

Sylvania City Council

February 21, 2023

6:30 p.m. Finance Committee Meeting Ohio Attorney General Income Tax Collection Services

7:30 p.m. Council Meeting Agenda

1. Roll call: Mr. Frye, Mr. Hansen, Mr. Haynam, Mr. McCann, Mr. Richardson, Ms. Stough, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Ms. Stough.
3. Additions to the agenda.
4. Approval of the Council meeting minutes from February 6, 2023.
5. Introduction of City of Sylvania's newest Police Officer, Connor Cytlak.
6. Proclamation presentation by Mayor Stough to retiring Sylvania Area Joint Recreation District Board Member, George France.
7. Monroe St. & US-23 Interchange Improvements Project.
 - a. Service Director's Report on agreement.
 - b. Proposed Ordinance No. 20-2023, Authorizing the Mayor and Director of Finance to enter into a Real Estate Agreement No. 38750 between the State of Ohio, Department of Transportation and the City of Sylvania for right-of-way acquisition.
8. Monroe & Silica Improvement Project and Silica Drive Bridge Replacement Project.
 - a. Service Director's Report on contract.
 - b. Proposed Ordinance No. 21-2023, Accepting the bid of Mosser Construction and awarding the contract for this project to same.
9. Main Street and Oakland Court Improvement Project.
 - a. Service Director's Report on contract.
 - b. Proposed Ordinance No. 22-2023, Accepting the proposal of Fishbeck to provide professional engineering and surveying services for this project.
10. Proposed Ordinance No. 23-2023, Revising the Administrative, Departmental and Divisional Organization of the City and the Codified Ordinances thereof by amending Sylvania Codified Ordinance Chapter 113 – Ordinances and Resolutions.
11. Proposed Ordinance No. 24-2023, 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.

12. Committee reports.
 - a. Finance Committee meeting held this date.

13. Committee referrals.

INFORMATION

- A. Board of Architectural Review minutes from February 15, 2023
- B. Municipal Planning Commission minutes from February 15, 2023.
- C. Columbia Gas Newsletter on projects in Sylvania.

Minutes of the Meeting of Council
February 6, 2023

The Council of the City of Sylvania, Ohio met in regular session on February 6, 2023 at 7:30 p.m. with Mayor Stough in the chair. Roll was called with the following members present: Mark Frye, Marcus Hansen, Doug Haynam, Brian McCann, Patrick Richardson, Mary Westphal, Lyndsey Stough; (7) present; (0) absent.

Roll call:
7 present.

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

Pledge of
Allegiance.

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

The following item has been added to the agenda:

Item #18a. Schedule an Employee and Community Relations Committee meeting.

Mr. Frye moved, Mr. McCann seconded to approve the agenda as amended; roll call vote being: Frye, Haynam, Hansen, McCann, Richardson, Westphal, Stough; (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 17, 2023 meeting minutes. Mr. Frye moved, Mr. Hansen 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 17, 2023 be approved; roll call vote being: Haynam, McCann, Richardson, Westphal, Frye, Stough, Hansen; (7) yeas; (0) nays. The motion carried.

Approval of the
January 17, 2023
meeting minutes.

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

Retiring Civil Service Commission member, John Husman, was presented a Proclamation by Mayor Stough for his 30 years of outstanding volunteer service as a member of the Civil Service Commission of the City of Sylvania.

Proclamation to
retiring Civil
Service
Commission
Member, John
Husman.

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

The City of Sylvania’s representative on the Board of Governors for the Toledo Lucas County Health Department, Dr. Richard Munk, provided an update on the department and stated that they continue to be very active in the community.

Update by Dr.
Richard Munk on
the TLCHD.

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 10-2023, a written copy of same having been previously furnished to each member of Council “Authorizing an agreement with American Fireworks Manufacturing Co. for the Independence Day Celebrations on July 3, 2023 and July 4, 2024 at Centennial Terrace

Ordinance No.
10-2023,
“Authorizing an
agreement with
American

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and Quarry; Authorizing the Mayor and Director of Finance to sign an agreement for the fireworks display which will cost forty-five thousand dollars (\$45,000) per year; Authorizing a 50% deposit payment for each year's fireworks display due March 1 of each calendar year which will be shared by the City, Sylvania Township, Coca-Cola Corporation, the Sylvania Area Joint Recreation District and area businesses; and declaring an emergency." Mr. Frye moved, Mr. McCann seconded for passage of Ordinance No. 10-2023 as an emergency measure; roll call vote being: Westphal, Frye, Hansen, Haynam, Stough, McCann, Richardson; (7) yeas; (0) nays. The motion carried.

Fireworks...for
July 2023 &
2024...at
Centennial
Terrace &
Quarry..."

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

Service Director's report on the engineering support contract was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 11-2023, a written copy of same having been previously furnished to each member of Council "Accepting the proposal of DGL Consulting Engineers, LLC to provide engineering support services during construction of the Monroe and Harroun intersection improvement project; appropriating funds therefore in the amount of \$10,000; and declaring an emergency."; Mr. Richardson moved, Ms. Stough seconded for passage of Ordinance No. 11-2023 as an emergency measure; roll call vote being: Frye, Hansen, Haynam, McCann, Richardson, Westphal, Stough; (7) yeas; (0) nays. The motion carried.

Ordinance No.
11-2023,
"Accepting the
proposal of DGL
Consulting
Engineers...
Monroe &
Harroun
Intersection..."

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

Service Director's report on contract services was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 12-2023, a written copy of same having been previously furnished to each member of Council, noticing a discrepancy in the project name and appropriating fund amount, Mr. Richardson moved, Mrs. Westphal seconded to amend proposed Ordinance No. 12-2023 to reflect the appropriate corrections to the project name and fund amount; roll call vote being: Hansen, Haynam, McCann, Richardson, Westphal, Stough, Frye; (7) yeas; (0) nays. The motion carried.

Amend
Ordinance No.
12-2023, to
reflect correct
project name and
appropriating
fund amount.

Mr. Richardson continued by presenting and reading aloud by title only with correct verbiage, proposed Ordinance No. 12-2023 "Accepting the proposal of American Structurepoint, Inc. to provide construction management services for the Monroe Street and Silica Drive Improvement Project and Silica Drive Bridge Replacement Project; appropriating funds therefore in an amount not to exceed \$498,080; and declaring an emergency."; Mr. Richardson moved, Mr. Frye seconded for passage of Ordinance No. 12-2023 as an emergency measure; roll call vote being: Frye, Hansen, Haynam,

Ordinance No.
12-2023,
"Accepting
proposal of
American
Structurepoint
Inc. to provide

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McCann, Richardson, Westphal, Stough; (7) yeas; (0) nays. The motion carried. management services...”

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

Service Director’s report on proposed amendments was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 13-2023, a written copy of same having been previously furnished to each member of Council “Amending the criteria for the installation of Speed Hump Traffic Controls in City streets as initially approved by Ordinance No. 63-92 and amended by Ordinance Nos. 82-93, 68-98 and 66-2005 to establish the procedure for replacing speed humps that have been removed as part of a street improvement project; and declaring an emergency.”; Mr. Frye moved, Mr. Haynam seconded for passage of Ordinance No. 13-2023 as an emergency measure; roll call vote being: Hansen, Stough, Frye, Richardson, Westphal, McCann, Haynam; (7) yeas; (0) nays. The motion carried. Ordinance No. 13-2023, “Amending criteria for... speed hump traffic controls...”

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

Service Director’s report on vehicle purchases was placed on file. Mr. Hansen presented and read aloud by title only, proposed Ordinance No. 16-2023, a written copy of same having been previously furnished to each member of Council, “Authorizing the Mayor and Director of Finance to accept the proposal of Dave White Chevrolet for the provision of a new 2023 Chevrolet Silverado 5500HD Pick Up Truck for the Division of Parks, Department of Public Service; appropriating \$57,613 therefore; and declaring an emergency.”; Mr. Hansen moved, Ms. Stough seconded for passage of Ordinance No. 16-2023 as an emergency measure; roll call vote being: Frye, Hansen, Haynam, McCann, Richardson, Westphal, Stough; (7) yeas; (0) nays. The motion carried. Ordinance No. 16-2023, “... Accept proposal of Dave White Chevrolet...2023 Silverado...”

Mr. Hansen presented and read aloud by title only, proposed Ordinance No. 15-2023, a written copy of same having been previously furnished to each member of Council, “Authorizing the Mayor and Director of Finance to accept the proposal of Kalida Truck Equipment, Inc. for the provision of one new Dump Truck Body & Snow Package for the Division of Parks, Department of Public Service; appropriating \$68,500 therefore; and declaring an emergency.”; Mr. Hansen moved, Mr. Haynam seconded for passage of Ordinance No. 15-2023 as an emergency measure; roll call vote being: Hansen, Haynam, Frye, McCann, Richardson, Westphal, Stough; (7) yeas; (0) nays. The motion carried. Ordinance No. 15-2023, “... Accept proposal of Kalida... Dump Truck Body Snow Pkg...”

Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 14-2023, a written copy of same having been previously furnished to each member of Council, “Authorizing the Mayor and Director of Finance to accept the proposal of Whiteford Kenworth for the provision of a new 2024 Kenworth T480 Cab/Chassis for Ordinance No. 14-2023, “... Accept proposal of Whiteford

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the Division of Streets, Department of Public Service; appropriating \$118,432 therefore; and declaring an emergency.”; Mr. Richardson moved, Mr. McCann seconded for passage of Ordinance No. 14-2023 as an emergency measure; roll call vote being: Haynam, Frye, McCann, Richardson, Westphal, Stough, Hansen; (7) yeas; (0) nays. The motion carried.

Kenworth...
2024 Kenworth
T480
Cab/Chassis...”

Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 17-2023, a written copy of same having been previously furnished to each member of Council, “Authorizing the Mayor and Director of Finance to accept the proposal of Kalida Truck Equipment, Inc. for the provision of one new Dump Truck Box, Plow and Salt Spreader for the Division of Streets, Department of Public Service; appropriating \$124,300 therefore; and declaring an emergency.”; Mr. Richardson moved, Ms. Stough seconded for passage of Ordinance No. 17-2023 as an emergency measure; roll call vote being: Hansen, Haynam, Frye, McCann, Richardson, Westphal, Stough; (7) yeas; (0) nays. The motion carried.

Ordinance No.
17-2023, “...
Accept proposal
of Kalida...
Dump Truck
Box, Plow & Salt
Spreader...”

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

Mr. Frye moved, Mr. Hansen seconded to approve one City vehicle (2007 Jeep Commander) to be offered for auction on GovDeals.com; roll call vote being: Haynam, McCann, Richardson, Hansen, Westphal, Stough, Frye; (7) yeas; (0) nays. The motion carried.

Authorize 1 City
Vehicle to
auction on
GovDeals.com.

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

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 18-2023, a written copy of same having been previously furnished to each member of Council, “Authorizing the Mayor and Director of Finance, on behalf of the City of Sylvania, to enter into a 2-year collective bargaining agreement commencing January 1, 2023, with the Fraternal Order of Police/Ohio Labor Council, on behalf of the Sylvania Police Clerks; and declaring an emergency.”; Mrs. Westphal moved, Mr. McCann seconded for passage of Ordinance No. 18-2023 as an emergency measure; roll call vote being: Haynam, Frye, McCann, Hansen, Richardson, Westphal, Stough; (7) yeas; (0) nays. The motion carried.

Ordinance No.
18-2023,
“Authorizing...
2-year collective
bargaining
agreement...
Police Clerks”

Mayor Stough stated that Council will now consider agenda item 14.

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 19-2023, a written copy of same having been previously furnished to each member of Council, “Authorizing the Mayor and Director of Finance to enter into an agreement with Connor Cytlak; and declaring an emergency.”; Mr. Frye moved, Mrs. Westphal

Ordinance No.
19-2023,
“Authorizing...
agreement with

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seconded for passage of Ordinance No. 19-2023 as an emergency measure; roll call vote being: Hansen, Haynam, Frye, McCann, Richardson, Westphal, Stough; (7) yeas; (0) nays. The motion carried.

Connor Cytlak”

Mayor Stough stated that Council will now consider agenda item 15.

Director of Finance, Toby Schroyer, reported on proposed Ordinance No. 74-2019, discussing income tax collection services through the Ohio Attorney General’s Office. Mr. Frye moved, Mr. Haynam seconded to refer this matter to the Finance Committee; roll call vote being: Frye, Hansen, Haynam, McCann, Richardson, Westphal, Stough; (7) yeas; (0) nays. The motion carried.

Refer Ordinance No. 74-2019, “Authorizing... Ohio Attorney General... Collection of unpaid income tax...” to Finance Committee & set meeting date.

Mr. Frye moved, Mrs. Westphal seconded to schedule a Finance Committee meeting to review proposed Ordinance No. 74-2019, income tax collection services by the Ohio Attorney General; the committee meeting will be held on Tuesday, February 21, 2023 at 6:30 p.m.; roll call vote being: Stough, Westphal, Richardson, Haynam, Hansen, McCann, Frye; (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider item 16.

Mrs. Westphal presented and read aloud by title only, proposed Resolution No. 2-2023, a written copy of same having been previously furnished to each member of Council, “A Resolution of the Council of the City of Sylvania establishing the Downtown Decorations Advisory Board; repealing Resolution No. 15-2009; and declaring an emergency.”; Mrs. Westphal moved, Mr. McCann seconded for passage of Resolution No. 2-2023 as an emergency measure; roll call vote being: Stough, Haynam, Frye, McCann, Hansen, Richardson, Westphal; (7) yeas; (0) nays. The motion carried.

Resolution No. 2-2023, “... Establishing the Downtown Decorations Advisory Board...”

Mayor Stough stated that Council will now consider item 17.

Mr. Frye moved, Mr. Haynam seconded to confirm the Mayor’s appointment of John Monaghan to the Audit Committee of Sylvania, Ohio term commencing on February 7, 2023 with no term expiration date; roll call vote being: Frye, Stough, Westphal, Richardson, Haynam, Hansen, McCann; (7) yeas; (0) nays. The motion carried.

Confirmation of John Monaghan to the Audit Committee of Sylvania, Ohio.

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Mayor Stough stated that Council will now consider added agenda item 18a.

Mrs. Westphal moved, Ms. Stough seconded to schedule an Employee and Community Relations Committee meeting to review Community Board Appointment guidelines; the committee meeting will be held on Monday, March 20, 2023 at 6:45 p.m.; roll call vote being: Stough, Westphal, Richardson, Haynam, Hansen, McCann, Frye; (7) yeas; (0) nays. The motion carried.

Set Emp. &
Comm. Relations
Committee
Meeting.

Mayor Stough stated all agenda items have been addressed.

Mr. Frye moved, Mrs. Westphal seconded to adjourn at 9:00 p.m. Roll call vote being: Richardson, Westphal, Frye, Hansen, Stough, Haynam, McCann; (7) yeas; (0) nays.

Adjournment.

Clerk of Council

Mayor

6



Office of the Mayor

Proclamation

Whereas:

George France began his first term on the Sylvania Area Joint Recreation District ("SAJRD") Board of Trustees on January 1, 1999; and,

WHEREAS: at the expiration of his term on December 31, 2022, Mr. France chose not to seek re-appointment to the SAJRD Board; and,

WHEREAS: as a member of the Board, Mr. France was supportive of the expansion of Pacesetter Park, Tam-O-Shanter office expansion and Field House construction, purchase of Children's Wonderland exhibit from Lucas County and Centennial Terrace & Quarry renovations; and,

WHEREAS: Mr. France has selflessly donated his time and expertise and has provided outstanding contributions to the City of Sylvania through his service on the SAJRD Board.

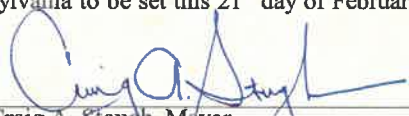
NOW, THEREFORE, I, Craig A. Stough, Mayor, do hereby proclaim Tuesday, February 21, 2023 as:

GEORGE FRANCE DAY

in the City of Sylvania.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Sylvania to be set this 21st day of February, 2023.





Craig A. Stough, Mayor
City of Sylvania, State of Ohio

7a.



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

February 21, 2023

To: The Mayor and Members of Sylvania City Council

Re: **LUC-US 23-11.75 (PID 105889) – MONROE STREET & US-23 INTERCHANGE IMPROVEMENTS
ODOT REAL ESTATE AGREEMENT NO. 38750**

Dear Mr. Mayor and Council Members:

On August 16, 2021 City Council approved Consent Legislation (Ord. 57-2021) with the Ohio Department of Transportation (ODOT) to administer the design of the LUC-US 23-11.75 Project as an ODOT-Let project. In addition, City Council authorized payment of the local contribution of design engineering funds (\$227,472.80) to ODOT (Ord. 58-2021). The project is currently through Stage 1 design with construction scheduled for 2025-26.

Preliminary right-of-way plans to obtain the necessary real estate to construct the project have been submitted. ODOT will lead the right-of-way acquisition process, but the City is responsible for 100% of the costs. To acquire the real estate, a formal Agreement needs to be in place between ODOT and City which outlines responsibilities and estimates the acquisition costs based on the Preliminary right-of-way plans.

ODOT is estimating \$85,000 for consultant services and \$450,000 in right-of-way acquisition for a total estimated cost of \$535,000. Based on the Agreement, the City is requested to pay \$286,000 in 2023 with the remaining balance of \$249,000 due in January 2024.

This is a programmed expense in the 2023 Capital Improvement budget and we would request approval of the Real Estate Agreement with ODOT. Funds would be from account 401-7610-53503.

Please call with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin G. Aller".

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

7b.

ORDINANCE NO. 20-2023

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO REAL ESTATE AGREEMENT NO. 38750 BETWEEN THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION AND THE CITY OF SYLVANIA FOR RIGHT-OF-WAY ACQUISITION RELATIVE TO THE MONROE STREET & US 23 INTERCHANGE IMPROVEMENT PROJECT; APPROPRIATING FUNDS FOR THE ANTICIPATED RIGHT-OF-WAY ACQUISITION COSTS IN THE AMOUNT OF \$535,000; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 57-2021, passed February 21, 2023, authorized the Mayor and Director of Finance to enter into an Agreement with the State of Ohio, Department of Transportation to administer the Monroe Street and US 23 Interchange Improvement Project (LUC-US 23-11.75) as a Local Public Agency Project; and,

WHEREAS, Ordinance No. 58-2021, passed August 16, 2021, appropriated funds in the amount of \$227,472.80 for engineering design services relative to the US23/Monroe Street Interchange Project; and,

WHEREAS, right-of-way plans to obtain the additional real estate to construct the project have been completed and the City is ready to begin acquiring the necessary property; and,

WHEREAS, the proposed Agreement outlines responsibilities for right-of-way acquisition between the City and the Ohio Department of Transportation and estimates the costs associated with the acquisition; and,

WHEREAS, the current estimate for right-of-way acquisition is \$450,000 plus \$85,000 for consultant services, for a total estimated cost of \$535,000 with \$286,000 payable in 2023 and \$249,000 payable in 2024; and,

WHEREAS, ODOT has proposed the attached Agreement Real Estate Agreement No. 38750, a copy of which is attached hereto as "Exhibit A"; and,

WHEREAS, the Director of Public Service, by report dated February 21, 2023, has recommended approval of Agreement No. 38750 between the Ohio Department of Transportation and the City of Sylvania, Ohio.

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

SECTION 1. That the Mayor and Director of Finance be, and they hereby are, authorized to enter into, on behalf of this City, Agreement No. 38750 with the Ohio Department of Transportation for right-of-way acquisition in the form and substance of said Agreement attached hereto.

SECTION 2. That to provide funds for said right-of-way acquisition hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53503 – Street Improvements** the amount of Five Hundred Thirty-Five Thousand Dollars (\$535,000.00).

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 Agreement should be entered into immediately to provide for the right-of-way acquisition for the Monroe Street & US 23 Interchange Improvement Project. 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, _____, 2023 as an emergency measure.

President of Council

APPROVED AS TO FORM:

ATTEST:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

Real Estate Agreement No. 38750

City of Sylvania
Joseph E. Shaw, Deputy Director
6730 Monroe Street
Sylvania, OH 43560

Re: LUC US 23-11.75 Interchange
FPN: E210 (244)
SJN: 427954
PID No.: 105889

Dear Mr. Shaw:

Pursuant to both Federal and State law, 49 CFR Part 24 and ORC 163 et.seq., the Ohio Department of Transportation (ODOT) is required to monitor all highway development projects receiving funds from the Federal Highway Administration. The rights of way acquired for the above referenced project will be incorporated into a Federally-assisted project and the following provisions must be set forth and agreed upon between the City of Sylvania (City) and the ODOT.

Ordinance No. (Resolution No.) _____, passed on _____ by the City of Sylvania, for cooperation with the State on the acquisition of right of way on the above referenced project, which is described as follows:

For the reconstruction and reconfiguration of the SR 51 interchange over US 23 including necessary work for bridge replacements, ramp reconstruction, secondary street upgrades and resurfacing.

Discussions and understandings between representatives from our organizations in reference to the acquisition of rights of way must now be officially set forth and agreed upon. If you agree to the following facts and stipulations, please sign all copies of this agreement and return them to the ODOT District Two Office together with payment and the attached Invoice.

The **ESTIMATED** Right of Way Acquisition and RW Services costs based upon the Preliminary right of way plans submitted was rounded to \$535,000.00.

The **ESTIMATED** right of way cost breakdown is as follows:

Right of Way Acquisition Costs	\$450,000.00
RW Labor Costs	\$ 85,000.00
Amount due from City	\$535,000.00

The project as programmed provides for participation in project right of way acquisition costs and right of way labor costs at 100% Local Funds (City of Sylvania).

The City of Sylvania must seek authorization from the ODOT District Real Estate Office to begin any phase of the acquisition process. ODOT will seek Federal authorization under the PE ENV authorization to proceed with right of way services utilizing ODOT's statewide task order contracts after the initial deposit for \$286,000 is received from the City and provided to ODOT.

Federal authorization to proceed with acquisition will be obtained upon Environmental Approval and

all final costs which may exceed this estimate. In this instance, a future billing may additionally be required which exceed the estimated amount of \$535,000.00. The City of Sylvania would then be invoiced for any overage amount referencing this Real Estate Agreement. Any excess deposit by the City of Sylvania will not get reconciled to the project until closeout after construction is completed.

ODOT will select the pre-qualified consultants from the ODOT list of prequalified RW acquisition consultants to provide turnkey appraisal and right of way services based upon available contract funds. A separate pre-qualified appraisal review consultant from the ODOT list of prequalified review appraisers will also be selected by ODOT based upon available contract funds. All consultants are required to complete the acquisition of the right of way necessary in accordance with sections 163.51 through 163.62, inclusive of the revised code of Ohio, Sections 5501:2-5-01 et. seq. of the Ohio Administrative Code and any future amendments thereto which supplement and support Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, and Federal Highway regulations and directives on Relocation Assistance and Real Property Acquisition, as well as full compliance with Title VI of the Civil Rights Act of 1964.

Consent Statement

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

Cooperation Statement

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

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

Administrative and/or Case Settlement Review:

The ODOT and the City will be responsible for administrative settlement reviews which must be maintained in the parcel file in writing, containing all the appropriate documentation to support the request. The City will allow ODOT to settle for Administrative Reviews in accordance with ODOT Real Estate Policy and Procedure Manual up to an amount of \$5,000.00 over the established FMVE. Administrative Reviews which exceed this amount will be further consulted and agreed upon with the City.

All Administrative and/or Case Settlement Reviews will be governed by ODOT Real Estate Policy and Procedure Manual, including the level of authority that requires ODOT District Two and/or ODOT Central Office approval *prior to owner agreement and/or case settlements.*

Appropriations

The ODOT and Attorney General Office will handle the filing for appropriation and properties which

the Federal Highway Administration. This certification will include the utility note, encroachment removals and all applicable notes and exhibits.

Utilities and Right-of-Way Statement

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

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

It is understood by the City that disposal of unneeded portions of highway rights of way or limited access rights will be subject to State and Federal Highway Administration approval.

It is agreed that the City will reimburse the State monies spent on the project that were not covered by the deposit if the project is eventually canceled or does not progress to construction.

Maintenance

Upon completion of the Project, and unless otherwise agreed, the City shall maintain all those portions of the project under its jurisdiction within the right-of-way for non-Limited Access areas, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes. ODOT shall maintain all the portions of the project under its jurisdiction within the right-of-way for all Limited Access areas.

Authority to Sign

The Mayor and Director of Finance of said City of Sylvania is hereby empowered on behalf of the
(Contractual Officer)

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

Attest:

City of Sylvania

Witness

By _____
Craig A. Stough, Mayor

Date: _____

Witness

By _____
Toby A. Schroyer, Director of Finance

City of Sylvania, Ohio

Ohio Department of Transportation

Jack Marchbanks, Ph.D, Director
By: Patrick McColley
District Two Deputy Director

Date: _____

David E. Seasley, P. S.
District Two Real Estate Administrator

Date: _____

8a.



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

February 21, 2023

To: The Mayor and Members of Sylvania City Council

Re: **BID AWARD RECOMMENDATION – PID 107489**
LUC-MONROE ST & SILICA DR UPRD (PART I)
LUC-SILICA DRIVE BRIDGE REPLACEMENT (PART II)

Dear Mr. Mayor and Council Members:

The Service Department requested City Council authorization to advertise for bids at the December 19, 2022 meeting for the Monroe Street & Silica Drive improvements project. The City received two (2) bids on February 3, 2023.

The published engineer's estimate was \$5,270,076.76. The apparent low bidder (ALB) was Mosser Construction with a bid of \$5,906,737.56 (12.1% over estimate). The 2nd bid received was from Miller Bros. Construction with a bid of \$6,187,529.47 (17.4% over estimate).

During bid tab analysis it was determined there was an error in the engineer's estimate for the bridge portion of the project (Part II). Specifically, the engineer incorrectly estimated the cost of drilled shafts needed for the new bridge. The engineer provided the City with a corrected estimate of \$5,591,275.97 which reduced the over-estimate percentage from 12.1% to 5.6%.

Mosser Construction has not done previous work for the City, but is an ODOT pre-qualified contractor and has previous experience in performing Local Public Agency (LPA) work consistent with ODOT requirements. Therefore, it is our recommendation that the contract be awarded to Mosser Construction from Fremont, Ohio in the amount of \$5,906,737.56.

Please call if you have any questions.

Sincerely,

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

8b.

ORDINANCE NO. 21-2023

**ACCEPTING THE BID OF MOSSER CONSTRUCTION AND
AWARDING THE CONTRACT FOR THE MONROE STREET & SILICA
DRIVE INTERSECTION IMPROVEMENT AND SILICA DRIVE BRIDGE
REPLACEMENT PROJECT TO SAME; AUTHORIZING THE
EXPENDITURE FOR THE IMPROVEMENTS IN THE AMOUNT OF
\$5,906,737.56; APPROPRIATING FUNDS THEREFORE; AND
DECLARING AN EMERGENCY.**

WHEREAS, plans for the Monroe Street & Silica Drive Intersection Improvement and Silica Drive Bridge Replacement Project have been completed and are now on file with the Clerk of this Council; and,

WHEREAS, the Clerk of Council was authorized to advertise for bids at the December 19, 2022 Sylvania City Council meeting and thereafter the Clerk advertised for bids, and the bids were opened on February 3, 2023, and thereafter, the Director of Public Service, by report dated February 21, 2023, stated that the total engineer’s estimate for the Monroe Street & Silica Drive Intersection Improvement and Silica Drive Bridge Replacement Project was \$5,270,076.76 and the following bids were received:

<u>BIDDERS</u>	<u>BID PRICE</u>
Mosser Construction	\$5,906,737.56
Miller Brothers	6,187,529.47

WHEREAS, upon review of the bids both of the bids received, it was discovered that both bids were in excess of the ten percent limit of the engineer’s estimate as provided for in Ohio Revised Code Section 153.12; and,

WHEREAS, pursuant to the Ohio Constitution’s Home Rule Amendment (Article XVIII, Section 7) and the Charter of the City of Sylvania, the City may waive the ten percent limitation as an exercise of its home rule authority; and,

WHEREAS, in comparing the estimate with the bids received, it became apparent that there were four items on the bridge portion of the project (drilled shafts) in which the estimated

per unit pricing was extremely low when compared to the contractors' bids for these items; and,

WHEREAS, DGL, the City's consultant on this project who prepared the engineer's estimate, has reviewed the estimate for those items and confirmed that an error was made in its estimate of those items and, therefore, has submitted an engineer's corrected estimate in the amount of \$5,591,275.97; and,

WHEREAS, using the engineer's corrected estimate would result in the bid of Mosser Construction falling within the ten percent rule in Ohio Revised Code Section 153.12; and,

WHEREAS, both the Director of Public Service and Deputy Director of Public Service have recommended that this project not be re-bid as both bids are fairly close to each other and represents a fair and honest bid of the project cost; and,

WHEREAS, the schedule and timing of this project is of utmost importance due to the complete closure of the Silica Drive Bridge which is adjacent to Northview High School; and,

WHEREAS, the City and Sylvania City School District have coordinated the closure of the bridge based on a completion date prior to the start of school in August, 2023 and a re-bid of the project would result in the completion interfering with the start of a new school year and would significantly impact the school district; and,

WHEREAS, the Director of Public Service, by report dated February 21, 2023, has recommended acceptance of the lowest bid of Mosser Construction and that the contract for the Monroe Street & Silica Drive Intersection Improvement and the Silica Drive Bridge Replacement Project be awarded to same; and,

WHEREAS, the Directors of Public Service and Law recommend that, pursuant to the home rule authority provisions of the Ohio Constitution and the Charter of the City of Sylvania that the ten percent rule be waived so that construction of this project can commence and the earliest possible time.

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

SECTION 1. That the bid of Mosser Construction of Fremont, Ohio for said Monroe Street & Silica Drive Intersection Improvement and the Silica Drive Bridge Replacement Project, in the amount of Five Million Nine Hundred Six Thousand Seven Hundred Thirty-Seven and 56/100 Dollars (\$5,906,737.56), is hereby determined to be the lowest and best bid received and the same is hereby accepted.

SECTION 2. That, pursuant to the Home Rule Amendment of the Ohio Constitution (Article XVIII, Section 7) and the Charter of the City of Sylvania, the provisions of Ohio Revised Code Section 153.12 are hereby waived.

SECTION 3. That the Mayor and Director of Finance be, and hereby are, authorized and directed to execute a contract with the bidder named in Section 1 above for the furnishing of such labor and materials in accordance with said bid.

SECTION 4. That to provide funds for said improvements hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53503 – Street Improvements**, the total sum of Five Million Nine Hundred Six Thousand Seven Hundred Thirty-Seven and 56/100 Dollars (\$5,906,737.56).

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

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

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the bid of Mosser Construction should be accepted immediately so as to provide for the commencement of the Monroe Street & Silica Drive Intersection Improvement and Silica Drive Bridge Replacement Project at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2023, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date



9a.

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

February 21, 2023

To: The Mayor and Members of Sylvania City Council

Re: **Oakland Court Improvements**
Contract for Professional Surveying and Engineering Services

Dear Mr. Mayor and Council Members:

On October 3, 2022 City Council authorized the Service Department to submit an Ohio Public Works Commission (OPWC) grant funding application for the Main Street (LUC-CR-1572-8.28, PID 111207) and Oakland Court Improvements projects (Res. 15-2022). The Commission notified us in December 2022 that our grant funding application was successful.

This project will replace the existing concrete pavement full-depth with new asphalt, curbing, and driveway aprons. In addition, the waterline and storm sewer systems will be replaced within the right-of-way. All existing infrastructure including the pavement is original from when the roadway was constructed in 1960.

As a result, the Service Department would like to commence topographic survey and engineering design services. The Service Department has received a proposal from Fishbeck in the amount of \$51,311 to complete the required scope of services. Fishbeck's team will survey the right-of-way area and create a base map that will be used to develop the necessary construction plans for a 2024 construction project. Engineering design was included in the 2023 capital improvement budget and would be funded from the 401-7610-53503 account.

We would recommend approval of the proposal from Fishbeck in the amount of \$51,311. Please call if you should have any questions.

Sincerely,

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

9b.

ORDINANCE NO. 22-2023

ACCEPTING THE PROPOSAL OF FISHBECK TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE MAIN STREET AND OAKLAND COURT IMPROVEMENT PROJECT; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$51,311; AND DECLARING AN EMERGENCY.

WHEREAS, Resolution No. 15-2022, passed October 3, 2022, authorized the Mayor and Director of Finance to submit an Ohio Public Works Commission (“OPWC”) grant application for the Main Street and Oakland Court Improvements Project; and,

WHEREAS, the project will replace the existing concrete pavement full-depth with new asphalt, curbing, driveway aprons as well as replacing waterline and storm sewer systems within the right-of-way; and,

WHEREAS, it is necessary to begin topographic survey and engineering design for the project and the Director of Public Service, by report dated February 21, 2023, has received a proposal from Fishbeck to survey the right-of-way area and create a base map that will be used to develop construction plans; and,

WHEREAS, the Director of Public Service, by report dated February 21, 2023, has recommended that the proposal in the amount of \$51,311 for the professional engineering and surveying services relative to the Main Street and Oakland Court Improvement Project be accepted.

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 Fishbeck in the amount of Fifty-One Thousand Three Hundred Eleven Dollars (\$51,311.00) for providing professional engineering and surveying services for the Main Street and Oakland Court Improvement Project, is hereby approved and accepted.

SECTION 2. That the Director of Public Service shall promptly give notice to said engineers to proceed under the proposal hereby approved and accepted.

SECTION 3. That to provide funds for said engineering services hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53503 – Street Improvements** the amount of Fifty-One Thousand Three Hundred Eleven Dollars (\$51,311.00).

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

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

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the City should provide for the engineering services for the Main Street and Oakland Court Improvement Project at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2023, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

Professional Services Agreement

PROJECT NAME Oakland Court Improvements
FISHBECK CONTACT Joshua Mihelcic, PE, PS
CLIENT City of Sylvania
CLIENT CONTACT Joseph E. Shaw, PE, PS
ADDRESS 6730 Monroe Street, Sylvania, OH 43560

Client hereby requests and authorizes Fishbeck to perform the following:

SCOPE OF SERVICES: Professional survey and engineering services in relation to improvements to Oakland Court as described in our letter proposal dated February 15, 2023.

AGREEMENT. The Agreement consists of this page and the documents that are checked:

- Terms and Conditions for Professional Services, attached.
- Proposal dated February 15, 2023.
- Other:

METHODS OF COMPENSATION:

- Lump Sum for Defined Scope of Services
- Hourly Billing Rates plus Reimbursable Expenses
- Other:

Total Budget for Above Scope of Services: Fifty-One Thousand Three Hundred and Eleven Dollars (\$51,311).

ADDITIONAL PROVISIONS (IF ANY): Not-to-exceed fee.

APPROVED FOR:

City of Sylvania

BY: _____

TITLE: _____

DATE: _____

BY: _____

TITLE: _____

DATE: _____

Mayor

Director of Finance

ACCEPTED FOR:

Fishbeck

BY: _____

TITLE: _____

DATE: _____

Vice President

February 15, 2023

1. **METHOD OF AUTHORIZATION.** Client may authorize Fishbeck to proceed with work either by signing a Professional Services Agreement or by issuance of an acknowledgment, confirmation, purchase order, or other communication. Regardless of the method used, these Terms and Conditions shall prevail as the basis of Client's authorization to Fishbeck. Any Client document or communication in addition to or in conflict with these Terms and Conditions is rejected.
2. **CLIENT RESPONSIBILITIES.** Client shall provide all criteria and full information as to requirements for the Project and designate in writing a person with authority to act on Client's behalf on all matters concerning the Project. If Fishbeck's services under this Agreement do not include full-time construction observation or review of Contractor's performance, Client shall assume responsibility for interpretation of contract documents and for construction observation, and shall waive all claims against Fishbeck that may be in any way connected thereto.
3. **HOURLY BILLING RATES.** Unless stipulated otherwise, Client shall compensate Fishbeck at hourly billing rates in effect when services are provided by Fishbeck employees of various classifications.
4. **REIMBURSABLE EXPENSES.** Those costs incurred on or directly for Client's Project. Reimbursement shall be at Fishbeck's current rate for mileage for service vehicles and automobiles, special equipment, and copying, printing, and binding. Reimbursement for commercial transportation, meals, lodging, special fees, licenses, permits, insurances, etc., and outside technical or professional services shall be on the basis of actual charges plus 10 percent.
5. **OPINIONS OF COST.** Any opinions of probable construction cost and/or total project cost provided by Fishbeck will be on a basis of experience and judgment, but since it has no control over market conditions or bidding procedures, Fishbeck cannot warrant that bids or ultimate construction or total project costs will not vary from such estimates.
6. **PROFESSIONAL STANDARDS; WARRANTY.** The standard of care for services performed or furnished by Fishbeck will be the care and skill ordinarily used by members of Fishbeck's profession practicing under similar circumstances at the same time and in the same locality. Fishbeck makes no warranties, express or implied, under this Agreement or otherwise, in connection with Fishbeck's services.
7. **TERMINATION.** Either Client or Fishbeck may terminate this Agreement by giving ten days' written notice to the other party. In such event, Client shall pay Fishbeck in full for all work previously authorized and performed prior to the effective date of termination, plus (at the discretion of Fishbeck) a termination charge to cover finalization work necessary to bring ongoing work to a logical conclusion. Such charge shall not exceed 30 percent of all charges previously incurred. Upon receipt of such payment, Fishbeck will return to Client all documents and information which are the property of Client.
8. **SUBCONTRACTORS.** Fishbeck may engage subcontractors on behalf of Client to perform any portion of the services to be provided by Fishbeck hereunder.
9. **PAYMENT TO FISHBECK.** Invoices will be issued every four weeks, payable upon receipt, unless otherwise agreed. Interest of 1 percent per four-week period will be payable on all amounts not paid within 28 days from date of invoice, payment thereafter to be applied first to accrued interest and then to the principal unpaid amount. Any attorney's fees or other costs incurred in collecting any delinquent amount shall be paid by Client.

Client agrees to pay on a current basis, in addition to any proposal or contract fee understandings, all taxes including, but not limited to, sales taxes on services or related expenses which may be imposed on Fishbeck by any governmental entity.

If Client directs Fishbeck to invoice another, Fishbeck will do so, but Client agrees to be ultimately responsible for Fishbeck's compensation until Client provides Fishbeck with that third party's written acceptance of all terms of this Agreement and until Fishbeck agrees to the substitution.

In addition to any other remedies Fishbeck may have, Fishbeck shall have the absolute right to cease performing any basic or additional services in the event payment has not been made on a current basis.
10. **HAZARDOUS WASTE.** Fishbeck has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic, irritant, pollutant, or otherwise dangerous substance or condition at any site, and its compensation hereunder is in no way commensurate with the potential risk of injury or loss that may be caused by exposure to such substances or conditions. Fishbeck shall not be responsible for any alleged contamination, whether such contamination occurred in the past, is occurring presently, or will occur in the future, and the performance of services hereunder does not imply risk-sharing on the part of Fishbeck.
11. **LIMITATION OF LIABILITY.** To the fullest extent permitted by law, Fishbeck's total liability to Client for any cause or combination of causes, which arise out of claims based upon professional liability errors or omissions, whether based upon contract, warranty, negligence, strict liability, or otherwise is, in the aggregate, limited to the greater of \$250,000 or the amount of the fee earned under this Agreement.

To the fullest extent permitted by law, Fishbeck's total liability to Client for any cause or combination of causes, which arise out of claims for which Fishbeck is covered by insurance other than professional liability errors and omissions, whether based upon contract, warranty, negligence, strict liability, or otherwise is, in the aggregate, limited to the total insurance proceeds paid on behalf of or to Fishbeck by Fishbeck's insurers in settlement or satisfaction of Client's claims under the terms and conditions of Fishbeck's insurance policies applicable thereto.

Higher limits of liability may be considered upon Client's written request, prior to commencement of services, and agreement to pay an additional fee.

12. **DELEGATED DESIGN.** Client recognizes and holds Fishbeck harmless for the performance of certain components of the Project which are traditionally specified to be designed by the Contractor.
13. **INSURANCE.** Client shall cause Fishbeck and Fishbeck’s consultants, employees, and agents to be listed as additional insureds on all commercial general liability and property insurance policies carried by Client which are applicable to the Project. Client shall also provide workers' compensation insurance for Client’s employees. Client agrees to have their insurers endorse these insurance policies to reflect that, in the event of payment of any loss or damages, subrogation rights under this Agreement are hereby waived by the insurer with respect to claims against Fishbeck.

Upon request, Client and Fishbeck shall each deliver to the other certificates of insurance evidencing their coverages.

Client shall require Contractor to purchase and maintain commercial general liability and other insurance as specified in the contract documents and to cause Fishbeck and Fishbeck’s consultants, employees, and agents to be listed as additional insureds with respect to such liability and other insurance purchased and maintained by Contractor for the Project. Contractor must agree to have their insurers endorse these insurance policies to reflect that, in the event of payment of any loss or damages, subrogation rights under this Agreement are hereby waived by the insurer with respect to claims against Fishbeck.

14. **INDEMNIFICATION.** Fishbeck will defend, indemnify, and hold Client harmless from any claim, liability, or defense cost for injury or loss sustained by any party from exposures to the extent caused by Fishbeck’s negligence or willful misconduct. Client agrees to defend, indemnify, and hold Fishbeck harmless from any claim, liability, or defense cost for injury or loss sustained by any party from exposures allegedly caused by Fishbeck’s performance of services hereunder, except for injury or loss to the extent caused by the negligence or willful misconduct of Fishbeck. These indemnities are subject to specific limitations provided for in this Agreement.
15. **CONSEQUENTIAL DAMAGES.** Client and Fishbeck waive consequential damages for claims, disputes, or other matters in question relating to this Agreement including, but not limited to, loss of business.
16. **LEGAL EXPENSES.** If either Client or Fishbeck makes a claim against the other as to issues arising out of the performance of this Agreement, the prevailing party will be entitled to recover its reasonable expenses of litigation, including reasonable attorney’s fees. If Fishbeck brings a lawsuit against Client to collect invoiced fees and expenses, Client agrees to pay Fishbeck’s reasonable collection expenses including attorney fees.
17. **OWNERSHIP OF WORK PRODUCT.** Fishbeck shall remain the owner of all drawings, reports, and other material provided to Client, whether in hard copy or electronic media form. Client shall be authorized to use the copies provided by Fishbeck only in connection with the Project. Any other use or reuse by Client or others for any purpose whatsoever shall be at Client’s risk and full legal responsibility, without liability to Fishbeck. Client shall defend, indemnify, and hold harmless Fishbeck from all claims, damages, losses, and expenses, including attorney’s fees arising out of or resulting therefrom.
18. **ELECTRONIC MEDIA.** Data, reports, drawings, specifications, and other material and deliverables may be transmitted to Client in either hard copy, digital, or both formats. If transmitted electronically, and a discrepancy or conflict with the electronically transmitted version occurs, the hard copy in Fishbeck’s files used to create the digital version shall govern. If a hard copy does not exist, the version of the material or document residing on Fishbeck’s computer network shall govern. Fishbeck cannot guarantee the longevity of any material transmitted electronically nor can Fishbeck guarantee the ability of the Client to open and use the digital versions of the documents in the future.
19. **GENERAL CONSIDERATIONS.** Client and Fishbeck each are hereby bound and the partners, successors, executors, administrators, and legal representatives of Client and Fishbeck are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

Neither Client nor Fishbeck shall assign this Agreement without the written consent of the other.

Neither Client nor Fishbeck will have any liability for nonperformance caused in whole or in part by causes beyond Fishbeck’s reasonable control. Such causes include, but are not limited to, Acts of God, civil unrest and war, labor unrest and strikes, acts of authorities, and events that could not be reasonably anticipated.

This Agreement shall be governed by the law of the principal place of business of Fishbeck.

This Agreement constitutes the entire agreement between Client and Fishbeck and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

End of Terms and Conditions for Professional Services

ORDINANCE NO. 23-2023

REVISING THE ADMINISTRATIVE, DEPARTMENTAL AND DIVISIONAL ORGANIZATION OF THE CITY AND THE CODIFIED ORDINANCES THEREOF BY AMENDING SYLVANIA CODIFIED ORDINANCE CHAPTER 113 – ORDINANCES AND RESOLUTIONS; AND DECLARING AN EMERGENCY.

WHEREAS, Sylvania Codified Ordinance Section 113.01 provides that after passage, ordinances and resolutions should be posted on the bulletin board in the office of the Clerk of Council which is the same bulletin board as in the office of the Director of Finance; and,

WHEREAS, the Clerk of Council’s office is no longer in the same suite of offices as the Director of Finance and, therefore, Sylvania Codified Ordinance Section 113.01 should be amended to reflect the proper location for publication by posting as the bulletin board in the office of 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 Section 113.01 of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A” effective on and after February 22, 2023.

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 amendment to this Chapter should be provided for 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 this Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2023, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

113.01 PROOF OF PUBLICATION BY POSTING.

The bulletin board in the office of the Clerk of Council in the Sylvania Administration Building located at 6730 Monroe Street, Sylvania, Ohio 43560, is hereby determined to be "a conspicuous place in the Sylvania Municipal Building" within the meaning of those same words as they appear in Article III, Section 12.0(a) of the Charter.

The Clerk of Council shall make proof of any publication by posting provided for by Section 12.0 of Article III of the Charter, after such publication is completed, by signing a certificate, stamped on, under or immediately following or affixed to the original of such posted publication which certificate shall be in the following form and substance:

" PROOF OF PUBLICATION BY POSTING

I hereby certify that the within, foregoing, above or attached, as the case may be, was published by posting a copy thereof in the office of the Clerk of Council of the City of Sylvania, Ohio in the Sylvania Municipal Building for a period of not less than 15 days to wit: from _____ to _____ . _____ Clerk of Council _____
Date of Certificate"

(Ord. _____-2023. Passed _____-2023.)

11

ORDINANCE NO. 24-2023

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 2023 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

303.082	Private Tow-Away Zones. (Amended)
303.083	Impounding Vehicles on Public Property. (Added)
337.10	Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)
337.16	Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)

General Offenses Code

- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.15 Sale of Dextromethorphan. (Added)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.21 Hazing Prohibited. (Added)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
- 549.15 Possessing Replica Firearm in School. (Amended)
- 549.17 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

Fire Prevention Code

- 1519.01 Fireworks Definitions. (Amended)
- 1519.04 Possession, Sale or Discharge Prohibited; Exceptions. (Amended)
- 1519.05 Application. (Amended)
- 1519.06 Safety Requirements for Fireworks Showroom Structures. (Added)
- 1519.07 Manufacturing or Wholesale Sale Without a License; Prohibitions. (Added)
- 1519.08 Purchase to Comply with Law; Unauthorized Purchases. (Added)

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 on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2023, as an emergency measure.

President of Council

ATTEST:

Clerk of Council

APPROVED:

Mayor

Date

APPROVED AS TO FORM:

Director of Law

A

Board of Architectural Review

Minutes of the regular meeting of February 15, 2023. Mr. Schaaf called the meeting to order.

Acting Secretary, Timothy Burns, took the roll call.

Members present: Mayor Craig Stough, Carol Lindhuber, Kate Fischer, and Jeff Schaaf, (4) present. Ken Marciniak absent.

Ms. Lindhuber moved, Ms. Fischer seconded to approve the Minutes of the December 14, 2022, meeting as submitted. Vote being: Stough, Lindhuber, Fischer and Schaaf (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 3 – 31-2022 requested by Breann Dandar of True Aerial Signs for Daves Running Shoe's, 5700 Monroe Street, Sylvania, Ohio 43560 (formal approval - preliminary approval by email vote of 5 to 0, given on January 3rd, 2023). Application is for a replacement panel on a pylon sign.

Sign is 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 and Schaaf (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 4 – Regulated Sign – app. no. 1-2023 requested by app. no. 1-2023 requested by Myra Gueli of Toledo Sign for Appliance Center, 5656 Monroe Street, Sylvania, Ohio 43560. Application is for a replacement wall sign.

Ms. Gueli was present.

Sign is within the limits of the Sylvania Sign Code.

Ms. Lindhuber moved, Ms. Fischer seconded, to approve the sign 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.

Item 5 – Regulated Sign – app. no. 2-2023 requested by Rami Shaheen of Sign Deziign for Myway Cantina, 5680 Mayberry Square E., Sylvania, Ohio 43560. Application is for a replacement awning sign.

Sign is 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 and Schaaf (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

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

Submitted by,

A handwritten signature in black ink, appearing to read "Timothy Burns", with a long horizontal flourish extending to the right.

Timothy Burns, Acting Secretary
Municipal Planning Commission

B

Sylvania Municipal Planning Commission

Minutes of the regular meeting of February 15, 2023. Mr. Schaaf called the meeting to order.

Acting Secretary, Timothy Burns, took the roll call.

Members present: Mayor Craig Stough, Carol Lindhuber, Kate Fischer and Jeff Schaaf, (4) present. Ken Marciniak, absent.

Ms. Lindhuber moved, Ms. Fischer seconded to approve the Minutes of the December 14, 2022, meeting as submitted. Vote being: Stough, Lindhuber, Fischer and Schaaf (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

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

Submitted by,



Timothy Burns, Acting Secretary
Municipal Planning Commission



ENHANCING SYSTEM SAFETY

We are upgrading the natural gas lines in your neighborhood.

Summit Street

Sylvania, Ohio

Columbia Gas of Ohio and its contractor Infrasource are set to begin a pipeline replacement project in Sylvania. Crews will be installing approximately 11,785 feet of new plastic pipe serving 233 residences on sections of Summit Street, N. Main Street, Erie Avenue, Long Street, Orchard Street, Country Place, Colonial Court and Maplewood Avenue.

The project has several long-term benefits:

- Enhanced safety features
- Reliability of service for years to come
- Less future maintenance
- Pipe lifespan of 100 years
- System support for amenities like fire pits, outdoor grills, pool heaters, etc.

Work will begin in February 2023 and last roughly 3 months. We promise to put things back in order once complete.

Note - our project may impact driveways and sidewalks in the short-term. For any residents with special circumstances (disability, limited mobility or specific health concerns), please reach out at your earliest convenience so that we can work together on a specialty plan for install at your property.

Business owners - please reach out as well.

SAFETY

Safety is at the forefront of everything we do. In light of COVID-19, we are taking proactive steps to keep our customers, employees, and contractor partners safe. If we need to enter your home or business, please know our employees and contractors follow all safety recommendations from the Centers for Disease Control and Prevention.

GET YOUR QUESTIONS ANSWERED:

Virtual Public Meeting: Wed., February 22 @ 5:30 PM

Weblink - <https://bit.ly/3HxODtX>

Phone +1 213-514-7050, Access Code: 976 130 018#

Those utilizing the weblink may need to download Microsoft Teams

WHAT WE DO:

1. **Prep work.** To make sure no other underground utilities are damaged by this work, we will call 811 to have the public utilities marked with flags, stakes and temporary paint. We may also schedule time to enter your home or business to inspect your sewer and gas lines. Please contact Megan Hunyor 419-265-5762 to let us know about buried sprinkler or septic systems, invisible fences or cisterns at your home or business.
2. **Install gas lines.** We will replace the main line and service lines that connect your home to our gas system.
3. **We will schedule an appointment with you** to connect your home or business to the system. For your safety, your gas service will be off during the installation. We may relocate the meter to an appropriate place outside – at no additional cost to you.
4. **Safety check and relight.** Once our gas work is completed, we will conduct a natural gas safety inspection outside and inside your home or business. After a successful inspection, we will relight your appliances.
5. **Clean up.** We will repair or replace any portions of sidewalks, driveways, landscaping, etc. disturbed by our work. Our goal is to restore everything as close to its original condition as possible.

Project Contact - Megan Hunyor
419-265-5762 (call/text)
mhunyor@nisource.com

For more information, visit
ColumbiaGasOhio.com/projects



Columbia Gas®

REPLACEMENT PROJECT IN YOUR NEIGHBORHOOD

WHERE WE WILL BE WORKING:



OUR TEAM IN YOUR NEIGHBORHOOD:

You will see us working with our contractor, Infrasource. All our employees and contractors can be identified by marked vehicles and also carry photo ID.

WORK ZONE SAFETY TIPS:

- Stay safe by keeping children and pets away from construction areas.
- Do not park in marked construction zones.
- Drive carefully in construction zones.
- Follow the direction of traffic signs and on-site crew.

MORE INFORMATION:

- Schedule a neighborhood or one-on-one meeting with us. Contact Megan Hunyor at 419-265-5762.
- Review the Frequently Asked Questions.
- Look for door hangers that may be placed on your front door with additional updates.
- Talk with members of our team on site during the project.
- Follow us on Twitter and Facebook for project updates.

Note: If you have received this information and you are not the current property owner, please forward this information to the landlord or property owner immediately.

For more information, visit
ColumbiaGasOhio.com/projects



Columbia Gas®



FREQUENTLY ASKED QUESTIONS

WHY ARE YOU REPLACING THE NATURAL GAS LINES IN MY NEIGHBORHOOD?

We're committed to providing safe and reliable service at your home or business. While the current system has performed well, it's time to replace the natural gas lines with newer materials that will serve your community for many years to come.

HOW CAN I IDENTIFY YOUR EMPLOYEES AND CONTRACTORS?

All our employees and contractors can be identified by marked vehicles. They also carry photo ID.

WILL I HAVE TO PAY EXTRA FOR THIS PROJECT?

No, you won't have to pay specifically for this improvement project in your neighborhood. The cost of building, maintaining and upgrading our gas line system is shared by all customers and is already part of your monthly bill.

WHY DO YOU NEED TO MOVE THE GAS METER?

Moving gas meters to an appropriate place outside of your home or business provides first responders with easier access to gas meters in an emergency as well as other safety advantages. Once it's moved, we won't need access inside your home or business for routine inspections.

WILL I BE NOTIFIED WHEN YOU NEED TO GET INSIDE MY HOME OR BUSINESS?

Yes, once we're in that phase of the project, we will contact you to discuss the required work inside your home or business. If you aren't available, a door tag will be left with contact information to schedule an appointment.

WILL YOU NEED TO DIG IN MY YARD, SIDEWALK OR DRIVEWAY AND IF YOU DO, WHO'S GOING TO FIX IT?

Because all natural gas pipelines are buried, some digging will be necessary. We will try to minimize the amount of digging required. If we disturb your yard, sidewalk and/or driveway, we will repair affected areas as soon as weather permits. Initial restoration, such as leveling of surfaces, will be completed as the project progresses.

WHAT IF I SMELL GAS WHILE YOU'RE WORKING?

Take action immediately. Natural gas has a rotten egg odor that alerts you to a leak. If you smell an odor of gas: Leave the area immediately. Don't turn lights or electronics off or on, or operate any other switches. Call 911 and 1-800-344-4077 from a safe location. If our crews are working in the area, you also may contact the on-site project supervisor after you have called 1-800-344-4077.

HOW LONG WILL MY GAS BE TURNED OFF?

Your gas service will be temporarily turned off when we come to work on your meter. If your meter is already outside, your gas service will still be turned off when we connect your service line to the gas main line. This outage will be brief, usually between 2–4 hours. Once we're done, we will need to get back inside your home or business so we can perform a safety check of your natural gas appliances and inside gas lines, turn on your gas and relight your appliances. **Note:** Someone 18 years or older must be at your home or business and pets must be secured when we're there to work on your meter and turn your gas back on.

WILL YOU BLOCK MY STREET OR DRIVEWAY?

We may temporarily block access to an entire street, lane or even a driveway. If you need access to your driveway, let our crews know. When it is safe to do so, they will accommodate your request. Most of our digging will be in the grassy part of the public right-of-way and yards but often our equipment is in the street while we are working. We will work with neighborhoods to minimize road closures and blockages, but please be alert and use caution around our work zones.

HOW DO I KNOW THINGS WILL BE RESTORED TO THEIR EXISTING CONDITION?

At the start of the project, we document your property's current state. We may even capture photos or video footage.

I'M NOT A COLUMBIA GAS CUSTOMER, WILL MY HOME OR BUSINESS BE AFFECTED?

If you are receiving this communication, your home or business may be impacted by construction activity in your area.

HOW CAN I ADD ADDITIONAL NATURAL GAS APPLIANCES?

If you're interested in adding new gas appliances, please let us know. We'll share any rebates or incentive programs available for adding or upgrading your natural gas equipment.

Note: If you have received this information and you are not the current property owner, please forward this information to the landlord or property owner immediately.



OUR CLEAN-UP PROCESS

When we are nearing the end of our gas line replacement process, we will put things back in order. It is our responsibility to repair or replace any portion of streets, sidewalks, driveways, yards, etc. disrupted by our work.

What's Next:

1 Temporary Patching

Our goal is to ensure the construction area is safe and accessible until permanent repairs can be made. Throughout the project, we may put a temporary patch on your streets and sidewalks.



2 Permanent Paving and Concrete

Once the project is complete, we will begin the permanent replacement or repair on your streets and sidewalks. We will work with your community to repair with similar surfaces. For example, concrete will be replaced with concrete and asphalt will be replaced with asphalt, according to community codes. This work usually takes place three to four weeks after the replacement work is done, but the schedule may be impacted by weather conditions and other factors.



3 Lawn Repair

This will include filling in holes with dirt, leveling the area, laying down topsoil, reseeding the grass and replacing plants and flower beds. Please make sure to water and mow your grass to encourage desired results.



We appreciate your patience. This clean-up process will take us several weeks to complete once the gas line replacement work is done. You may see us surveying the area with GPS technology after the project is complete.

For more information, visit
ColumbiaGasOhio.com/projects



Columbia Gas[®]
A NiSource Company

