T-Mobile Site Name: Sylvania Water Tank  
Market: Detroit

**ORDINANCE NO. 50-2021**

**AUTHORIZING A SECOND AMENDMENT TO WATER TOWER ATTACHMENT LEASE AGREEMENT BETWEEN THE CITY OF SYLVANIA, AS LESSOR, AND T-MOBILE CENTRAL, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS LESSEE, FOR A PORTION OF THE WATER TOWER WITHIN BURNHAM PARK AND ADDITIONAL LAND IN BURNHAM PARK, FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, OPERATING, ALTERING, INSPECTING AND REMOVING COMMUNICATIONS FIXTURES, DETERMINING SAID CITY OWNED PROPERTY NOT TO BE NEEDED FOR MUNICIPAL PURPOSES DURING THE TIME OF THE PROPOSED LEASE; AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO SIGN SAID SECOND AMENDMENT TO WATER TOWER ATTACHMENT LEASE ON BEHALF OF THE CITY OF SYLVANIA, OHIO; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Sylvania acquired and is the owner of the real estate at Burnham Park, located in the City of Sylvania, Ohio; and,

WHEREAS, Ordinance No. 16-2014, passed April 7, 2014, authorized a Lease between the City of Sylvania and New Cingular Wireless, PCS, LLC (now known as T-Mobile Central, LLC), a Delaware Limited Liability Company, as Lessee, of a portion of the water tower within Burnham Park for the purpose of installing, constructing, maintaining, repairing, operating, altering, inspecting, and removing equipment, as well as additional land to construct a radio equipment shelter and fencing around the building, for an initial term of sixty (60) months, with four 60-month renewal options; and,

WHEREAS, T-Mobile Central, LLC (formerly New Cingular Wireless PCS, LLC), has requested proposed modifications to their existing facilities that require an additional approximately 50 square feet of property adjacent to their existing leased area; and,

WHEREAS, in exchange for said additional property, T-Mobile Central, LLC has agreed to pay an additional \$50/month for rent of the additional property; and,

WHEREAS, the Director of Public Service, by report dated July 19, 2021, has recommended approval of the Second Amendment to Water Tower Attachment Lease Agreement, a copy of which is now on file with the Clerk of 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 Second Amendment to Water Tower Attachment Lease Agreement is hereby approved and the Mayor and Director of Finance be, and they hereby are, authorized to enter into said Second Amendment to Water Tower Attachment Lease on behalf of the City of Sylvania, Ohio, as Lessor.

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 providing of improved communications technology to our citizens enhances the development and growth of the City of Sylvania. 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.

ATTEST:

\_\_\_\_\_  
President of Council  
APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council  
APPROVED:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



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DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

July 19, 2021

To: Mayor Stough and Members of Sylvania City Council

Re: Solid Waste Agreement Amendment

Dear Mr. Mayor and City Council Members:

As discussed during recent Utilities and Environment Committee meetings we have been in discussions with Republic Services regarding the extension of our existing collection services contract in lieu of advertising for outside proposals.

Those discussions have resulted in the following agreed upon items.

1. Republic will provide approximately 6,000 carts(95-gallon) for refuse collection.
2. The recycling collection schedule will change so that one half of the City is collected each week. (52-week collection schedule vs. current 26-week collection schedule)
3. The cost for refuse and recycling collection will be \$11.68 per unit per month through September 1, 2022.
  - a. The existing fee of \$0.81 per unit per month for unlimited collection remains and will be billed separately at the time of the two events(typically May and October).
4. The above fee structure will increase three percent (3%) annually on September 1.
5. The contract will be extended through September 1, 2026.

We are working with Republic Services representatives to coordinate recycling collection to our existing Green Yard Waste collection schedules. We are also planning public information pieces for direct mailing, utility bill inserts, media notices, etc. to inform our residents of the upcoming changes.

Due to cart delivery and distribution schedules we are aiming for an October 1 transition to the new service. Republic Services has provided good services to the City for several years and we would recommend that the amendments to the existing agreement be approved.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Safety/Service

**ORDINANCE NO. 51-2021****ACCEPTING THE PROPOSAL OF REPUBLIC SERVICES TO PROVIDE RESIDENTIAL CURBSIDE REFUSE AND RECYCLING COLLECTION AND DISPOSAL; AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A CONTRACT FOR SAID REFUSE AND RECYCLING COLLECTION AND DISPOSAL; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 53-2006, passed June 5, 2006, determined that the lowest and best bid for collection and disposal of residential refuse was that of Allied Waste Services and awarded the contract for the same to them; and,

WHEREAS, Ordinance No. 54-2006, passed June 5, 2006, accepted the bid of Allied Waste Services and authorized the Mayor and Director of Finance to enter into a contract pursuant to the lowest and best bid for the curbside recycling collection and disposal contract, and Chapter 943 of the Codified Ordinances of Sylvania, 1979, as amended; and,

WHEREAS, Ordinance No. 33-2009, passed May 4, 2009, accepted the proposal of Allied Waste Services to provide residential curbside refuse collection for a one-year term; and,

WHEREAS, Ordinance No. 38-2009, passed May 4, 2009, accepted the proposal of Allied Waste Services to provide residential curbside recycling collection for a one-year term; and,

WHEREAS, Ordinance No. 69-2010, passed July 19, 2010, accepted the bid of Allied Waste Services to provide residential curbside refuse collection for a three-year term; and,

WHEREAS, Ordinance No. 70-2010, passed July 19, 2010, accepted the bid of Allied Waste Services to provide residential curbside recycling collection for a three-year term; and,

WHEREAS, Ordinance No. 67-2012, passed December 3, 2012, accepted the proposal of Allied Waste Services to provide residential curbside recycling collection for a three-year term; and,

WHEREAS, Ordinance No. 68-2012, passed December 3, 2012, accepted the proposal of Allied Waste Services to provide residential refuse collection for a three-year term; and,

WHEREAS, Ordinance No. 38-2016, passed August 15, 2016, accepted the bid of Allied Waste Services of North America to provide residential refuse and recycling collection for a five-year term with one five-year renewal; and,

WHEREAS, the City's contract with Allied Waste, now known as Republic Services, expires on August 31, 2021, however, the contract entered into in 2016 provides for one five-year renewal; and,

WHEREAS, the Utilities and Environment Committee met on March 22, 2021 and June 7, 2021 to discuss amendments to the Sylvania Codified Ordinances and also various options for handling residential refuse and recycling in the City and thereafter recommended that the City's contract with Republic Services be extended for an additional five years; and,

WHEREAS, the Director of Public Service, by report dated July 19, 2021 has recommended acceptance of the proposal of Republic Services which will include the following:

1. Republic will provide approximately 6,000 95-gallon carts for refuse collection; 2. The recycling collection schedule will be modified to collect half of the City each week; 3. The cost for residential refuse and recycling collection will be \$11.68 per unit, per month through September 1, 2022, and will increase 3% annually on September 1 each year thereafter through August 31, 2026.

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

SECTION 1. That the proposal of Republic Services, for a five-year extension of the existing contract commencing September 1, 2021 and ending August 31, 2026, for the collection and disposal of City of Sylvania, Ohio residential refuse and recycling, under the same terms and conditions as set forth in the contract approved in 2016, subject to the following additional terms: 1. Republic will provide approximately 6,000 95-gallon carts for refuse collection; 2. The

recycling collection schedule will change so that one-half of the City is collected each week (52-week collection schedule vs. 26-week collection schedule); 3. The cost for refuse and recycling collection will be Eleven and 68/100 Dollars (\$11.68) per unit, per month, for the September 1, 2021 through August 31, 2022 term and thereafter, the rate shall be increased by three percent (3%) annually on September 1, 2022, September 1, 2023, September 1, 2024, and September 1, 2025, all as set forth in the proposal hereby accepted; 3. The existing fee of \$0.81 per unit, per month for unlimited collection remains and will be billed separately at the time of the two events (typically May and October); and the Mayor and Director of Finance are hereby authorized to enter into a contract with Republic Services whose proposal is hereby accepted for the combined refuse and recycling collection and disposal, pursuant to said proposal, the collection and disposal contract specifications, the provisions of Chapter 941 of the Codified Ordinances of Sylvania, 1979, as amended, and containing such the provisions as the Mayor, Director of Finance and Director of Law shall require, which contract shall be substantially in the form and substance of the refuse and recycling collection and disposal contract currently on file with the Clerk of Council.

**SECTION 2.** That the monthly payment under such residential refuse collection and disposal contract authorized by this Ordinance shall be charged to **Account No. 110-7515-51265 - Refuse Collection and Disposal.**

**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 continuous collection and disposal of refuse should be assured by authorizing a contract therefore immediate and consequently 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:

APPROVED AS TO FORM:

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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

8a

July 19, 2021

To: Mayor Stough and Members of Sylvania City Council

Re: Sewer Department Pickup

Dear Mr. Mayor and City Council Members,

We received the attached quote from Dave White Chevrolet to purchase a 2021 Chevrolet Silverado 1500 pickup in the amount of \$28,545. This vehicle is on the dealership's lot and is available for immediate possession. Upon purchase, it is our intent to transfer an existing pickup in the sewer department to the vehicle maintenance department and dispose of an existing 2004 Ford F-150 pickup.

This purchase follows the state term pricing program and was budgeted for in our 2021 budget. It will be purchased from the sewer account 702-7540-53405. Therefore, we request approval to:

1. Purchase a 2021 Chevrolet Silverado 1500 pickup from Dave White Chevrolet in the amount of \$28,545.;  
and
2. Dispose of a 2004 Ford F-150 pickup via auction on GovDeals.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Safety/Service



## Purchase Agreement

Jacob Rhodes  
Dave White Chevrolet  
5880 MONROE ST  
SYLVANIA, OH 43560

Buyer	Co-Buyer	Vehicle
Jeff Stasa 13805 Sylvania Metamora Rd. BERKEY, OH 43504 D: (419) 704-5387, E: (419) 644-4565 JSTASA@CITYOFSYLVANIA.COM		2021 Chevrolet Silverado 1500 Work Truck VIN: 3GCNYAEK8MG371195 Stock #: 21799 Mileage: 100 Color: Summit White

Purchase Details	
Retail Price:	\$36,435.00
Sales Price:	\$28,435.00
Savings:	\$8,000.00
Accessories:	\$0.00
Service Contract:	\$0.00
Government Fees:	\$35.00
Proc/Doc Fees:	\$75.00
Total Taxes	\$0.00
<b>Total Sales Price:</b>	<b>\$28,545.00</b>
Trade Allowance:	\$0.00
Trade Payoff:	\$0.00
Trade Equity:	\$0.00
Rebate:	\$0.00
Cash Down:	\$0.00
<b>Cash Price:</b>	<b>\$28,545.00</b>

X

Customer Signature

Date

X

Manager Signature

Date

Disclaimer:

Printed 6/26/21 9:57 AM

**\*\* All payments and rate quotes are approximate and are subject to credit approved\*\***  
Save money with more down payment!  
Lower BALANCE equals a lower monthly investment,  
Less finance charges and a shorter trade cycle.

2021 SILVERADO REG WT 4WD

GAZ SUMMIT WHITE

H0U JET BLACK

ORDER NO. ZPMP5T/TRE

VIN 3GC NYAE K8 MG371195

/L4G

GENERAL MOTORS LLC

RENAISSANCE CENTER

DETROIT MI 48243-1114

VEHICLE INVOICE 10D16777392

\*\*\*\*\*0206\*\*\*\*\*13\*28680S

MODEL & FACTORY OPTIONS

	MSRP	INV AMT	RETAIL - STOCK
CK10903 SILVERADO REG WT 4WD	33900.00	32577.90	INVOICE 06/03/21
A2X 10-WAY POWER DRIVER SEAT	290.00	263.90	SHIPPED 05/29/21
C4P SINGLE-ZONE SEMI -AUTOMATIC	100.00	91.00	EXP I/T 06/18/21
AIR CONDITIONING			INT COM 06/18/21
CSH GVWR: 6,900 LBS. (3,130 KG)	N/C	N/C	PRC EFF 05/29/21
FE9 50-STATE EMISSIONS	N/C	N/C	KEYS Z3359 Z3359
GU6 REAR AXLE: 3.42 RATIO	N/C	N/C	WFP-S QTR OPT-1
G80 AUTO LOCKING REAR DIFFERENTIAL	395.00	359.45	BANK: HUNTINGTON
KI4 120V INSTRUMENT PANEL &	225.00	204.75	CHG-TO 28-680
CARGO BED POWER OUTLETS			
KW5 ALTERNATOR; 220 AMPS	N/C	N/C	SHIP WT: 4582
L3B ENGINE: 2.7L TURBO	N/C	N/C	HP: 21.1
MQE TRANSMISSION: 8-SPEED AUTO	N/C	N/C	GVWR: 6900
PEB WT VALUE PACKAGE	2055.00	1870.05	GAWR.FT: 3800
* REMOTE KEYLESS ENTRY			GAWR.RR: 3800
* EZ LIFT, POWER LOCK			EMPLOY: 34003.61
& RELEASE TAILGATE			SUPPLR: 35337.30
* DEEP-TINTED GLASS			NTR: 1/2
* REAR-WINDOW DEFOGGER			DAN: WH422
* CRUISE CONTROL			EMPINC: 1918.82
* POWER ADJUSTABLE HEATED			SUPINC: 585.13
MIRRORS			
* POWER WINDOWS			
* POWER DOOR LOCKS			
* TRAILERING PACKAGE			
- TRAILER HITCH			
- 7 PIN AND 4 PIN CONNECTORS			
- HITCH GUIDANCE			
RD6 17" PAINTED STEEL WHEELS	N/C	N/C	
UE1 ONSTAR (R) SERVICES &	175.00	159.25	
4G LTE WI-FI (R) AVAILABLE;			
SEE ONSTAR.COM FOR TERMS			
U2K SIRIUSXM RADIO CAPABLE,	100.00	91.00	
ALL ACCESS TRIAL W/			
SUBSCRIPTION SOLD SEPARATELY			
1SZ WT VALUE PACKAGE DISCOUNT &	2500.00-	2275.00-	
2.7 L TURBO ENGINE CREDIT			

\*\* CONTINUED ON PAGE 2 \*\*

DAVE WHITE CHEVROLET, LLC

ORDINANCE NO. 52 -2021

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ACCEPT THE PROPOSAL OF DAVE WHITE CHEVROLET FOR THE PROVISION OF A NEW 2021 CHEVROLET SILVERADO 1500 PICK UP TRUCK FOR THE DIVISION OF SEWER, DEPARTMENT OF PUBLIC SERVICE; APPROPRIATING \$28,545 THEREFORE; AND DECLARING AN EMERGENCY.**

WHEREAS, one pickup truck in the Sewer Division is in need of replacement; and,

WHEREAS, the Director of Public Service has received a proposal from Dave White Chevrolet for the purchase of one (1) new 2021 Chevrolet Silverado 1500 pickup at a total cost of \$28,545; and,

WHEREAS, the Director of Public Service, by report dated July 19, 2021, has recommended acceptance of the proposal of Dave White Chevrolet to purchase a new 2021 Chevrolet Silverado 1500 pickup for the Sewer Division, Department of Public Service.

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

SECTION 1. That the Mayor and the Director of Finance be, and they hereby are, authorized to sign the proposal of Dave White Chevrolet on behalf of this City, thereby indicating such approval and acceptance for the provision of a new 2021 Chevrolet Silverado 1500 pickup truck for the Division of Sewer, Department of Public Service.

SECTION 2. That the Mayor and Director of Finance be, and hereby are, authorized and directed to sign any and all instruments and to do any and all things necessary to complete said purchase.

SECTION 3. That, upon receipt of delivery of said pickup truck by the City of Sylvania, the Director of Finance is hereby authorized to issue his warrant or warrants in payment therefore from the **SEWER FUND** from funds therein not heretofore appropriated to **Account No.702-7540-53405, Equipment**, the total sum of Twenty-Eight Thousand Five Hundred Forty-Five Dollars (\$28,545.00).

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



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

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that proposal for said pickup truck should be approved immediately so that the purchase can be made 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



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

9a

July 19, 2021

To: The Mayor and Members of Sylvania City Council

Re: **CUSHMAN ROAD IMPROVEMENTS**  
**CHANGE ORDER NO. 1**

Dear Mr. Mayor and Council Members:

This change order request contains costs to perform work not included in the original contract documents for the project per Council's approval of Option 2 in the Service Department memo dated June 21, 2021. As a reminder, this work consists of 8-inch solid wall corrugated plastic pipe in the bottom of the existing swale and through existing drive tiles, backfill as necessary to support the pipe, and connect the existing drainage pipes and sump pump discharges to this pipe. Install 4-inch perforated corrugated plastic pipe to provide drainage for the road pavement and connect this pipe to the solid wall pipe at various locations for conveyance to existing outlets. Fill the swale with sand and topsoil to ground grade and reseed.

The project contractor, Salenbien Excavating, has provided a total cost of \$172,835.81 to perform this work per the attached schedule. We are requesting approval of Change Order No. 1 to allow this work to move forward. It is anticipated that the work will begin three to four weeks from approval based on material delivery.

Please call if you have any questions.

Sincerely,

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



9b.

**ORDINANCE NO. 53 -2021**

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 1 TO THIS CITY'S AGREEMENT WITH SALENBIEN TRUCKING AND EXCAVATING, INC. FOR THE CUSHMAN ROAD PROJECT TO PERFORM WORK NOT INCLUDED IN THE ORIGINAL CONTRACT DOCUMENTS; AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO EXECUTE A LIMITED INDEMNIFICATION AGREEMENT RELATIVE TO SAID WORK; INCREASING THE CONTRACT AMOUNT BY \$172,835.81; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 2-2021, passed January 4, 2021, accepted the bid of Salenbien Trucking and Excavating, Inc. and awarded the contract for the Cushman Road Improvement Project to same, which bid was in the amount of \$891,839.44; and,

WHEREAS, during the construction process, some residents attended Council meetings to express their concerns regarding the reprofiling of the front yard drainage swales; and,

WHEREAS, at the June 21, 2021 meeting of Sylvania City Council, the Director of Public Service presented four options to address the concerns of the residents as well as the City's desire to protect the road bed from future drainage; and,

WHEREAS, after reviewing the options presented by the Director of Public Service, Sylvania City Council authorized moving forward with Option 2 in the Service Director's Memo of June 21, 2021, which provides for installing an 8-inch diameter closed drainage pipe coupled with a 4-inch perforated drainage pipe with a filter sock laid in the bottom of the swale, stone backfill as required and dirt backfill to grade; and,

WHEREAS, the Director of Public Service, by report dated July 19, 2021, has requested approval of Change Order No. 1 of Salenbien Trucking and Excavating, Inc. for said Cushman

Road Project to perform the additional work requested on the project; and,

WHEREAS, the actual work performed resulted in a net increase to the contract in the amount of One Hundred Seventy-Two Thousand Eight Hundred Thirty-Five and 81/100 Dollars (\$172,835.81), for a total contract amount of \$1,064,675.25.

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

SECTION 1. That said change order increasing the contract amount by the sum of One Hundred Seventy-Two Thousand Eight Hundred Thirty-Five and 81/100 Dollars (\$172,835.81), authorized to be appropriated be, and the same hereby is, approved, and the Mayor and the Director of Finance be, and they hereby are, authorized to sign said change order on behalf of this City, thereby indicating such approval and changing the total contract amount.

SECTION 2. That the Mayor and Director of Finance be, and they hereby are, authorized and directed to sign the Limited Indemnification Agreement, on behalf of the City, as requested by the contractor, now on file with the Clerk of Council.

SECTION 3. That, to provide funds for said change order for improvements, there is hereby appropriated from the **CAPITAL FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53503, Street Improvements**, the sum of One Hundred Seventy-Two Thousand Eight Hundred Thirty-Five and 81/100 Dollars (\$172,835.81).

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 adjustments in the contract for said additional work requested should be approved immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

SECTION 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in

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

Vote 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

**ORDINANCE NO. 54 -2021****AMENDING PART ELEVEN – PLANNING AND ZONING CODE OF THE SYLVANIA CODIFIED ORDINANCES, 1979, AS AMENDED BY AMENDING SECTION 1101. – DEFINITIONS AND BY AMENDING SECTION 1153.02 – SPECIAL USES; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 52-2005, passed by Sylvania City Council on July 18, 2005, granted a Special Use Permit for 8216 Erie Street, Sylvania, Ohio, on the application of Baldemar and Sara Velasquez and Christina, Roger and Ethan Kruse on the recommendation of the Municipal Planning Commission; and,

WHEREAS, one of the conditions of the Special Use Permit provides that if the property is sold, the Special Use Permit will become void and it will not be transferable with the property; and,

WHEREAS, Ashley and Collin Balester desire to purchase the property located at 8216 Erie Street from the current owners and, therefore, need to apply for a Special Use Permit and wish to tailor the business to include the operation of a juice bar at the location.

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

**SECTION 1.** That Section 1101.100 – Tea House, of the Codified Ordinances of Sylvania, 1979, be, and the same hereby is, amended to read as set forth on the attached “Exhibit A.”

**SECTION 2.** That Section 1153.02 – Special Uses, of the Codified Ordinances of Sylvania, 1979, be, and the same hereby is, amended to read as set forth on “Exhibit B.”

**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 this ordinance must be immediately effective to provide for the operation of a juice bar and to make necessary changes to the Codified Ordinances. 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



1101.100      TEA HOUSE/JUICE BAR.

“Tea house/juice bar” means an owner-occupied residential single-family structure wherein tea, juice and other non-alcoholic beverages and light refreshments are served.

(Ord. \_\_\_\_\_-2021. Passed \_\_\_\_\_-2021.)

“Exhibit A”

\*

\*

\*

- (bb) Tea house/juice bar facilities in any R district only under the following conditions:
- (1) Tea house facilities shall be located only on the thoroughfares of Main Street, Summit Street, Brint Road, McCord Road, Erie Street, Harroun Road and Monroe Street west of US23;
  - (2) The hours of operation shall be as specified in the Special Use Permit as approved by Sylvania City Council;
  - (3) Required food licensing shall be as set forth in the Ohio Revised Code;
  - (4) Each facility shall have the following safety items:
    - (a) Smoke alarms in each unit;
    - (b) Two fire extinguishers which shall be “abc” rating and one shall be located in the kitchen and one shall be located at the main entrance/exit;
    - (c) First-aid kit;
    - (d) Emergency lighting and/or other safety devices as recommended by the Fire Chief.
  - (5) Failure to comply with these conditions, the Ohio Revised Code, the State Health Department or other such agencies shall be cause for repeal of the Special Use Permit.

(Ord. \_\_\_\_\_-2021. Passed \_\_\_\_\_-2021.)

“Exhibit B”



## Sylvania Police Division

6635 Maplewood Ave

Sylvania, OH. 43560

419-885-8900

11.

### Memorandum

July 15, 2021

TO: Kevin Aller; City Council

FROM: Chief Rick Schnoor

A handwritten signature in black ink, appearing to be "RS", written over the name "Chief Rick Schnoor".

SUBJECT: Request to post vehicles on Govdeals for sale

We are respectfully requesting permission to post the following vehicles on Govdeals.

2006	Jeep Commander	VIN # 1J8HG48K76C356912	Black and White
------	----------------	-------------------------	-----------------

2006	Ford F150	VIN# 1FTPX14526FB09412	Brown
------	-----------	------------------------	-------

Both vehicles have been in the fleet approximately 13 years and are 15 years old. The Ford has body rust that can no longer be repaired due to the age of the vehicle and lack of parts. The cost of repairs would be greater than the value of the vehicle.

The Jeep Commander has served us all these years as a Community Affairs vehicle assigned to the DARE officer. It recently suffered a substantial leak to the sun roof causing extensive water damage to the inside. Again, due to the age of the vehicle parts are hard to find.

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

42902580002		TRFL	JIMS PIZZA & MORE LLC
PERMIT NUMBER		TYPE	DBA JIMS PIZZA & MORE
06	01	2016	4507 HOLLAND SYLVANIA
ISSUE DATE			SYLVANIA OH 43560
06	15	2021	
FILING DATE			
D5			
PERMIT CLASSES			
48	077	A	F25500
TAX DISTRICT		RECEIPT NO.	

FROM 06/17/2021 SAFEKEEPING

4290258			JIMS PIZZA & MORE LLC
PERMIT NUMBER		TYPE	DBA JIMS PIZZA & MORE
06	01	2016	5127 S MAIN ST
ISSUE DATE			SYLVANIA OHIO 43560
06	15	2021	
FILING DATE			
D5			
PERMIT CLASSES			
48	077		
TAX DISTRICT		RECEIPT NO.	



MAILED 06/17/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/19/2021

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFL 4290258-0002**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF SYLVANIA CITY COUNCIL  
6730 MONROE ST  
SYLVANIA OHIO 43560



**Department  
of Commerce**

Rev 2/10/2021

Mike DeWine, Governor  
Jon Husted, Lt. Governor

Division of Liquor Control  
Sheryl Maxfield, Director

**Dear Local Legislative Authority Official:**

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You must, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing or not; or
- Ask for your one-time only, 30-day extension.
  - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

**To be considered timely, your above response must be:**

**FAXED** to the Division no later than 30 days after the "mailed" date (this is the date listed after the "responses must be postmarked no later than." You can fax your response to: (614) 644 - 3166

**EMAILED** to the Division no later than 30 days after the "mailed" date (this is the date listed after the "responses must be postmarked no later than." You can email your response to: [LiquorLicensingMailUnit@com.state.oh.us](mailto:LiquorLicensingMailUnit@com.state.oh.us)

**POSTMARKED**, if mailed, no later than the date listed on the notice after "responses must be postmarked no later than." You can mail your response to

Ohio Division of Liquor Control  
Attn: Licensing Unit  
6606 Tussing Road  
PO Box 4005  
Reynoldsburg, Ohio 43068-9005

In an effort to speed up processing times and reduce paper, the Division respectfully asks that you either fax or email the above notice. In a similar effort, please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to [https://www.comapps.ohio.gov/lqr/lqr\\_apps/PermitLookup/PermitHolderOwnership.aspx](https://www.comapps.ohio.gov/lqr/lqr_apps/PermitLookup/PermitHolderOwnership.aspx) and enter the permit number listed on the legislative notice; or
- Contact your police department or county sheriff, if you are a township fiscal officer or county clerk, as the Division sends the applicable law enforcement agency the pertinent ownership disclosure information when it notifies them of the permit application.



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

July 15, 2021

To: Mayor and Members of City Council

Re: Council Referral – SUP-3-2021  
5225 West Alexis Road

Dear Mayor and Members of Council:

Following is an excerpt from the minutes of the regular meeting of the Municipal Planning Commission of July 14, 2021, Council Referral – Petition for Zoning Ordinance Amendment Application No. SUP-3-2021 submitted by Masjid Saad Foundation for a Zoning Change from “B-2”, General Business District to “B-2 SUP”, General Business District Special Use Permit for property located at 5225 West Alexis Road, Sylvania, Ohio 43560:

..." Ms. Fischer moved, Ms. Lindhuber seconded to recommend to Council to approve the zoning change as requested. Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (5) aye; (0) nay. Motion passed by a 5 to 0 vote."...

Sincerely,

Debra Webb, Secretary  
Municipal Planning Commission

A

## Bucher, Sharon

**From:** Ashley Balester <contact@localrootsjuiceco.com>  
**Sent:** Monday, July 12, 2021 4:39 PM  
**To:** Bucher, Sharon  
**Subject:** Re: B-2 Zoning Amendment

ZA-1-2021  
5/17/21

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am withdrawing the application as Ashley Balester, Agent for Sara Velasquez

On Mon, Jul 12, 2021 at 4:15 PM Bucher, Sharon <[sbucher@cityofsylvania.com](mailto:sbucher@cityofsylvania.com)> wrote:

Yes, I will inform the Mayor and City Council.



Sharon M. Bucher

Clerk of Council

City of Sylvania

[sbucher@cityofsylvania.com](mailto:sbucher@cityofsylvania.com)

(419) 885-0463

(419) 885-8998 (fax)

**From:** Ashley Balester <[contact@localrootsjuiceco.com](mailto:contact@localrootsjuiceco.com)>  
**Sent:** Monday, July 12, 2021 4:06 PM  
**To:** Bucher, Sharon <[sbucher@cityofsylvania.com](mailto:sbucher@cityofsylvania.com)>  
**Subject:** B-2 Zoning Amendment

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

# City of Sylvania

## Bank Reconciliation

June 2021

B

Ending balance for May 2021	32,818,752.99
Add: Monthly Receipts	<u>2,556,683.62</u>
Subtotal	\$ 35,375,436.61
Less: Monthly Disbursements	<u>2,571,692.00</u>
Ending balance for June 2021	\$ 32,803,744.61

Less:	
CD Metamora Bank	\$ (2,176,639.59)
Star Ohio	(82,329.13)
Petty Cash (1)	(2,050.00)
Cemetery Savings	(1,062.86)
Toledo Community Fund	(31,803.18)
Key Bank Securities	(8,173.55)
5/3rd Securities	(8,168,978.13)
SJS Account	(5,856,765.86)
Morgan Stanley Investment	
UBS Financial	(7,408,591.21)
Premier Bank (CD)	(2,100,782.56)
Key Bank (CD)	(1,048,400.00)
Sylvania Township Bonds	(155,000.00)
	\$ 5,763,168.54

Bond Refund PI8301 Reversal	(1,000.00)
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(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	\$ 5,743,056.43
Deposit in Transit:	
Income Tax	11,218.14
General Deposit	35,399.52

Subtotal	\$ 5,789,674.09
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Less: Outstanding Checks (2)	27,505.55
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Adjusted Bank Balance	\$ 5,762,168.54
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(2)	
May Outstanding Checks	\$ 536,319.97

Checks written this month	729,711.39
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Voided CK#77576 dtd 3/3/21	(1,190.00)
Voided CK#77860 dtd 4/27/21	(82.94)

Subtotal	\$ 1,264,758.42
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Checks Cleared this month	(1,237,252.87)
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June Outstanding Checks	\$ 27,505.55
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Toby Schroyer  
Director of Finance, City of Sylvania



C

## Board of Architectural Review

Minutes of the regular meeting of July 14, 2021. Mr. Marciniak called the meeting to order.

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

Ms. Lindhuber moved, Mr. Schaaf seconded to approve the Minutes of the June 16, 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 – Regulated Sign – app. no. 22-2021 requested by Shondalynn Price Donelson for Mary Poppins Daycare, 5702 West Alexis Road, Sylvania, Ohio 43560. Application is for a new pylon panel in an existing monument sign.

Mr. Derek Johnson was present.

Sign is within the limits of the Sylvania Sign Code.

Mr. Schaaf moved, Ms. Lindhuber 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.

Item 4 – Regulated Sign – app. no. 23-2021 requested by Brian Heil of Toledo Sign Co. for Romeo's Pizza, 7632 West Sylvania Avenue, Sylvania, Ohio 43560. Application is for a new wall sign and a new pylon panel in an existing monument sign.

Mr. Heil was present.

Sign is within the limits of the Sylvania Sign Code.

Ms. Fischer moved, Mr. Schaaf 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.

Item 5 – Regulated Sign – app. no. 24-2021 requested by James A. Bond of National Illumination & Sign for Subway, 7621 Sylvania Avenue, Sylvania, Ohio 43560. Application is for a new wall sign.

Mr. Bond was present.

Sign(s) is not within the limits of the Sylvania Sign Code.

Ms. Lindhuber moved, Mr. Schaaf 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.

**Board of Architectural Review**  
**Minutes of July 14, 2021**  
**Page 2**

Item 6 – Regulated Sign – app. no. 25-2021 requested by Carrie L. Haluck of Signstat for Midwest Shooting Center, 7600 West Sylvania Avenue, Sylvania, Ohio 43560. Application is for a new wall sign and a pylon replacement tenant panel in an existing monument sign.

Ms. Ashley Sarrica was present.

Signs are within the limits of the Sylvania Sign Code.

Ms. Fischer moved, Ms. Lindhuber 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,

A handwritten signature in black ink, appearing to read "Debra Webb". The signature is fluid and cursive, with the first name "Debra" and last name "Webb" clearly distinguishable.

Debra Webb, Secretary  
Municipal Planning Commission

D

Sylvania Municipal Planning Commission

Minutes of the regular meeting of July 14, 2021. Mr. Marciniak called the meeting to order.

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

Ms. Lindhuber moved, Mr. Schaff seconded to approve the Minutes of the June 16, 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 – Petition for Zoning Ordinance Amendment Application No. SUP-3-2021 submitted by Masjid Saad Foundation for a Zoning Change from “B-2”, General Business District to “B-2 SUP”, General Business District Special Use Permit for property located at 5225 West Alexis Road, Sylvania, Ohio 43560.

Mr. Burns stated explained that when the property was annexed from the Township, had that it had been functioning as a church prior to the annexation into the City and that it has continued to operate as a church since that time.

Ms. Fischer moved, Ms. Lindhuber seconded to recommend to Council to approve the zoning change as requested. Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

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

Submitted by,



Debra Webb, Secretary  
Municipal Planning Commission