

Sylvania City Council

May 6, 2024

7:00 p.m. Committee of the Whole

Potential Funding of Inclusive Playground at Stranahan Elementary

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 Mr. Hansen.
3. Additions to the agenda.
4. Approval of the Council meeting minutes from April 15, 2024.
5. Report of the Committee of the Whole meeting held this date regarding possible funding of an inclusive playground at Stranahan Elementary.
6. Proposed Ordinance No. 64-2024, 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.
7. Proposed Ordinance No. 65-2024, Authorizing the Mayor and Director of Finance to enter into an agreement with the Board of Township Trustees of Sylvania Township, Lucas County, Ohio to create a Joint Economic Development District located in a portion of the unincorporated area of Sylvania Township.
8. 2024 Sidewalk Program.
 - a. Zoning Administrator's letter on the bid award.
 - b. Proposed Ordinance No. 66-2024, Accepting the proposal of Jennite Company and awarding the contract for the 2024 Sidewalk Replacement Program to same.
9. Harroun Park Invasive Species Treatment & Control.
 - a. Service Director's letter on agreement amendment.
 - b. Proposed Ordinance No. 67-2024, Authorizing the Mayor and Director of Finance to enter into an amendment to the agreement with the Nature Conservancy to provide invasive species treatments in Harroun Park.
10. Special Assessment Modification Request – Drainage & Ditches.
 - a. Deputy Service Director's letter on approval recommendation.
 - b. Proposed Ordinance No. 68-2024, Providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania.

11. Proposed Ordinance No. 69-2024, Providing for the controlling blight and disease of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania.
12. Proposed Resolution No. 6-2024, Declaring the necessity of lighting the streets in the City of Sylvania, Ohio; determining the manner of providing street lighting and the basis for the property owner's share of the cost and annual assessment.
13. Proposed Ordinance No. 70-2024, Authorizing the amendment to this City's agreement with the Village of Holland for conducting criminal prosecutions for which Holland is responsible under the Ohio Revised Code.
14. Proposed Resolution No. 4-2024, A Resolution of the Council of the City of Sylvania adopting the Final 9-1-1 Plan.
15. Proposed Resolution No. 5-2024, A Resolution declaring it necessary and declaring Council's intent to appropriate certain property for the Monroe Street/Summit Street/Traffic Signal Improvement Project from KP Real Estate One, LLC.
16. Committee reports.
17. Committee referrals.

INFORMATION

- A. First Quarter Management Reports.

Minutes of the Meeting of Council
April 15, 2024

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The Council of the City of Sylvania, Ohio met in regular session on April 15, 2024 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(excused), Patrick Richardson(excused), Mary Westphal, Lyndsey Stough; (5) present; (2) absent.

Roll call:
5 present,
2 absent.

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

Pledge of
Allegiance.

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

Additions to the agenda:

Additions to the
Agenda.

Item #14 Stranahan Inclusive Playground information from Bill Sanford.

Mr. Frye moved, Mr. Haynam seconded to approve the amended agenda; roll call vote being: Frye, Stough, Haynam, Hansen, Westphal; (5) yeas; (0) nays. The motion carried.

Agenda approval.

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

Mr. Frye presented the April 1, 2024 regular 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 April 1, 2024 be approved; roll call vote being: Haynam, Frye, Westphal, Hansen, Stough; (5) yeas; (0) nays. The motion carried.

Approval of the
April 1, 2024
Meeting minutes.

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

Mr. Frye gave a report on the Public Hearing held this date regarding amending the Sylvania City/Township of Sylvania Joint Economic Development District (Sylvania JEDD I). No public in attendance; therefore, no opposition was heard. Mr. Frye moved, Mr. Haynam seconded to ask the administration to prepare legislation for the next council meeting; roll call vote being: Westphal, Frye, Stough, Haynam, Hansen; (5) yeas; (0) nays. The motion carried.

Report of Public
Hearing held this
date on JEDD
Amendment.

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 60-2024, a written copy of same having been previously furnished to each member of Council "Authorizing the Mayor and Director of Finance to enter into agreements with a head teacher, teachers, and aides for the Sylvania Safety City Program being conducted by the Sylvania Division of Police; providing funds therefore; and declaring an emergency."; Mr. Frye moved, Ms. Stough seconded for passage of Ordinance No. 60-2024 as an emergency measure; roll call vote being: Stough, Haynam, Westphal, Hansen, Frye; (5) yeas; (0) nays. The motion carried.

Ordinance No.
60-2024, "...
Safety City
Agreements..."

Minutes of the Meeting of Council
April 15, 2024

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

Service Director's letter requesting approval of release was placed on file. Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 61-2024, a written copy of same having been previously furnished to each member of Council "Authorizing the Mayor and Director of Finance to release part of premises from easement at the Ohio Department of Transportation's request relative to the US23/Monroe Street Interchange Project; and declaring an emergency."; Mrs. Westphal moved, Mr. Hansen seconded for passage of Ordinance No. 61-2024 as an emergency measure; roll call vote being: Hansen, Stough, Haynam, Westphal, Frye; (5) yeas; (0) nays. The motion carried.

Ordinance No. 61-2024, "... Release part of premises from easement... US23/Monroe Interchange Project..."

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

Service Director's letter on proposal was placed on file. Mr. Hansen presented and read aloud by title only, proposed Ordinance No. 62-2024, a written copy of same having been previously furnished to each member of Council "Accepting the proposal of Fishbeck to provide professional engineering and surveying services for the Centennial Road Sanitary Sewer Extension Project; appropriating funds therefore in the amount of \$18,598; and declaring an emergency."; Mr. Hansen moved, Mr. Haynam seconded for passage of Ordinance No. 62-2024 as an emergency measure; roll call vote being: Stough, Hansen, Haynam, Westphal, Frye; (5) yeas; (0) nays. The motion carried.

Ordinance No. 62-2024, "... Fishbeck... Centennial Rd. Sanitary Sewer Extension Project..."

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

Service Director's letter on ratification was placed on file. Mr. Hansen presented and read aloud by title only, proposed Ordinance No. 63-2024, a written copy of same having been previously furnished to each member of Council "Approving the Lucas County Solid Waste Management Plan Update; and declaring an emergency."; Mr. Hansen moved, Ms. Stough seconded for passage of Ordinance No. 63-2024 as an emergency measure; roll call vote being: Haynam, Hansen, Frye, Westphal, Stough; (5) yeas; (0) nays. The motion carried.

Ordinance No. 63-2024, "... Lucas County Solid Waste Management Plan Update..."

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

Mr. Frye moved, Mrs. Westphal seconded, that no hearing be requested for the new D-3, "Spiritous liquor for on premises consumption only until 1:00 a.m." permit for Stronger, Longer, Better, LLC, dba Stronger, Longer, Better at 6400 Monroe Street, Suite A, Sylvania, Ohio 43560; roll call vote being: Haynam, Westphal, Stough, Hansen, Frye; (5) yeas; (0) nays. The motion carried.

No objection to new liquor permit for Stronger, Longer, Better.

Minutes of the Meeting of Council
April 15, 2024

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

Mayor Stough stated that Council is in receipt of the Plan Commission's recommendation of approval of SUP #1-2024 from Highland Meadows Golf Club for construction of an addition to an existing storage building. Mr. Haynam moved, Mr. Frye seconded to set the Public Hearing for SUP #1-2024 for June 3, 2024 at 7:15pm in Council Chambers, 6635 Maplewood Avenue, Sylvania, Ohio, 43560; roll call vote being: Stough, Westphal, Hansen, Frye, Haynam; (5) yeas; (0) nays. The motion carried.

Set Public
Hearing for SUP
#1-2024 for
6/3/24 at 7:15pm.

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

Bill Sanford mentioned that Tara Haye, President of the Stranahan Elementary Parent/Teacher Organization, would like to give a presentation to City Council on their efforts to raise funds for an inclusive playground for the Sylvania community. Mr. Frye moved, Mrs. Westphal seconded to set a Committee of the Whole meeting for May 6, 2024 at 7:00 p.m. in Council Chambers, 6635 Maplewood Avenue, Sylvania, Ohio 43560, for their presentation; roll call vote being: Haynam Westphal, Stough, Hansen, Frye; (5) yeas; (0) nays. The motion carried.

Stranahan
Inclusive
Playground
Request to
present in front
of Council.

Mayor Stough stated all agenda items have been addressed.

Mr. Frye moved, Mrs. Westphal seconded to adjourn at 8:20 p.m. Roll call vote being: Frye, Westphal, Hansen, Stough, Haynam; (5) yeas; (0) nays.

Adjournment.

Clerk of Council

Mayor

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ORDINANCE NO. 64-2024

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 provision 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 2024 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

- | | |
|---------|---|
| 301.35 | School Bus. (Amended) |
| 303.081 | Impounding Vehicles on Private Residential or Agricultural Property. (Amended) |
| 303.082 | Private Tow-Away Zones. (Amended) |
| 303.083 | Impounding Vehicles on Public Property. (Amended) |
| 303.09 | Leaving Junk and Other Vehicles on Private or Public Property Without Permission or Notification. (Amended) |

- 303.10 Leaving Junk Vehicles on Private Property With Permission of Owner.
(Amended)
- 303.991 Committing an Offense While Distracted Penalty. (Amended)
- 331.35 Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile
Home While in Motion. (Amended)
- 331.38 Stopping for School Bus; Discharging Children. (Amended)
- 331.46 Restrictions on the Operation of School Buses. (Added)
- 333.01 OVI; Willful Misconduct; Speed. (Amended)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
- 333.11 Electronic Wireless Communication Device Use Prohibited While Driving.
(Amended)
- 335.07 Driving Under Suspension or License Restriction. (Amended)
- 335.071 Driving Under OVI Suspension. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation;
Driving Under a Nonpayment of Judgment Suspension. (Amended)
- 335.073 Driving Without Complying With License Reinstatement Requirements.
(Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension.
(Amended)
- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights.
(Amended)
- 337.22 Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)
- 337.26 Child Restraint System Usage. (Amended)
- 337.31 Lights and Sign on Transportation for Preschool Children. (Added)
- 341.01 Commercial Drivers Definitions. (Amended)
- 341.04 Commercial Drivers Prohibitions. (Amended)
- 341.05 Criminal Offenses. (Amended)
- 351.04 Parking Near Curb; Handicapped Locations on Public and Private Lots and
Garages. (Amended)

General Offenses Code

- 501.01 General Provisions and Penalty Definitions. (Amended)
- 501.99 Penalties for Misdemeanors. (Amended)
- 505.071 Cruelty to Companion Animals. (Amended)
- 505.13 Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amended)
- 505.15 Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or
Trainer with Assistance Dog. (Added)
- 509.04 Disturbing a Lawful Meeting. (Amended)
- 509.06 Inducing Panic. (Amended)
- 509.13 Impeding Public Passage of an Emergency Service Responder. (Added)
- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
- 513.04 Possessing Drug Abuse Instruments. (Amended)
- 513.12 Drug Paraphernalia. (Amended)

513.121	Marihuana Drug Paraphernalia. (Amended)
513.16	Adult Use Cannabis Control; Limitations on Conduct by Individuals. (Added)
517.08	Raffles. (Amended)
521.11	Spreading Contagion. (Added)
525.05	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
525.15	Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
529.02	Sales to and Use By Underage Persons; Securing Public Accommodations. (Amended)
529.07	Open Container Prohibited. (Amended)
533.01	Obscenity and Sex Offenses Definitions. (Amended)
533.06	Voyeurism. (Amended)
533.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
537.03	Assault. (Amended)
537.06	Menacing. (Amended)
537.07	Endangering Children. (Amended)
537.12	Misuse of 9-1-1 System. (Amended)
537.15	Temporary Protection Order. (Amended)
545.05	Misdemeanor Theft. (Amended)
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)

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

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and 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(c) 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, _____, 2024, as an emergency issue.

President of Council

ATTEST:

Clerk of Council

APPROVED:

APPROVED AS TO FORM:

Mayor

Director of Law

Date

Summary of 2024 Model Amendments

Traffic Code

301.35 School Bus Definition. (Amended) Changes made to terms “child care center” and “type A family child care home”.

303.081 Impounding Vehicles on Private Residential or Agricultural Property. (Amends “Chief of Police” to more general “chief of a law enforcement agency”.)

303.082 Private Tow-Away Zones. (Amends “Chief of Police” to more general “chief of a law enforcement agency”.)

303.083 Impounding Vehicles on Public Property. (Amends “Chief of Police” to more general “chief of a law enforcement agency”.)

303.09 Leaving Junk and Other Vehicles on Private or Public Property Without Permission or Notification. (Amends “Chief of Police” to more general “chief of a law enforcement agency”.)

303.10 Leaving Junk Vehicles on Private Property With Permission of Owner. (Amends “Chief of Police” to more general “chief of a law enforcement agency”.)

303.991(a)(1)A. Committing an Offense While Distracted Penalty. (Amends definition of “distracted”.)

331.35 Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion. (Expands regulations to include fifth wheel vehicles.)

331.38 Stopping for School Bus; Discharging Children. (Amended) Includes reference to municipal ordinance; changes heading of state agency.

331.46 Restrictions on the Operation of School Buses. (Added) Adds restrictions for operating a vehicle used for pupil transportation.

333.01 OVI; Willful Misconduct; Speed. (Amends restrictions for driving under the influence.)

333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Adds exception to subsection (j)(2).)

333.11 Electronic Wireless Communication Device Use Prohibited While Driving. (Adds new State regulations from SB 288.)

335.07(i) Driving Under Suspension or License Restriction. (Adds affirmative defense for emergencies.)

Traffic Code (Cont.)

335.071(i) Driving Under OVI Suspension. (Adds affirmative defense for emergencies.)

335.072(f) Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Adds affirmative defense for emergencies.)

335.073(d) Driving Without Complying With License Reinstatement Requirements. (Adds affirmative defense for emergencies.)

335.074(d) Driving Under License Forfeiture or Child Support Suspension. (Adds affirmative defense for emergencies.)

337.16 Number of Lights; Limitation on Flashing, Oscillating or Rotating Lights. (Amended) Includes exception for a vehicle used for emergency preparedness, response and recovery.

337.22 Windshield and Windshield Wiper; Sign or Poster Thereon. (Adds "vehicle safety technology" to electronic device exceptions for windshields.)

337.26 Child Restraint System Usage. (Amended) Changes term "day-care center" to "child care center".

337.31 Lights and Sign on Transportation for Preschool Children. (Added) Adds requirements for vehicles transporting preschool children.

341.01(b) Commercial Drivers Definitions. (Expands definition of Commercial Driver's License to include "enhanced commercial driver's license.")

341.01(i) Commercial Drivers Definitions. (Adds "harmful intoxicant" to definition of "drug of abuse".)

341.04 Prohibitions for Commercial Drivers. (Amended) Adds additional prohibitions. Addresses out-of-state convictions; proper endorsements on licenses; and strict liability offenses.

341.05 Criminal Offenses for Commercial Drivers. (Amended) Adds additional prohibition. Addresses strict liability offenses.

351.04 Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended) Deletes the term "temporary removable windshield placard".

General Offenses Code

501.01 General Provisions and Penalty Definitions. (Adds ORC references to subsection (i), and amends ORC reference in subsection (k)(6).)

501.99(a) Penalties for Misdemeanors. (Amends regulations for victim restitution.)

505.071 Cruelty to Companion Animals. (Amends definitions and treatment of companion animals.)

505.13 Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amends the number of poultry.)

505.15 Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or Trainer with Assistance Dog. (Added) Provides rights for persons with assistance dog.

509.04 Disturbing a Lawful Meeting. (Expands violations. Adds virtual meeting regulations and definitions.)

509.06 Inducing Panic. (Amended) Changes heading of state agencies.

509.13 Impeding Public Passage of an Emergency Service Responder. (Adds prohibition for obstructing emergency service responder.)

513.01 Drug Abuse Control Definitions. (Amended) Changes reference to ORC section and changes heading of state agency.

513.03 Drug Abuse; Controlled Substance Possession or Use. (Amends provisions for illegal use or possession of marijuana paraphernalia.)

513.04 Possessing Drug Abuse Instruments. (Expands the Good Samaritan provision (immunity from prosecution for providing medical assistance).)

513.12 Drug Paraphernalia. (Decriminalizes the use/possession of fentanyl test strips. Expands the Good Samaritan provision.)

513.121 Marihuana Drug Paraphernalia. (Decriminalizes the use/possession of fentanyl test strips. Expands the Good Samaritan provision.)

513.16 Adult Use Cannabis Control; Limitations on Conduct by Individuals. (Added) Adds the new law on cannabis use.

517.08 Raffles. (Amends exemptions for charitable raffle drawings.)

521.11 Spreading Contagion. (Adds restrictions on spreading contagion.)

525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amends reference to “persons with drug dependencies”.)

General Offenses Code (Cont.)

525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amends the application/definition of a “person who is blind, deaf or hearing impaired” or “a person with a mobility impairment”.)

529.02 Sales to and Use by Underage Persons; Securing Public Accommodations. (Amends subsection (i) to reflect new M3 penalty for violations of ORC 4301.69(E)(1) which is our subsection (e).)

529.07 Open Container Prohibited. (Adds 2 permit designations: D-9 and A-2f.)

533.01 Obscenity and Sex Offenses Definitions. (Adds two definitions.)

533.06 Voyeurism. (Amends to include place where person has a reasonable expectation of privacy.)

533.08 Procuring; Engagement in Sexual Activity for Hire. (Expands regulations for engagement in sexual activity for hire.)

537.03(c)(10) Unlawful Restraint. (Amends ORC reference.)

537.03(c)(11) Unlawful Restraint. (Adds prosecution for violation provisions.)

537.03(d) Unlawful Restraint. (Adds definitions (21) to (26).)

537.06 Menacing. (Adds additional restrictions on menacing. Adds emergency service responders.)

537.07 Endangering Children. (Changes reference to a “child with a mental or physical disability”.)

537.12(a) Misuse of 9-1-1 System. (Amended) Amends definition of “9-1-1 system”.

537.15 Temporary Protection Order. (Removes provision for payment of indigent electronic monitoring device from state fund.)

545.05 Petty Theft. (Changes “petty theft” to “misdemeanor theft”).

549.02(e)(2) Carrying Concealed Weapons. (Amends ORC reference.)

549.04(e)(2) Improperly Handling Firearms in a Motor Vehicle. (Amends ORC reference.)

549.15(d)(1) Possessing Replica Firearm in School. (Amended) Expands license suspension provisions.

549.17(b)(3)C. Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Amended) Changes made to terms “child care center”, “type A and B family child care home”.

7

ORDINANCE NO. 65-2024

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE
TO ENTER INTO AN AGREEMENT WITH THE BOARD OF
TOWNSHIP TRUSTEES OF SYLVANIA TOWNSHIP, LUCAS COUNTY,
OHIO TO CREATE A JOINT ECONOMIC DEVELOPMENT DISTRICT
LOCATED IN A PORTION OF THE UNINCORPORATED AREA OF
SYLVANIA TOWNSHIP; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 33-2020, passed by Sylvania City Council on May 18, 2020, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Township Trustees of Sylvania Township, Lucas County, Ohio to create a Joint Economic Development District (“JEDD”) located in a portion of the unincorporated area of Sylvania Township; and,

WHEREAS, the City of Sylvania (the “City”) and the Township of Sylvania (the “Township”) have negotiated and intend to enter into a First Amendment to the Joint Economic Development District I (the “District”) in accordance with Section 715.72 to 715.83 of the Revised Code for their mutual benefit and for the benefit of their residents; and,

WHEREAS, Central Rock, LLC, an Ohio limited liability company is the property owner located within the District and is in support of and has consented to its inclusion in the District; and,

WHEREAS, Resolution No. 2-2024, passed by Sylvania City Council on March 4, 2024, declared City Council’s intent to enter into a First Amendment to the Joint Economic Development District Agreement to add areas to the existing JEDD in a portion of the unincorporated area of Sylvania Township; and,

WHEREAS, on April 15, 2024, the City of Sylvania held its public hearing to discuss the proposed contract and thereafter recommended approval of the First Amendment to the Joint Economic Development District Agreement; and,

WHEREAS, on April 16, 2024, the Sylvania Township Board of Trustees held its public hearing on the proposed contract and thereafter the Board of Trustees approved the contract; and,

WHEREAS, the additional area to be added to the District will consist of approximately 4.3706 acres of land on Central Avenue, the parties shall cooperate with each other and the District to obtain access to utility services, the Township will provide services for road maintenance, police and fire protection, a maximum of 1.5% income tax will be collected from all employees in the District, City will receive an administrative fee of 2% of gross revenue for collection of the income tax, 10% of the gross revenue collected shall be set aside for the long-term maintenance and improvement of the District, with the remaining tax collected being divided evenly between City and Township.

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, on behalf of the City of Sylvania, Ohio, to enter into an Agreement with the Board of Trustees of Sylvania Township for the creation of Joint Economic Development District I, which Agreement is attached hereto as "Exhibit A."

SECTION 2. Council finds and determines that (i) a public hearing concerning the proposed City of Sylvania/Sylvania Township Joint Economic Development District I at 7:00 p.m. on April 15, 2024, in accordance with Section 715.72 of the Revised Code; (ii) 30-days public notice of the time and place of that public hearing was provided in The Toledo Blade, a newspaper of general circulation in the City of Sylvania; (iii) during the 30-day period prior to the public hearing, a copy of the text of the Agreement, together with copies of District maps and plans related to or part of the Agreement, were on file for public examination in the office of the Clerk of Council; (iv) one member of the public commented on the proposed Agreement at the public hearing.

SECTION 3. That the Clerk of Council be, and she hereby is, directed to file with the Ohio Department of Development: (i) a signed copy of the Agreement, together with copies of District maps and plans related to or part of the Agreement; (ii) a certified copy of this Ordinance; (iii) a signed certificate of the Clerk of Council that the public hearing has been held, the date of such hearing and evidence of the publication of notice of such hearing.

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 Agreement should be entered into as soon as possible in order to provide for the amendment to the Joint Economic Development District. 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, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

**FIRST AMENDED
SYLVANIA TOWNSHIP/CITY OF SYLVANIA
JOINT ECONOMIC DEVELOPMENT DISTRICT I CONTRACT**

The contracting parties hereby enter into this First Amended Contract to add areas to the Sylvania Township Joint Economic Development District I ("FIRST AMENDED SYLVANIA JEDD I) pursuant to lawful authority and for good and valuable consideration as set forth hereinafter:

A. PARTIES

1. The contracting parties are:

SYLVANIA TOWNSHIP [also referred to as "TOWNSHIP"]
4927 N. Holland-Sylvania Road
Sylvania, Ohio 43560

and

CITY of SYLVANIA [also referred to as "CITY"]
6730 Monroe Street
Sylvania, Ohio 43560

B. PURPOSE

2. The contracting parties are adding areas to the SYLVANIA JEDD I territory by this FIRST AMENDED SYLVANIA JEDD I Contract for the purpose of facilitating economic development to create jobs and employment opportunities and to improve the economic welfare of the people in Sylvania Township, and the City of Sylvania, Lucas County, the State of Ohio and in the area of the contracting parties.

3. The contracting parties share a common interest in facilitating economic development in the FIRST AMENDED SYLVANIA JEDD I area which will bring economic development, jobs and revenue to the contracting parties and to the County and State.

4. The parties acknowledge the economic potential of commercial development to occur within the proposed FIRST AMENDED SYLVANIA JEDD I territory and the benefits associated with regional cooperation and planning beyond the geographic boundaries of the contracting parties.

C. AUTHORITY

5. This FIRST AMENDED SYLVANIA JEDD I Contract is entered into pursuant to the authority of RC 715.72 through 715.81 and other applicable sections of the Ohio Revised Code.

6. The unincorporated area of Sylvania Township is contiguous to the City of Sylvania. The FIRST AMENDED SYLVANIA JEDD I territory is located entirely within the unincorporated area of Sylvania Township. The City of Sylvania and Sylvania Township are both located within Lucas County, Ohio, hence the geographic eligibility requirements regarding the contracting parties set forth in R.C. 715.72(C)(1) are satisfied.

7. The areas to be included in the FIRST AMENDED SYLVANIA JEDD I meet all of the following criteria:

- A. The areas are located entirely within Sylvania Township;
- B. No electors shall reside within the areas on the effective date of this Amended Contract, as determined under section 715.72 E (1)(b) of the Revised Code; and
- C. The areas do not include any parcel of land owned in fee by or leased to a non-participating municipal corporation or township.

Hence, the criteria for the inclusion of areas set forth in R.C. 715.72 are satisfied.

D. AMENDED JEDD TERRITORY

8. The area or areas to be included within the FIRST AMENDED SYLVANIA JEDD I territory will consist of various parcels and are collectively referred to as the FIRST AMENDED SYLVANIA JEDD I territory. A map of the area or areas to be included in the district pursuant to this FIRST AMENDED SYLVANIA JEDD I is incorporated into the Appendix of Exhibits at Tab A. A description of the area or areas to be included in the district is incorporated into the Appendix of Exhibits at Tab B.

9. Prior to adoption, the contracting parties may consent to the deletion of any portion of the territory to assure compliance with the majority petition requirements applicable to owners of property and owners of businesses to be located in the FIRST AMENDED SYLVANIA JEDD I territory or for other consideration, including the voluntary withdrawal of any petition.

10. The FIRST AMENDED SYLVANIA JEDD I territory is zoned for uses occurring or to occur within the territory, pursuant to the Sylvania Township Zoning Resolution. The parties acknowledge that the land uses and zoning classifications within the FIRST AMENDED SYLVANIA JEDD I territory are the best and proper available uses to encourage economic development. The areas are currently developing consistent with the prescribed zoning classifications. This Contract shall not operate as a limitation upon the zoning authorities of Sylvania Township (Board of Trustees, Zoning Commission, Board of Zoning Appeals and Zoning Administrator) to change zoning district classifications within the FIRST AMENDED SYLVANIA JEDD I territory, or any parcels contained therein; to amend the Sylvania Township Zoning Resolution; to grant conditional uses, variances, specially permitted uses, or other changes, pursuant to the Sylvania Township Zoning Resolution as currently in effect or as amended from time to time.

E. PROCEDURE

11. Each contracting party acknowledges entering into this FIRST AMENDED SYLVANIA JEDD I, acknowledges the Economic Development Grant Agreement as to the territory being added pursuant hereto, which is incorporated into the Appendix of Exhibits at Tab C.

12. Each contracting party acknowledges entering into this FIRST AMENDED SYLVANIA JEDD I freely and without duress or coercion for the stated public purpose of promoting economic development.

13. The Sylvania Township Trustees and the City of Sylvania Council will each have conducted public hearings after the required notices have been published, for which certifications are incorporated into the Appendix of Exhibits at Tab D and E.

14. The only owner of real property and business owner located within the FIRST AMENDED SYLVANIA JEDD I territory as described at Tabs A and B herein, being one and the same, has submitted petitions supporting the creation of the FIRST AMENDED SYLVANIA JEDD I, a copy of which is incorporated into the Appendix of Exhibits at Tab F.

15. Because the only owner of real property located within the area to be added by the FIRST AMENDED SYLVANIA JEDD I territory is also the only business owner currently located within the area to be added by the FIRST AMENDED SYLVANIA JEDD I territory have filed property owner petitions required by R.C. 715.72(J), the contracting parties need not give notice to any property owners or business owners as would otherwise have been required under R.C. 715.72(K)(1)A.

16. The Sylvania Township Resolution approving the creation of the FIRST AMENDED SYLVANIA JEDD I and authorizing the proposed Contract, attached hereto at Tab

H, is not required to be submitted to the electors of the township for approval pursuant to R.C.

715.72 (M) (1), for the following reasons:

A. The Resolution was approved by a unanimous vote of the members of the Board of Township Trustees, as evidenced in the certified copy of the meeting minutes incorporated into the Appendix of Exhibits at Tab G;

B. The creation of the FIRST AMENDED SYLVANIA JEDD I is proposed by request of a majority of the owners of real property, and businesses, if any, to be included within the proposed FIRST AMENDED SYLVANIA JEDD I territory (Tab F); and

C. The territory to be included in the proposed FIRST AMENDED SYLVANIA JEDD I is zoned in a manner appropriate to the function of the proposed district (Tabs A and B).

17. The FIRST AMENDED SYLVANIA JEDD I shall become effective on the first date upon which it has been finally approved by action of the legislative authorities of both parties, as evidenced by the certified copies of the Resolution and Ordinance incorporated into the Appendix of Exhibits at Tabs H and I.

18. Following adoption of the Resolutions by the Sylvania Township Trustees, incorporated into the Appendix of Exhibits at Tab H, and the Ordinance by the City of Sylvania Council, incorporated into the Appendix of Exhibits at Tab I, approving this FIRST AMENDED SYLVANIA JEDD I contract to add the referenced territory, the contracting parties have jointly filed with the Lucas County Commissioners all of the following documents:

A. A signed copy of this FIRST AMENDED SYLVANIA JEDD I Contract;

- B. A description of the areas to be included in the FIRST AMENDED SYLVANIA JEDD I territory, including a map in sufficient detail to denote the specific boundaries of the areas and to indicate any zoning restrictions applicable to the areas (Tabs A and B);
- C. Certified copies of the Resolution and Ordinance of the contracting parties relating to this FIRST AMENDED SYLVANIA JEDD I contract (Tabs H and I);
- D. A certificate of each contracting party that the public hearings required by RC 715.761 were held, the dates of the hearings, and evidence of publication of the notices of the hearings (Tabs J);
- E. Petitions signed by the only owner of real property located and the current business owner being one in the same within the areas to be added to the FIRST AMENDED SYLVANIA JEDD I territory (Tab F); and Certifications of delivery and filing of all of the aforesaid documents with the Board of Lucas County Commissioners are incorporated into the Appendix of Exhibits at Tab K.

F. ADDITIONAL TERMS

19. This FIRST AMENDED SYLVANIA JEDD I Contract amends the existing SYLVANIA JEDD I as of the effective date, by the addition of the areas described at Tabs A and B herein to the territory of the District. Except as otherwise specifically amended herein, and not inconsistent thereof, all other terms and conditions of the original SYLVANIA JEDD I Contract (the "Contract") remain in full force and effect to govern the District, including the following restated terms:

- A. The Board of Directors of the JEDD shall continue to accumulate funds in the Maintenance Fund as per the Contract;

B. The CITY shall administer, collect, and enforce the income tax on behalf of the District,

C. The Tax Administrator shall retain one (1%) percent of the average annual Gross Tax Revenue, which may be utilized to pay refunds, and in general to balance accounts.

D. The Net Tax Revenue from the territory under the original Contract shall continue to be distributed quarterly, as follows:

- i To the CITY: One-half (1/2)
- ii To the TOWNSHIP One-half (1/2)

20. The contracting parties agree that the rate of income tax levied with respect to only the area described at Tabs A and B, herein, of the FIRST AMENDED SYLVANIA JEDD I territory, shall not exceed the current rate of 1.50% for a 5-year period beginning with the commencement of the term of the Economic Development Agreement among the JEDD Board, the Township, the City and Central Rock LLC; thereafter, at the end of the 5-year period, the income revenue from the area added by this amendment to be allocated to the Maintenance Fund shall be twenty percent (20%).

21. Net Tax Revenue from the area added by this amendment and described in Exhibits A and B hereof, revenue sharing shall be distributed quarterly, as follows:

- i To the CITY: One-quarter (1/4)
- ii To the TOWNSHIP Three-quarters (3/4)

22. To the extent permitted by law, the obligations of the District to a Contracting Party shall take precedence over other obligations, debts or liabilities of the District. The Net Tax Revenue distributions may be used by the District, the Township and the City to encourage and promote economic development in the District and/or in the Township and/or in the City, all pursuant to the original SYLVANIA JOINT ECONOMIC DEVELOPMENT DISTRICT I contract.

23. Notices and required communications among the contracting parties shall be in writing and shall be sent via regular U.S. mail or by courier with delivery receipt as follows:

If to TOWNSHIP: Sylvania Township
 ATTN: Oliver Turner, Administrator
 4927 N. Holland-Sylvania Rd.
 Sylvania, OH 43560
 Phone: (419) 882-0031

With a copy to: Dawn E. Sanderson
 Sanderson Law Offices LLC
 2340 Detroit Ave., Ste. Aa
 Maumee, OH 43537
 Phone: 419-872-5695

If to the CITY: City of Sylvania
 ATTN: Toby Schroyer, Finance Director
 6730 Monroe Street
 Sylvania, Ohio 43560

With a copy to: Leslie Brinning, Law Director
 6730 Monroe St., Ste. 203
 Sylvania, OH 43560
 Phone: 419-882-7865
 Fax: 419-885-8998

A contracting party may designate a substitute or additional contacts. Notices and required communications delivered by any other manner shall not be deemed received without written confirmation of receipt by the recipient, which shall be issued promptly upon receipt or request. The parties may dispense with written notice as a condition to any action by written consent or agreement.

24. Except as otherwise specifically amended herein, and not inconsistent herewith, all other terms and conditions of the existing SYLVANIA JEDD I Contract remain in full force and

effect to govern the District, as amended. The unenforceability of any term or covenant of this Contract shall not affect the enforceability of the remaining terms and covenants.

25. Except with respect to the provisions of the FIRST AMENDED SYLVANIA JEDD I Contract and the FIRST AMENDED SYLVANIA JEDD I territory that reference the Company, which the Company may enforce as a third-party beneficiary, this Contract is not intended to benefit any third party and only a contracting party hereto shall have any standing to enforce the terms hereof.

IN WITNESS WHEREOF, the parties have subscribed to this FIRST AMENDED SYLVANIA JOINT ECONOMIC DEVELOPMENT DISTRICT I Contract by their duly authorized officers, who have set their hands below:

[SIGNATURES ON FOLLOWING PAGE]

THE CITY OF SYLVANIA

By: _____
Craig A. Stough Mayor

Date: _____

Approved as to Form
City Law Director

By: _____
Toby Schroyer Finance Director

Date: _____

**THE BOARD OF TRUSTEES
OF SYLVANIA TOWNSHIP**

By: _____
John Jennewine Trustee

Date: _____

Approved as to Form
Township Law Director

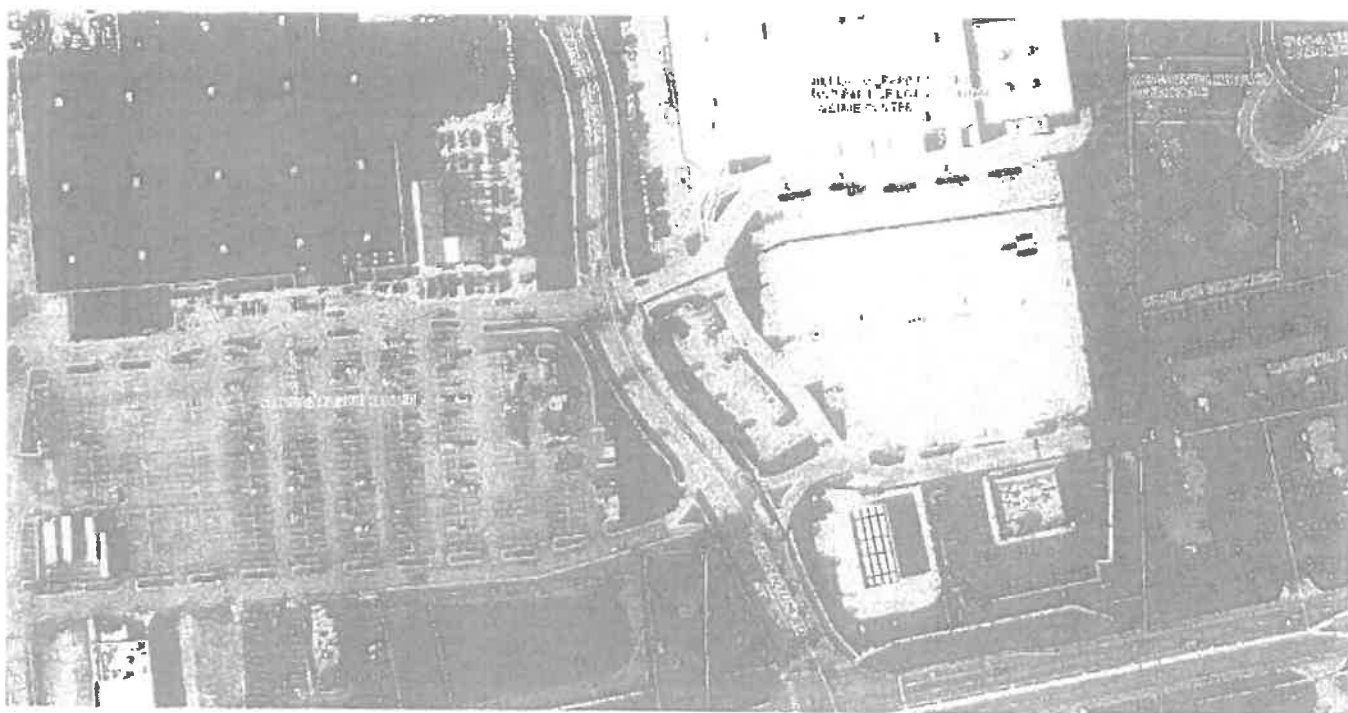
By: _____
John Crandall Trustee

Date: _____

By: _____
Neal Mahoney Trustee

Date: _____

TAB A



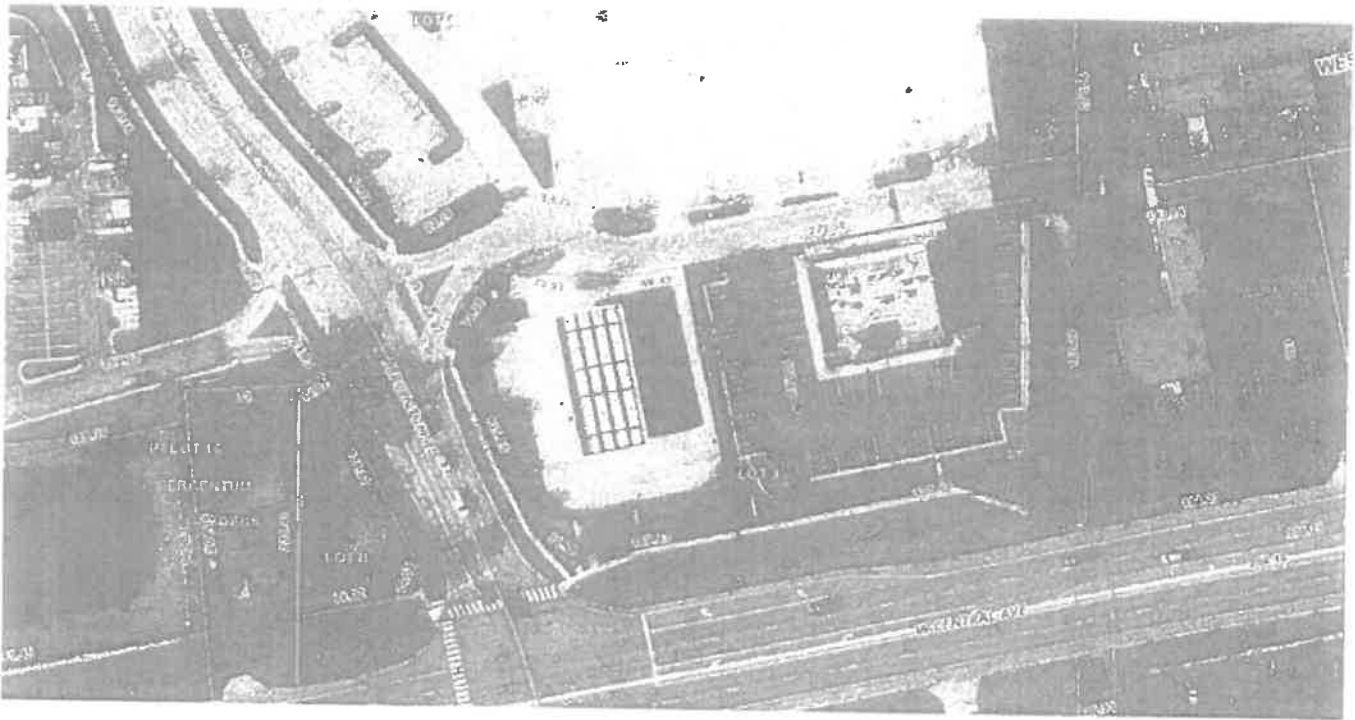
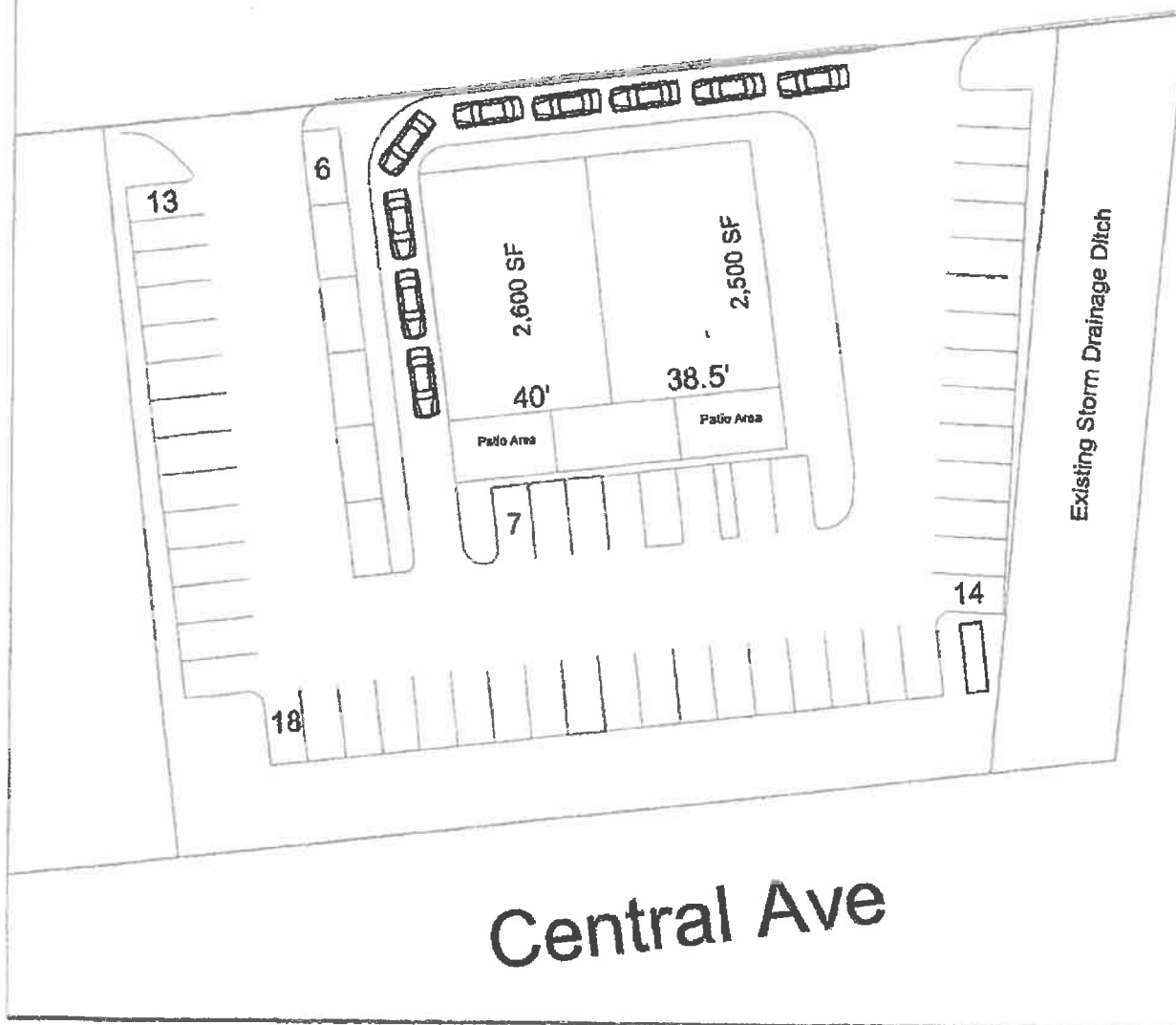


Exhibit A

Site Plan of Shopping Center; Premises



TAB B

<u>Land Owner</u>	<u>Parcel No.</u>	<u>Property Address</u>
CENTRAL ROCK LLC	7973273	3120 Percentum Road, Toledo OH 43617

Lot Number One (1) and Two (2) in the Replat of part of Lot 2 and part of Lot 3 of Central Avenue Center, located in Sylvania Township, Lucas County, Ohio, same being recorded in Volume 152 of Plats, pages 9 and 10 and Instrument No. 20230103-0000071.

Parcel No. 79-73273

<u>Land Owner</u>	<u>Parcel No.</u>	<u>Property Address</u>
CENTRAL ROCK LLC	7973242	6920 Central Ave. Toledo, OH 43617

Part of Lot 2 and part of Lot 3 of Central Avenue Center, same being recorded in Volume 152 of Plats, pages 9 and 10, Lucas County Records Office, Sylvania Township, Lucas County, Ohio, bounded and described as follows:

Beginning at a 5/8" capped iron rod found at the Southeast corner of said Lot 3 of Central Avenue Center;

Thence South 83° 32' 50" West, 195.49 feet along the South line of said Lot 3 and the North right-of-way of Central Avenue to a point;

Thence North 06° 20' 56" West, 176.80 feet to a point;

Thence North 83° 32' 50" East, 230.14 feet to the East line of said Lot 2 of Central Avenue Center;

Thence South 04° 44' 05" West, 180.23 feet along the East line of said Lots 2 and 3 of Central Avenue Center and the West line of 6800 West Central Avenue Office Condominiums to the point of beginning. Subject to all highways.

Tax Parcel No. 79-73242

TAB C

ECONOMIC DEVELOPMENT AGREEMENT

This Economic Development Agreement (the "Agreement") made and entered into effective the _____ day of _____, 2024 by and among the Board of Directors of the Sylvania Township/City of Sylvania Economic Development District, a public body organized and existing under the provisions of Ohio Revised Code ("R.C.") Sections 715.70 – 715.84 (the "JEDD Board"); Sylvania Township, Lucas County, Ohio, a political subdivision of the State of Ohio, through its Board of Township Trustees (the "Township"); the City of Sylvania, Ohio, an Ohio municipal corporation (the "City"); and Central Rock LLC, an Ohio limited liability company, (collectively "Company"), with its main office located at 5215 Monroe St., Ste. 8, Toledo, OH 43623.

RECITALS:

A. Pursuant to R.C. Sections 715.70 – 715.84 (the "JEDD Statutes"), Sylvania Township (the "Township") and the City of Sylvania (the "City") executed a Joint Economic Development District Contract, executed as of June 4, 2020 (the "JEDD Contract"), creating the Sylvania Township City of Sylvania Joint Economic Development District (the "STCS JEDD").

B. Pursuant to the JEDD Contract, the Board of Directors for the JEDD (the "JEDD Board") imposed a 1.50% tax on income withheld from employees working within the STCS JEDD Territory and on net business profits situated to the STCS JEDD Territory.

C. The Company desires to construct new commercial building(s) and related improvements (the "Project") at a site within the boundaries of the Township (the "Project Premises" which is further described on the attached **Exhibit A** and incorporated herein by this reference), provided that the appropriate economic development incentives are available to support the economic viability of the Project. The Project is located outside of the STCS JEDD Territory.

D. In connection with the Project, the Company would lease the space to not less than five businesses from outside of the JEDD Territory. In addition, the Company estimates that it will cause to be created full-time permanent positions with payroll of approximately \$4,400,000.00 annually with the commercial property fully occupied no later than December 31, 2024.

E. In connection with the Project and the incentive to be provided to the Company pursuant to this Agreement, the Company desires to prepare and file the necessary property owner and business owner petitions to add the Project Premises to the STCS JEDD Territory. The Township and the City desire to support adding the Project Premises to support the creation of new jobs and to generally improve the economic condition of the STCS JEDD Territory.

F. In return for the Company's filing of the necessary petitions to add the Project Premises to the STCS JEDD Territory, and pursuant to the powers granted to them under the JEDD Contract and pursuant to the JEDD Statutes, the Township, the City and the JEDD Board desire to provide the Company with the incentives described in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the receipt and sufficiency of which is hereby acknowledged, the parties herein agree as follows:

Section 1. Addition of Project Premises to the STCS JEDD Territory. Contemporaneous to delivery of this Agreement, the Company shall complete and file the property owner and business owner petitions (the "Petitions") necessary to initiate the process of adding the Project Premises to the STCS JEDD Territory, as described in R.C. Sections 715.71 and 715.84, and shall generally cooperate with the JEDD Board, the City and the Township to add the Project Premises to the STCS JEDD Territory. The Petitions shall specify that the addition of the Project Premises to the STCS JEDD Territory is expressly conditioned upon (i) the payment of the Annual Payments (as defined and described in Section 2 hereof), and (ii) the JEDD income tax rate not exceeding 1.5% for 5 years, as further described in Section 3 hereof. Upon receipt of the Petitions, the Township and the City shall complete the remaining processes for adding the Project Premises to the STCS JEDD Territory pursuant to R.C. Section 761.72 and the other provisions of the JEDD Statutes within three (3) months of the parties' final approval of this Agreement or May 1, 2024, whichever is earlier.

Section 2. Economic Development Terms.

A. Amount. Subject to the other requirements of this Agreement, the JEDD Board, the Township and the City hereby agree to provide the Company with annual payments (each an "Annual Payment," and collectively, the "Annual Payments"). Subject to Section 2(C) hereof, each Annual Payment shall be equal to 33.33% multiplied by the total JEDD income taxes withheld from employees and the net business profits within the Project Premises actually paid for the previous calendar year. The Annual Payments shall be used by the Company to offset the Company's land improvements and construction and non-operating costs incurred in connection with the Project.

B. Term of the Agreement. Subject to Section 2(C) hereof, the payments shall first apply to income taxes withheld during calendar year 2025 and paid in 2026, with the first Annual Payment due during calendar year 2026 and shall continue for a total of 5 years (the "Term"), with the final Annual Payment being made during calendar year 2030 for JEDD income taxes withheld or paid during calendar year 2029.

C. JEDD Income Tax Distribution and Annual Payment Obligation. To ensure that the City has sufficient revenues to pay each Annual Payment while meeting its other budgetary needs, the JEDD Board shall distribute JEDD income tax revenues from the Project Premises in a manner that will provide the City with sufficient JEDD income tax revenues to offset each Annual Payment by the City under this Agreement (the "Offset Amount"). The City shall not be obligated to make an Annual Payment until it receives the Offset Amount for that Annual

Payment. The Township shall have no obligation to make any Annual Payments. Further, if any refunds are made from the payroll withholding or businesses located in the Project Premises, the Company's subsequent Annual Payment will be offset, dollar for dollar for any such refunds.

D. Filing of Annual Returns and Timing of Annual Payments. The Tax Administrator or their designee shall review each Annual JEDD Tax Return and, assuming that all information in the Returns appears correct, the City as Tax Administrator for the JEDD shall pay the Annual Payment for the applicable year to the Company no later than 90 days after the last due date for the JEDD Tax Returns to be filed.

E. Annual Appropriations. The obligation of the City to make Annual Payments pursuant to this Agreement is subject to an annual appropriation by the City. Nothing in this Agreement shall be construed to obligate the JEDD Board, the City or the Township to appropriate tax revenues to make the Annual Payments.

F. Effect of Nonpayment of Annual Payment. If an Annual Payment is not paid when due, the Company will give written notice, by certified mail, of the late payment to the City, the Township and the JEDD Board, after which the City will have 30 days after the receipt of such written notice to cure and make the Annual Payment to the Company. Notwithstanding any other provision in this Agreement, if the Annual Payment is not made within the 30-day cure period, the Petitions, the JEDD income tax with respect to the Project Premises, the JEDD Contract (as amended) with respect to the Project Premises and this Agreement shall automatically terminate.

G. Dispute Resolution. If any party to this Agreement disputes the calculation of the Annual Payments, the disputing party shall give notice in writing to the other parties regarding the nature of the dispute. The parties shall cooperate with each other to resolve the dispute in a timely manner and in a manner that is mutually agreeable among the parties. In the event that the parties are unable to agree upon a mutually acceptable resolution within 45 days after the date of the written notice described herein, the parties shall submit the dispute to arbitration in the manner specified in R.C. Section 1332.08.

Section 3. JEDD Income Tax Rate. In return for the Company's commitment to file the Petitions to add the Project Premises to the STCS JEDD Territory, the City, the Township and the JEDD Board hereby agree that the rate of the JEDD income tax levied with respect to the Project Premises shall not exceed the current rate of 1.50% for a 5-year period beginning with the commencement of the Term.

Section 4. Confidentiality. The JEDD Board, the City and the Township hereby acknowledge that annual tax returns and other financial or proprietary information may include confidential information ("Confidential Information") that is exempt from disclosure under Ohio's open records laws. The Confidential Information may include, but not be limited to, Company tax information and personal information related to employees of the Project Premises. Each of the JEDD Board, the City and the Township shall cooperate with the Company in the event of a public records request to ensure that all Confidential Information is redacted before any disclosure.

Section 5. Release. Upon satisfaction of the Company's obligations under this Agreement and expiration of the Term, the JEDD Board, the City and the Township shall, upon the written request of the Company, execute an instrument in recordable form evidencing such satisfaction or termination.

Section 6. Estoppel Certificate. Upon request of the Company, the JEDD Board, the City and the Township shall execute and deliver to the Company or any proposed purchaser, mortgagee or lessee of any portion of the Project Premises, a certificate stating: (a) that the Agreement is in full force and effect, if the same is true; (b) that the Company is not in default under any of the terms, covenants or conditions of the Agreement, or, if the Company is in default, specifying same; and (c) such other matters as the Company reasonably requests.

Section 7. Representations of the Parties. The Company hereby represents that it has full power and authority to enter into this Agreement and carry out its terms. The JEDD Board hereby represents that this Agreement is authorized by Resolution No. _____, passed _____, and that the JEDD Board has full power and authority to enter into this Agreement, to carry out its terms and to perform its obligations hereunder and thereunder. The Township hereby represents that this Agreement is authorized by Resolution No. _____, passed _____, and that the Township has full power and authority to enter into this Agreement, to carry out its terms and to perform its obligations hereunder and thereunder. The City hereby represents that this Agreement is authorized by Ordinance No. _____, passed _____, and that the City has full power and authority to enter into this Agreement, to carry out its terms and to perform its obligations hereunder and thereunder.

Section 8. Successors. This Agreement shall be binding upon and inure to the benefit of the Company and its beneficiaries, successors and assigns, including successive as well as immediate successors and assigns; shall be binding upon and inure to the benefit of the JEDD, and its successors and assigns; shall be binding upon and inure to the benefit of the Township, and its successors and assigns; and shall be binding upon and inure to the benefit of the City, and its successors and assigns.

Section 9. Agreement Binding on Parties; No Personal Liability; JEDD Board, City and Township Consents. All covenants, obligations and agreements of the JEDD Board, the Township, the City and the Company contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. No such covenant, obligation or agreement shall be deemed to be a covenant, obligation or agreement of any present or future member, official, officer, agent or employee of the JEDD, City or Township in other than their official capacity or of any individual person who is a partner, shareholder, director, member, manager, employee, officer or agent of the Company other than in their capacity as a partner, shareholder, director, member, manager, employee, officer or agent, and neither the members of the JEDD Board, the City Council, the Board of Township Trustees nor any JEDD, City or Township official executing this Agreement, or any individual person executing this Agreement on behalf of the Company, shall be liable personally by reason of the covenants, obligations or agreements of the JEDD Board, the City, the Township or the Company contained in this Agreement.

Any consent of the JEDD Board to be given under this Agreement may be given by the Chairman of the JEDD Board, and shall be given in writing. Any consent of the Township to be given under this Agreement may be given by the Chairperson of the Board of Township Trustees, and shall be given in writing. Any consent of the City to be given under this Agreement may be given by the Mayor, and shall be given in writing.

Section 10. Amendments. This Agreement may be amended only by written instrument executed by all of the parties to this Agreement.

Section 11. Notices. Except as otherwise specifically set forth in this Agreement, all notices, certificates, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given if actually received or if hand-delivered or sent by recognized overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other party at the address set forth in this Agreement, or to such other address as the recipient shall have previously notified the sender of in writing, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused. The parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices, certificates, demands, requests, consents or approvals, or other communications shall be sent. The present notice addresses of the parties follow:

(a) To the Company at: Central Rock LLC
5215 Monroe St., Ste. 8
Toledo, O 43623
Attention: William Bostleman
Phone: 419-913-7031

With a copy to:

Attention: _____
Phone: _____
Fax: _____

(b) To the City at: City of Sylvania
6730 Monroe St.
Sylvania, OH 43560
Attention: _____
Phone: _____
Fax: _____

With a copy to:

Leslie Brinning, Law Director
6730 Monroe St., Ste. 203
Sylvania, OH 43560
Phone: 419-882-7865
Fax: 419-885-8998

(c) To the Township at: Sylvania Township
Attention: Oliver Turner, Administrator
4927 N. Holland-Sylvania Rd.
Sylvania, OH 43560
Phone: (419) 882-0031

With a copy to: Dawn E. Sanderson
Sanderson Law Offices LLC
2340 Detroit Ave., Ste. Aa
Maumee, OH 43537
Phone: 419-872-5695

(d) To the JEDD Board at: JEDD Board
Sylvania Township
4927 N. Holland-Sylvania Rd.
Sylvania, OH 43560
Phone: (419) 882-0031

Section 12. Counterparts. This Agreement may be signed in one or more counterparts or duplicate signature pages with the same force and effect as if all required signatures were contained in a single 20 instrument. Any one or more of such counterparts or duplicate signature pages may be removed from any one or more 20 copies of this Agreement and annexed to other counterparts or duplicate signature pages to form a completely executed 20 instrument.

Section 13. Severability. In case any section or provision of this Agreement, or any covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, or any application thereof, is held to be illegal or invalid for any reason,

a. that illegality or invalidity shall not affect the remainder hereof or thereof, any other section or provision hereof, or any other covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, all of which shall be construed and enforced as if the illegal or invalid portion were not contained herein or therein,

b. the illegality or invalidity of any application hereof or thereof shall not affect any legal and valid application hereof or thereof, and

c. each other section, provision, covenant, agreement, obligation or action, or part thereof, shall be deemed to be effective, operative, made, assumed, entered into or taken in the manner and to the full extent permitted by law.

Section 14. Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 15. Governing Law and Choice of Forum. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio. All claims, counterclaims, disputes and other matters in question among the City, its agents and employees, the JEDD, its agents and employees, the Township, its agents and employees, and the Company, its employees, contractors, subcontractors and agents arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within the State of Ohio.

Section 16. Assignments. Except as otherwise provided in this Section 16, the Company agrees not to assign this Agreement without the prior written consent of the JEDD Board, City and Township, which consent shall not be unreasonably withheld. Notwithstanding any provisions to the contrary in this Section, the Company may assign its interest in this Agreement to an entity controlled by or under common control with the Company only with the prior written consent, which shall not be unreasonably withheld, of the JEDD Board, the City or the Township.

Section 17. Entire Agreement. This Agreement constitutes the entire agreement among the Company, the JEDD Board, the City and the Township pertaining to the subject matter contained herein and therein and supersede all other prior or contemporaneous agreements or understandings among the Company, the JEDD Board, the City and the Township in connection with such subject matter.

[Remainder of the Page Intentionally Left Blank.]

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the JEDD Board, the Township, the City and the Company have caused this Agreement to be executed in their respective names by their duly authorized officers or representatives, as of the date hereinabove written.

SYLVANIA TOWNSHIP/CITY OF SYLVANIA
ECONOMIC DEVELOPMENT DISTRICT

By: _____
Its: Chairperson

SYLVANIA TOWNSHIP, LUCAS COUNTY, OHIO

By: _____
Its: Chairperson, Board of Township Trustees

CITY OF SYLVANIA, LUCAS COUNTY, OHIO

By: _____
Its: Mayor

Central Rock, LLC
An Ohio Limited Liability Company

By: _____
Its: _____

Approved as to Form:

Leslie B. Brinning, Law Director
City of Sylvania

Approved as to Form:

Dawn Sanderson, Attorney for Sylvania Township

FISCAL OFFICER'S CERTIFICATE

As fiscal officer for the JEDD, I hereby certify that funds sufficient to meet the obligations of the JEDD in this Agreement (including specifically the funds required to meet the obligation of the JEDD in the year 2024) have been lawfully appropriated for the purposes thereof and are available in the treasury, and/or are in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. No JEDD expenditures will be required in 2024. This certificate is given in compliance with Ohio Revised Code Sections 5705.41 et seq.

Dated: _____, 2024

Toby Schroyer, Finance Director for City

FISCAL OFFICER'S CERTIFICATE

As fiscal officer for the City, I hereby certify that funds sufficient to meet the obligations of the City in this Agreement (including specifically the funds required to meet the obligation of the City in the year 2024) have been lawfully appropriated for the purposes thereof and are available in the treasury, and/or are in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. No City expenditures will be required in 2024. This certificate is given in compliance with Ohio Revised Code Sections 5705.41 et seq.

Dated: _____, 2024

Toby Schroyer,
Sylvania Township Joint Economic Development
District

EXHIBIT A

PROJECT PREMISES

The Project Premises is the real estate situated in the Township of Sylvania, County of Lucas and State of Ohio generally depicted on the map that follows this page and identified by the Lucas County Auditor for tax year 2024 as parcel number (s) 79-73273 and 79-73242.

TAB D

**Sylvania Township
Certification of Hearing Set**

TAB E

**City of Sylvania
Certification of Hearing Set**

TAB F

**PETITION OF PROPERTY OWNER FOR THE FIRST AMENDED
SYLVANIA JOINT ECONOMIC DEVELOPMENT DISTRICT**

WHEREAS, the signer of this Petition is the owner of property located within the area proposed to be included in the First Amended Sylvania Township City of Sylvania Joint Economic Development District in Sylvania Township, in Lucas County, Ohio;

WHEREAS, all of the documents described in section 715.72 of the Revised Code, pertaining to the formation of the First Amended Sylvania Township City of Sylvania Joint Economic Development District are available for public inspection in the office of the Clerk of Council for the City of Sylvania and the offices of the Fiscal Officer for Sylvania Township; and

WHEREAS, the undersigned Property Owner supports the First Amended Sylvania Joint Economic Development District;

NOW THEREFORE, be it hereby known that the Property Owner, by the signature affixed hereto, petitions for the properties identified in the description attached exhibit hereto and incorporated herein, to be included in the proposed First Amended Sylvania Township City of Sylvania Joint Economic Development District.

CONTACT INFORMATION:

Central Rock, LLC

Name

5215 Monroe Street, Suite 8

Business address

Toledo, OH 43623

By: 

Authorized Signature

Its: Authorized Representative

William Bostleman

Print Name

419-913-7031

Telephone Number

bill.bostleman@riverrockpg.com

Email Address

Signed on December 20, 2023.

EXHIBIT A

<u>Land Owner</u>	<u>Parcel No.</u>	<u>Property Address</u>
CENTRAL ROCK LLC	7973273	3120 Percentum Road, Toledo OH 43617

Lot Number One (1) and Two (2) in the Replat of part of Lot 2 and part of Lot 3 of Central Avenue Center, located in Sylvania Township, Lucas County, Ohio, same being recorded in Volume 152 of Plats, pages 9 and 10 and Instrument No. 20230103-0000071.

Parcel No. 79-73273

**PETITION OF PROPERTY OWNER FOR THE FIRST AMENDED
SYLVANIA JOINT ECONOMIC DEVELOPMENT DISTRICT**

WHEREAS, the signer of this Petition is the owner of property located within the area proposed to be included in the First Amended Sylvania Township City of Sylvania Joint Economic Development District in Sylvania Township, in Lucas County, Ohio;

WHEREAS, all of the documents described in section 715.72 of the Revised Code, pertaining to the formation of the First Amended Sylvania Township City of Sylvania Joint Economic Development District are available for public inspection in the office of the Clerk of Council for the City of Sylvania and the offices of the Fiscal Officer for Sylvania Township; and

WHEREAS, the undersigned Property Owner supports the First Amended Sylvania Joint Economic Development District;

NOW THEREFORE, be it hereby known that the Property Owner, by the signature affixed hereto, petitions for the properties identified in the description attached exhibit hereto and incorporated herein, to be included in the proposed First Amended Sylvania Township City of Sylvania Joint Economic Development District.

CONTACT INFORMATION:

Central Rock, LLC

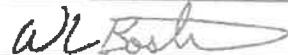
Name

5215 Monroe Street, Suite 8

Business address

Toledo, OH 43623

By:



Authorized Signature

Its: Authorized Representative

William Bostleman

Print Name

419-913-7031

Telephone Number

bill.bostleman@nverrockpg.com

Email Address

Signed on December 20, 2023.

EXHIBIT A

<u>Land Owner</u>	<u>Parcel No.</u>	<u>Property Address</u>
CENTRAL ROCK LLC	7973242	6920 Central Ave. Toledo, OH 43617

Part of Lot 2 and part of Lot 3 of Central Avenue Center, same being recorded in Volume 152 of Plats, pages 9 and 10, Lucas County Recorders Office, Sylvania Township, Lucas County, Ohio, bounded and described as follows:

Beginning at a 5/8" capped iron rod found at the Southeast corner of said Lot 3 of Central Avenue Center;

Thence South 83° 32' 50" West, 195.49 feet along the South line of said Lot 3 and the North right-of-way of Central Avenue to a point;

Thence North 06° 20' 56" West, 176.80 feet to a point;

Thence North 83° 32' 50" East, 230.14 feet to the East line of said Lot 2 of Central Avenue Center;

Thence South 04° 44' 05" West, 180.23 feet along the East line of said Lots 2 and 3 of Central Avenue Center and the West line of 6800 West Central Avenue Office Condominiums to the point of beginning. Subject to all highways.

Tax Parcel No. 79-73242

TAB G

**Sylvania Township
Resolution Approving Amended Contract
Certified Meeting Minutes**

TAB H

**Sylvania Township
Resolution Approving Amended Contract**

TAB I

**City of Sylvania
Ordinance Approving Amended Contract**

TAB J

Copies of Publications of Hearings
with Proofs of Publication

TAB K

**Certification of Delivery and Filing of
All Documents with County Commissioners**

8a.



April 12, 2024

DEPARTMENT OF PUBLIC SERVICE
TIMOTHY S. BURNS, ZONING ADMINISTRATOR

To: The Mayor and Members of Sylvania City Council

Re: **BID AWARD – 2024 SIDEWALK PROGRAM**

Mr. Mayor and Council Members:

We received three (3) bids for the above referenced project. The lowest bid was submitted by Jennite Company of Toledo, Ohio in the amount of \$27,453.00. Jennite performed work for the City in the past.

The next lowest bid was submitted by Scott's Quality Concrete of Sylvania in the amount of \$37,115.00 and the high bid came in at \$47,000.00 from Morris Concrete of Toledo, Ohio.

Based on the proposals the apparent low bidder we believe it is in the best interest of the City to award the 2024 Sidewalk Program contract to Jennite Company in the amount of \$27,453.00.

Please call if you have any questions.

Timothy S. Burns
City of Sylvania – Zoning Administrator

City of Sylvania

Sidewalk Program

2024 Bid Comparison List

Vendor	Address	Contact	Phone	Email	Bid
Morris Concrete	3522 Zone Ave. Toledo, Ohio 43617	Steve Morris	419-320-0000	stevemorrisconcrete@gmail.com	\$47,000.00
Scotts Quality Concrete	PO Box 357 Sylvania, Ohio 43560	Cassandra A Muehlfeld	419-885-8871	DWMJScott@gmail.com	\$37,115.00
Jennite Company	4690 West Bancroft Toledo Ohio 43615	Tom Walter	419-351-4645	twalter@jennite.com	\$27,453.00

8b.

ORDINANCE NO. 66-2024

**ACCEPTING THE PROPOSAL OF JENNITE COMPANY AND
AWARDING THE CONTRACT FOR THE 2024 SIDEWALK
REPLACEMENT PROGRAM TO SAME; AUTHORIZING THE
EXPENDITURE FOR THE IMPROVEMENTS IN THE AMOUNT OF
\$27,453; APPROPRIATING FUNDS THEREFORE; AND DECLARING
AN EMERGENCY.**

WHEREAS, plans for the 2024 Sidewalk Replacement Program have been completed
and are now on file with the Clerk of this Council; and,

WHEREAS, the Zoning Administrator, by report dated April 12, 2024, stated that he
requested proposals from three local companies for the 2024 Sidewalk Replacement Program and
one proposal was received:

<u>COMPANY</u>	<u>PRICE</u>
Jennite Company	\$27,453.00
Scott's Quality Concrete	37,115.00
Morris Concrete	47,000.00

WHEREAS, the proposal offered by Jennite Company meets all of the City's
specifications and the Zoning Administrator, by report April 12, 2024, has recommended
acceptance of the proposal submitted by Jennite Company and that the contract for the 2024
Sidewalk Replacement Program be awarded to same.

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

SECTION 1. That the proposal of Jennite Company, Toledo, Ohio for said 2024
Sidewalk Replacement Program, in the amount of Twenty-Seven Thousand Four Hundred Fifty-
Three Dollars (\$27,453.00), is hereby determined to be the lowest and best proposal received and
the same is hereby accepted.

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

SECTION 3. That to provide funds for said improvements hereby authorized, there is

hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7615-53530 – Sidewalk Replacements**, the total sum of Twenty-Seven Thousand Four Hundred Fifty-Three Dollars (\$27,453.00).

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 proposal of Jennite Company should be accepted immediately so as to provide for the commencement of the 2024 Sidewalk 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, _____, 2024, 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

May 6, 2024

To: The Mayor and Members of Sylvania City Council

Re: **Agreement Amendment No. 1 (Sylvania Bomlitz 05/24-01)**
Harroun Park Invasive Species Treatment & Control

Dear Mr. Mayor and Council Members:

The Service Department initiated invasive species control work in Harroun Park in 2019 with The Nature Conservancy (Ord. 101-2019). The \$41,000 2-year contract from 2020 thru 2021 included herbicide treatments and brush removal and helped the City satisfy Ohio Environmental Protection Agency (OEPA) requirements as a part of the Sylvania River Trail, Phase 1 project.

The 2-year contract was a success and lead to a second 2-year contract from 2022 thru 2023 (Ord. 11-2022) in the amount of \$60,000 to continue additional invasive species removals, herbicidal spray, and brush mowing in priority areas along the Ottawa River.

To date the City has been invoiced \$45,000 of the \$60,000 allocated in the current contract. The Nature Conservancy has indicated they have not needed to expend as many resources as originally planned in the current contract. Nevertheless, they are extremely pleased with the progress made towards invasive species control through prudent budget management.

The Nature Conservancy is recommending a one-year contract extension (through May 1, 2025) at no additional cost to the City with the goal of using the remaining \$15,000 to complete more herbicidal treatments and grassland mowing on the east side of the park.

We would recommend approval of the enclosed contract extension and Agreement Amendment No. 1. Please call with any questions.

Sincerely,

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

ORDINANCE NO. 67-2024**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH THE NATURE CONSERVANCY TO PROVIDE INVASIVE SPECIES TREATMENTS IN HARROUN PARK; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 101-2019, passed by Sylvania City Council on December 16, 2019, authorized the Mayor and Director of Finance to accept the proposal of The Nature Conservancy to provide Invasive Species Treatments in Harroun Park and appropriated funds in the amount of \$41,000 over the two-year term; and,

WHEREAS, Ordinance No. 11-2022, passed by Sylvania City Council on February 7, 2022, authorized the Mayor and Director of Finance to enter into an Agreement with The Nature Conservancy to provide invasive species treatments in Harroun Park and appropriated funds in the amount of \$60,000 over the two-year term; and,

WHEREAS, since 2019, the restoration by The Nature Conservancy in Ohio has significantly reduced the invasive plant population in Harroun Park and has opened up most areas of the park with scattered trees interspersed by native wildflowers; and,

WHEREAS, the restoration efforts have removed invasive woody plants near the Ottawa River providing greater access to the river for wildlife and views of the river for park visitors; and,

WHEREAS, despite all of the work that has been done, Harroun Park continues to experience pressure from invasive plant species and, therefore, The Nature Conservancy has

proposed an additional 1-year Agreement to continue the restoration work; and,

WHEREAS, The Nature Conservancy has proposed an additional 1-year Agreement to continue reducing the invasive plant species by providing two foliar-spray applications on the entire property to control new and re-sprouting invasive plants and mowing the grassland on the east side of the park to control herbaceous and woody invasives; and,

WHEREAS, the Director of Public Service has recommended approval of the amendment to the Agreement with The Nature Conservancy to continue the reduction of invasive species in Harroun Park from May, 2024 through May 1, 2025 at no cost to the City.

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 enter into the Amendment to the Agreement with The Nature Conservancy on behalf of this City, thereby indicating such approval of the proposal for the invasive species treatments in Harroun Park as provided in the Amendment now on file with the Clerk of Council.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that proposal for said professional services should be approved immediately so that the invasive species treatments in Harroun Park can proceed 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, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date



Contract Number:	Sylvania Bomlitz 05/24-01
TNC Accounting Information	
Project Name:	OH 2022 City of Sylvania – Harroun Park
Project-Award-Activity IDs:	P117990 A0 111314
Books ID or Unique ID:	
Source of funds:	<input type="checkbox"/> Public Funds <input type="checkbox"/> Private funds <input type="checkbox"/> Private funds with donor restrictions <input checked="" type="checkbox"/> Private funds as match for public funds

**Amendment and Ratification to Contract
between The Nature Conservancy and
City of Sylvania**

This is an Amendment and Ratification of a Contract for Services between The Nature Conservancy, (“TNC”), and City of Sylvania, (the “Purchaser”) dated 05/18/2022 (the “Contract”) and is effective as of the last signature date below. Capitalized terms in this Amendment have the same meaning given to them in the Contract.

WHEREAS the Contract engaged TNC to perform habitat management at Purchaser’s Harroun Community Park and

WHEREAS the Contract expired on May 1, 2024, however, the Parties desire to continue to be bound by the Contract;

WHEREAS the parties now desire to amend the Contract to extend the Contract’s term and provide for additional Services;

THEREFORE TNC and the Purchaser agree to ratify, extend, and amend the Contract as follows:

1. The expiration date stated in Section 3 of the Contract is changed to May 1, 2025.
2. Section 2(a) (“Contract Fee”) is hereby modified so that the final sentence is replaced with the following sentence: “Invoices will be sent to the Purchaser prior to October 31, 2022, April 30, 2023, October 31, 2023, April 30, 2024, October 31, 2024, and April 30, 2025.”
3. Exhibit A of the Original Agreement shall be replaced with the attached Exhibit A.

All other terms of the Contract are hereby ratified and confirmed as applicable and binding upon the parties and shall remain unchanged and in full force and effect. In the event of a conflict between the Contract and this Amendment, the latter will control. Any recital or preliminary statement in this Amendment and any Attachments referred to in this Amendment are an integral part of and are incorporated by reference into this Amendment.

In consideration of the above, the Parties execute this Amendment effective as of the later date of signature below.

The Nature Conservancy

City of Sylvania

By: (signature) _____
Print Name: _____
Title: _____
Date: _____

By: (signature) _____
Print Name: _____
Title (if applicable): _____
Date: _____

Exhibits:

Exhibit A: Description of Services

Exhibit A
Description of Services

(1) Objective

TNC will conduct habitat restoration and improvement on properties owned or managed by the Purchaser, located in the County of Lucas, State of Ohio, as more particularly described on maps attached below (the "Property").

(2) Services for Period 05/18/2022 through 05/01/2024

Habitat restoration and improvement will include the following (workdays below are estimates):

- Foliar spray all 24 natural acres in the Property each year to control new and resprouting invasives. Special attention will be given to Priority Area 1.
 - Two foliar-spray applications per year (approximately 14 days per year; 28 days total)
- Chainsaw and brushcutting in appropriate areas of the Property to remove mature, seed-producing invasive trees and shrubs. Special attention will be given to Priority Area 1 (approximately 7 days per year; 14 days total).
- Mow 4 acres of grassland within Priority Areas 2 and 3 each year to control herbaceous invasives, such as Reed Canary Grass, and set back woody plant establishment (approximately 2 days per year; 4 days total).
- Forestry mow up to 4.3 acres within Priority Area 4 to control dense, thick patches of invasive shrubs and small trees. (approximately 2 days per year; 4 days total).

Additionally, TNC will initiate monitoring of the Property using Oak Openings Rapid Assessment Methodology (OORAM) survey in select areas; survey results will allow for assessing vegetation structure on the Property and evaluating effectiveness of restoration over time.

(3) Services for Period 05/01/2024 through 05/01/2025

Habitat restoration and improvement will include the following:

- Two foliar-spray applications on the entire property (~24 acres) to control new and resprouting invasive plants. Special attention will be given to Priority Area 1.
- Mow the grassland on the eastern side of the park (approximately 4 acres) to control herbaceous and woody invasives.

(4) Products, Deliverables, Due Dates

A final report will be provided by TNC to the Purchaser by June 1, 2025, detailing restoration services performed, maps of treatments applied, and OORAM score data collected during the contract term.



10a.

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

May 6, 2024

To: The Mayor and Members of Sylvania City Council

Re: **Special Assessment Modification Request – Drainage & Ditches**

Dear Mr. Mayor and Council Members:

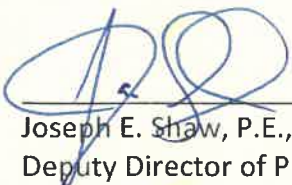
On April 1, 2024 the Service Department updated City Council on the Lucas County Engineer's (LCE) ongoing petition process for the Tenmile Creek/Ottawa River watershed. During the meeting it was shared the LCE intends to assess the City approximately \$160,000 annually beginning in 2025. City Council elected Option 1 in which the City pays for this cost in lieu of a property tax assessment with a recommendation of adjusting the Drainage & Ditch special assessment fee (Ord. 57-2024) accordingly.

The Service Department has reviewed several Drainage & Ditches special assessment adjustments and is recommending a 15% across the board increase. This is estimated to generate over \$45,000 annually. Specifically, the small lot residential property owner would see an increase from \$15/year to \$17.25/year and the large lot residential property owner would see an increase from \$30/year to \$34.50/year. Similarly, the non-single family residential property owner would see an increase from \$30/year per 5,000 square feet of impervious area to \$34.50/year.

As a reminder, the City is permitted to monitor and invoice the County for our existing maintenance activities as reimbursable expenses to help offset the \$160,000. We have conservatively estimated this annual reimbursement to be approximately \$100,000.

We would recommend approval of this Drainage & Ditches special assessment change. Please call with any questions.

Sincerely,



Joseph E. Shaw, P.E., P.S.
Deputy Director of Public Service

ORDINANCE NO. 68-2024

PROVIDING FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, CLEANING AND ENCLOSING OPEN DRAINAGE DITCHES LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SYLVANIA; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE, BY AND THROUGH THE PROPER OFFICERS OF SAID CITY TO DO SAID WORK DURING THE YEAR 2024; ESTABLISHING ONE DISTRICT FOR SAID PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.012 OF THE REVISED CODE OF OHIO; PROVIDING FOR THE ASSESSMENT OF THE COST AND EXPENSE THEREOF UPON ABUTTING PROPERTY; AND DECLARING AN EMERGENCY.

WHEREAS, it is immediately urgent and necessary that work is authorized for the purpose of constructing, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania during the year 2024;

WHEREAS, the Director of Public Service has recommended to Council the construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania during the year 2024 in accordance with plans, estimates and schedules therefore heretofore prepared and now on file in the Office of Finance.

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

SECTION 1. That it is hereby declared necessary and conducive to public health, convenience and welfare to construct, maintain, repair, clean and enclose open drainage ditches located within the corporate limits of the City of Sylvania during the year 2024. That for said purpose there is hereby established one (1) district which shall include all territory within and coextensive with the boundaries of the City of Sylvania, pursuant to the provisions of Section 727.012 of the Revised Code of Ohio.

SECTION 2. That the work of such construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the district of the City shall be done within said district, as herein set forth, and through the proper officers of the City of Sylvania; and such officers be, and they hereby are, authorized and directed to purchase required materials; to purchase or rent the necessary tools, machinery and appliances; to employ the necessary labor to do said work all in accordance with the plans, estimates and schedules therefore heretofore prepared and now on file in the Office of Finance for inspection of all persons interested, which said plans, estimates and schedules, including approximate present estimates of the cost of said work, is in the aggregate sum of Three Hundred Sixty Three Thousand, Eight Hundred Seventy

Dollars and 00/100 (\$363,870.00).

SECTION 3. That said cost and expense of construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City in the amount of Three Hundred Sixty Three Thousand, Eight Hundred Seventy Dollars and 00/100 (\$363,870.00) shall be specially assessed by impervious area upon all of the lots and lands abutting and bounding upon each of said streets and public right-of-way in said district as follows:

- a. Small Lot Residential (lot size less than 9,900 square feet) = \$17.25 per year;
- b. Large Lot Residential (lot size greater than 9,900 square feet) = \$34.50 per year;
- c. Non-Single Family Residential = \$34.50 per year per 5,000 square feet of impervious area;

as provided in Section 727.012 of the Ohio Revised Code, which said lots and lands are hereby determined to be specially benefitted by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include acquisition of the necessary materials, tools, machinery and appliances, the wages for the necessary labor, the cost of said plans, estimates and schedules, cost of publication and mailing of notices, and cost of this Ordinance, costs of the preparation, levy and collection of special assessments and interest on notes issued in anticipation of the levy and collection of the special assessments together with all necessary expenditures.

SECTION 4. That the special assessment so to be levied on said lots and lands shall be paid in one (1) installment in the manner provided in the case of special assessments pursuant to Section 727.01 of the Ohio Revised Code.

SECTION 5. That to provide a fund out of which shall be paid the assessed cost and expense of said work, bonds or notes or certificate of indebtedness of the City of Sylvania are hereby authorized to be issued and sold in anticipation of the levy and collection of said assessments.

SECTION 6. That the Director of Finance has prepared and filed in the Office of Finance a list of the special assessments, pursuant to this Ordinance, and this Council finds and determines that such special assessments are in proportion to the special benefit derived by each property against which such assessments are to be levied and are not in excess of any statutory limitation.

SECTION 7. That, pursuant to Ohio Revised Code Section 727.14, the Finance Department is hereby directed to give notice of the passage of this Ordinance by publication of such notice once a week for two (2) consecutive weeks, and as to an owner of any lot or parcel of land the assessment upon which is estimated to exceed Two Hundred Fifty Dollars (\$250.00), the Finance Department is hereby directed to serve such notice in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. Objections to estimated assessments must be filed, in writing with the Finance Department within two (2) weeks after completion of the notice hereby required. An owner who fails to file an objection shall be deemed to have waived any objection. Any and all properly filed objections to estimated assessments shall be considered by Council at its first regular Council meeting held more than two (2) weeks after the completion of the notice hereby required and the estimated assessments so objected to shall at such meeting, be adjusted by Council by motion or other action reflected in the journal of the minutes of Council. Council, after adjusting such estimated assessments or, after the time for filing objections without any properly filed objections having been timely filed, may, by Ordinance, levy such estimated assessments and adjusted estimated assessments, as the case may be. No notice shall be required other than as herein required.

SECTION 8. That the method, manner, consideration and procedure for such drainage ditch work is hereby approved and this Council hereby determines the method, manner and procedure for levying assessments for such drainage ditch work to be as set forth in this Ordinance.

SECTION 9. 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 10. That the Finance Department is hereby directed to post a copy of this Ordinance in the Office of Finance in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 11. 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 repair, cleaning, construction and maintenance of drainage ditches should be provided for immediately and therefore this Ordinance should be effective forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

11

ORDINANCE NO. 69-2024

PROVIDING FOR THE CONTROLLING BLIGHT AND DISEASE OF SHADE TREES AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS AND WITHIN PUBLIC RIGHT-OF-WAY OF THE CITY OF SYLVANIA; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE, BY AND THROUGH THE PROPER OFFICERS OF SAID CITY TO DO SAID WORK DURING THE YEAR 2024; ESTABLISHING ONE DISTRICT FOR SAID PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.011 OF THE REVISED CODE OF OHIO; PROVIDING FOR THE ASSESSMENT OF THE COST AND EXPENSE THEREOF UPON ABUTTING PROPERTY; AND DECLARING AN EMERGENCY.

WHEREAS, it is immediately urgent and necessary that work is authorized for the purpose of controlling blight and disease of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2024;

WHEREAS, the Director of Public Service has recommended to Council the removal or special treatment of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2024 in accordance with plans, estimates and schedules therefore heretofore prepared and now on file in the Office of Finance.

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

SECTION 1. That it is hereby declared necessary and conducive to public health, convenience and welfare to remove and provide special treatment for shade trees for the purpose of controlling blight and disease of same, and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2024. That for said purpose there is hereby established one (1) district which shall include all territory within and coextensive with the boundaries of the City of Sylvania, pursuant to the provisions of Section 727.011 of the Revised Code of Ohio.

SECTION 2. That the work of such removal or special treatment of shade trees for the purpose of controlling blight and disease of same and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania shall be done within said district, as herein set forth, and through the proper officers of the City of Sylvania; and such officers be, and they hereby are, authorized and directed to purchase required materials; to purchase or rent the necessary tools, machinery and appliances; to employ the necessary labor to do said work all in accordance with the plans, estimates and schedules therefore heretofore prepared and now on file in the Office of Finance for inspection of all persons interested, which said plans, estimates and schedules, including approximate present estimates of the cost of said work, is in the aggregate sum of Two Hundred Forty-Nine Thousand, Nine Hundred Ninety-Three Dollars and 00/100 (\$249,993.00).

SECTION 3. That said cost and expense of removal or special treatment of shade trees for the purpose of controlling blight and disease of same and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania in the amount of Two Hundred Forty-Nine Thousand, Nine Hundred Ninety-Three Dollars and 00/100 (\$249,993.00) shall be specially assessed by the front foot upon all of the lots and lands abutting and bounding upon each of said streets and public right-of-way in said district in the amount of thirty-five cents (35¢) per front foot as provided in Section 727.011 of the Ohio Revised Code, which said lots and lands are hereby determined to be specially benefitted by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include acquisition of the necessary materials, tools, machinery and appliances, the wages for the necessary labor, the cost of said plans, estimates and schedules, cost of publication and mailing of notices, and cost of this Ordinance, costs of the preparation, levy and collection of special assessments and interest on notes issued in anticipation of the levy and collection of the special assessments together with all other necessary expenditures.

SECTION 4. That the special assessment so to be levied on said lots and lands shall be paid in one (1) installment in the manner provided in the case of special assessments pursuant to Section 727.01 of the Ohio Revised Code.

SECTION 5. That to provide a fund out of which shall be paid the assessed cost and expense of said work, bonds or notes or certificate of indebtedness of the City of Sylvania are hereby authorized to be issued and sold in anticipation of the levy and collection of said assessments.

SECTION 6. That the Director of Finance has prepared and filed in the Office of Finance a list of the special assessments, pursuant to this Ordinance, and this Council finds and determines that such special assessments are in proportion to the special benefit derived by each property against which such assessments are to be levied and are not in excess of any statutory limitation.

SECTION 7. That, pursuant to Ohio Revised Code Section 727.14, the Finance Department is hereby directed to give notice of the passage of this Ordinance by publication of such notice once a week for two (2) consecutive weeks, and as to an owner of any lot or parcel of land the assessment upon which is estimated to exceed Two Hundred Fifty Dollars (\$250.00), the Finance Department is hereby directed to serve such notice in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. Objections to estimated assessments must be filed, in writing with the Finance Department within two (2) weeks after completion of the notice hereby required. An owner who fails to file

an objection shall be deemed to have waived any objection. Any and all properly filed objections to estimated assessments shall be considered by Council at its first regular Council meeting held more than two (2) weeks after the completion of the notice hereby required and the estimated assessments so objected to shall at such meeting, be adjusted by Council by motion or other action reflected in the journal of the minutes of Council. Council, after adjusting such estimated assessments or, after the time for filing objections without any properly filed objections having been timely filed, may, by Ordinance, levy such estimated assessments and adjusted estimated assessments, as the case may be. No notice shall be required other than as herein required.

SECTION 8. That the method, manner, consideration and procedure for such shade tree work is hereby approved and this Council hereby determines the method, manner and procedure for levying assessments for such shade tree work to be as set forth in this Ordinance.

SECTION 9. 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 10. That the Finance Department is hereby directed to post a copy of this Ordinance in the Office of Finance in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 11. 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 provision should be made immediately to provide for tree maintenance and therefore this Ordinance should be effective forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2024 as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

RESOLUTION NO. 6-2024**DECLARING THE NECESSITY OF LIGHTING THE STREETS
IN THE CITY OF SYLVANIA, OHIO; DETERMINING THE
MANNER OF PROVIDING STREET LIGHTING AND THE BASIS
FOR THE PROPERTY OWNER'S SHARE OF THE COST AND
ANNUAL ASSESSMENT; AND DECLARING AN EMERGENCY.**

BE IT RESOLVED by the Council of the City of Sylvania, Lucas County, Ohio, _____

members elected thereto concurring:

SECTION 1. That is hereby determined to be necessary to continue to improve the streets in the City of Sylvania, Ohio, by lighting the same pursuant to a contract therefore which this City now has with the Toledo Edison Company and necessary to provide funds in 2024 for such street lighting.

SECTION 2. That for the tax year 2024 the basis for determining and allocating annual assessments on lots and lands in said City for street lighting in the City of Sylvania, Ohio, shall be as follows, which basis is hereby determined to be according to the benefits which may result from the improvements to the several parcels and lots of land in said City:

- E. Each taxable parcel, outside of the Whiteway Business District, having no building or buildings thereon, served by lamps on poles with either overhead or underground circuits, shall be assessed a front footage charge of 16¢ for each benefitted front foot of the parcel;
- O. Each taxable parcel, outside of the Whiteway Business District, having a building or buildings thereon, served by lamps on poles with overhead circuits, shall be assessed a front footage charge of 50¢ for each benefitted front foot of the parcel;
- U. Each taxable parcel, outside of the Whiteway Business District, having a building or buildings thereon, served by lamps on poles with underground circuits, shall be assessed a front footage charge of 88¢ for each benefitted front foot of the parcel;
- W. Each taxable parcel, within the Whiteway Business District, fronting on Main Street, Maplewood Avenue, or Monroe Street, being served by lamps on poles with either overhead or underground circuits, shall be assessed at a rate of \$1.13 per front foot of the parcel;

SECTION 3. That the contract with the Toledo Edison company and the costs to this City required thereby, now on file with the Finance Department, are hereby deemed to be the plans and specifications and estimate of cost required to be on file with the Finance Department before the passage of the Resolution of necessity.

SECTION 4. That the Finance Department has prepared and filed in the Office of Finance a list of the estimated special assessments for the cost and expense of street lighting in the City of Sylvania, which list shows the amounts of the estimated assessment against each taxable parcel in the City of Sylvania, pursuant to Section 2 of this Resolution, and the amount of such assessments in the aggregate, and this Council finds and determines that such estimated assessments are in proportion to the special benefit derived by each property against which such assessments are to be levied and are not in excess of any statutory limitation.

SECTION 5. That, pursuant to Ohio Revised Code Section 727.14, the Finance Department is hereby directed to give notice of the passage of this Resolution by publication of such notice once a week for two (2) consecutive weeks, and as to an owner of any lot or parcel of land the assessment upon which is estimated to exceed Two Hundred Fifty Dollars (\$250.00), the Finance Department is hereby directed to serve such notice in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. Objections to estimated assessments must be filed, in writing, with the Finance Department, within two (2) weeks after completion of the notice hereby required. An owner who fails to file an objection shall be deemed to have waived any objection. Any and all properly filed objections to estimated assessments shall be considered by Council at its first regular meeting held more than two (2) weeks after the completion of the notice hereby required and the estimated assessments so objected to shall, at such meeting, be adjusted by Council by motion or other action, reflected in the journal of the minutes of Council. Council, after adjusting such estimated assessments or after the time for filing objections without any properly filed objections having been timely filed, may, by Ordinance, levy such estimated assessments and adjusted estimated assessments, as the case may be. No notice shall be required other than as herein required.

SECTION 6. That the Finance Department is hereby directed to give notice to the Auditor of Lucas County, Ohio, on the levying of such assessments and to do so within twenty (20) days after the levying of same and prior to October 1, 2024.

SECTION 7. That the method, manner and procedure for providing street lighting by contract with the Toledo Edison Company is hereby approved and this Council hereby determines the method, manner and procedure for levying assessments for such street lighting to be as set forth in this Resolution.

SECTION 8. That this Resolution shall be published by posting a copy thereof in a conspicuous place in the Sylvania Municipal Building for a period of not less than fifteen (15) days as provided in ARTICLE III, Section 12.0 of the Charter of said City.

SECTION 9. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 10. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the reason that proceedings for assessing the cost of the improvement referred to herein are required without delay in order to timely place said assessment upon the tax duplicate for the year. Provided this Resolution receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

ORDINANCE NO.70-2024**AUTHORIZING AN AMENDMENT TO THIS CITY'S AGREEMENT
WITH THE VILLAGE OF HOLLAND FOR CONDUCTING CRIMINAL
PROSECUTIONS FOR WHICH HOLLAND IS RESPONSIBLE UNDER
THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.**

WHEREAS, between December 7, 1981 and May 15, 1989, the Village of Holland and the City of Sylvania had an agreement whereby the Sylvania Law Department provided all legal services necessary for the conducting of criminal prosecution in Sylvania Municipal Court for which Holland was responsible under Ohio Revised Code Section 1901.34 and whereby Holland reimbursed Sylvania for all actual direct costs arising from the provision of such legal services; and,

WHEREAS, this agreement was cancelled by the Village of Holland on May 15, 1989; and,

WHEREAS, Ordinance No. 100-94, passed September 7, 1994, authorized an Agreement between the City of Sylvania and the Village of Holland whereby the Sylvania Law Department would provide all legal services necessary for the conducting of criminal prosecutions for which Holland is responsible under Ohio Revised Code Section 1901.34 and Holland will reimburse Sylvania for all actual direct costs arising from the provision of such legal services and in administering the Agreement; and,

WHEREAS, Ordinance No. 82-2011, passed October 3, 2011, authorized an amendment to this City's Agreement with the Village of Holland to increase the hourly rate charged for

handling the criminal prosecution of Holland cases; and,

WHEREAS, since the reorganization of the Prosecutor's Office, it was necessary to review the existing terms of the Agreement and update it to reflect the current case load of the Village of Holland, which has increased significantly over the last ten years; and,

WHEREAS, the Director of Law has met with the Village of Holland Solicitor to review and negotiate the terms of the Amendment; and,

WHEREAS, attached hereto as "Exhibit A" is a proposed Amendment to the Agreement between the City of Sylvania and the Village of Holland for handling criminal prosecution of Holland cases increasing the hourly rate to be charged to the Village of Holland to reflect the actual direct costs of prosecution,

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 Amendment to the Agreement between the City of Sylvania and the Village of Holland for conducting criminal prosecutions for which Holland is responsible, on behalf of this City.

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 the Agreement should be enacted at the earliest possible time to increase the amount charged hourly for prosecution to reflect the actual direct costs of prosecution. 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, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Assistant Director of Law

APPROVED:

Mayor

Date

AGREEMENT
FOR
PROSECUTION SERVICES
BETWEEN
THE CITY OF SYLVANIA
AND
THE VILLAGE OF HOLLAND

This Agreement is by and between the City of Sylvania (CITY), an Ohio municipal corporation with offices located at 6730 Monroe Street, Sylvania, Ohio and the Village of Holland (VILLAGE), an Ohio municipal corporation with offices located at 1245 Clarion Avenue, Holland, Ohio.

WITNESSETH

WHEREAS, Ohio Revised Code Section 1901.01(A) established a municipal court in Sylvania; and,

WHEREAS, Ohio Revised Code Section 1901.02(B) provides that Sylvania Municipal Court has jurisdiction within the municipal corporations of Berkey and Holland, and within Sylvania, Richfield, Spencer, and Harding townships, and within those portions of Swanton, Monclova, and Springfield townships lying north of the northerly boundary line of the Ohio turnpike, in Lucas County; and,

WHEREAS, Ohio Revised Code Section 1901.34(A) requires each village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of a municipal court to prosecute all cases brought before the municipal court for criminal offenses occurring within the municipal corporation for which that person is the solicitor, director of law or similar chief legal officer; and,

WHEREAS, CITY staffs and operates a full-time prosecutor's office in Sylvania Municipal Court to provide prosecution services for the City of Sylvania and Townships in the Court's jurisdiction as required by the Ohio Revised Code; and,

WHEREAS, in order to provide efficient prosecution for both the CITY and VILLAGE, CITY has agreed to provide prosecution services for VILLAGE pursuant to the following terms and conditions.

NOW, THEREFORE, the CITY and VILLAGE for mutual benefits, herein contained and specified, have agreed and do hereby agree to as follows:

1. Sylvania, through its Department of Law, shall provide all legal and incidental services necessary for the conduct of criminal prosecutions for which Holland is responsible under Ohio Revised Code Section 1901.34.
2. Provision of these services shall be under the supervision of the Sylvania Law Director.

3. When performing legal services as set forth in Paragraph 1 above, the Sylvania Law Director and the City of Sylvania Prosecutors shall act as assistant solicitors for Holland and they shall have all the authority and responsibility of a Village Solicitor as provided in Ohio Revised Code Section 1901.34.

4. 4.Term. The Term of this Agreement shall be for a period of three years commencing January 1, 2024 and terminating December 31, 2026.

2. 5.During the term of the Agreement, CITY shall provide prosecution services for misdemeanor criminal charges filed by VILLAGE Officers in Sylvania Municipal Court, including, but not limited to, bond determination hearings, arraignments, preliminary hearings, victims' rights compliance, pre-trial conferences and hearings, motion hearings, subpoenas and other pre-trial pleading requirements, and trials.

3. 6.In exchange for said services, VILLAGE will pay CITY as follows:

From January 1, 2024 – December 31, 2024: \$25,000 per year;
From January 1, 2025 – December 31, 2025: \$35,000 per year;
From January 1, 2026 – December 31, 2026: \$45,000 per year.

Obligations shall be paid in quarterly installments, within 30 days following the receipt of an invoice.

IN WITNESS WHEREOF, the Village of Holland pursuant to _____ adopted on _____ day of _____ 2024, and the City of Sylvania, by its Mayor and Director of Finance pursuant to Ordinance Number _____ passed this _____ day of _____ 2024, have affixed their signatures respectively.

CITY OF SYLVANIA

VILLAGE OF HOLLAND

By _____
Craig A. Stough, Mayor

By _____
Ryan Spangler, Mayor

By _____
Toby Schroyer, Finance Director

By _____
Lyn Krasula, Clerk-Treasurer

Approved as to Form:

Approved as to Form:

Leslie Brinning, Law Director

Paul Skaff, Law Director

RESOLUTION NO. 4-2024**A RESOLUTION OF THE COUNCIL OF THE CITY OF SYLVANIA
ADOPTING THE FINAL 9-1-1 PLAN; AND DECLARING AN
EMERGENCY.**

WHEREAS, Ohio Revised Code Chapter 128 requires each county in the State of Ohio to convene a 9-1-1 Program Review Committee at least once annually for the purpose of maintaining or amending a final plan for 9-1-1 services; and,

WHEREAS, Ohio Revised Code Section 129.08(A) requires each municipal corporation and township in the county act by resolution to approve or disapprove the plan on or before May 31, 2024; and,

WHEREAS, the Director of Public Safety has recommended approval of the Final 9-1-1 Plan attached hereto as “Exhibit A.”

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

SECTION 1. That the Final 9-1-1 Plan, attached hereto as “Exhibit A,” be and the same hereby is, approved and adopted.

SECTION 2. That the Clerk of Council be, and she hereby is, directed to email a certified copy of said Resolution to the Clerk of the Lucas County Commissioners on or before May 31, 2024.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Resolution in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the Final County 9-1-1 Plan should be approved at the earliest possible time. Provided this Resolution receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

County Final Plan for Counties following:

ORC §128.06 (C)(1)



**Department of
Administrative
Services**

9-1-1 Program Office

County: Lucas

Date: _____

Please enter Name, Title, and Agency Represented for each of the three (3) voting members of your County 9-1-1 Program Review Committee below:

a. Pete Gerken, Lucas County Commissioner

Board of County Commissioners Member or Designee, Chairperson

b. Pick one of the following three based on your county's setup:

i. _____
Board of Township Trustee of the township responsible for operating the public safety answering point

ii. _____
Chief executive officer of the municipal corporation operating the public safety answering point

iii. Michael Navarre, Lucas County Sheriff
Elected official of a subdivision or regional council of governments, not of a township or municipal corporation, responsible for the operation of the public safety answering point

c. Wade Kapszukiewicz, City of Toledo Mayor

Elected official of the most populous township or municipal corporation in the county that does not operate the public safety answering point. When determining population under this division, the population residing outside the county shall be excluded.

§128.07(A)(1): Which telephone companies serving customers in the county and, as authorized in division (A) of section 128.03 of the Revised Code, in an adjacent county will participate in the 9-1-1 system?

Incumbent Local Exchange Carrier (ILEC): Brightspeed (UTO) (formerly Century Link); Windstream Ohio (ALO); AT&T Ohio (AIT); Frontier North (GTE).

Competitive Local Exchange Carrier (CLEC): American Broadband and Telecommunications; Buckeye Telesystems; Easton Telecom Services LLC; Spectrum.

Mobile Wireless Carrier: American Broadband and Telecommunications; AT&T Mobility; T-Mobile; Verizon.

Voice over Internet Protocol (VoIP) Providers: Argyle; Buckeye Telesystems; Easton Telecom Services LLC.



County Final Plan for Counties following:

ORC §128.06 (C)(1)

§128.07(A)(2): Please list the location of the Public Safety Answering Point (PSAP) as defined in §128.01(P) in your service area and include the number of 9-1-1 Positions:

PSAP Name: Lucas County 911 Regional Council of Governments

PSAP Location: 2144 Monroe St., Toledo, Ohio 43604

Number of 9-1-1 Phone Positions: 16 Primary Positions

§128.07(A)(2): How will the PSAP connect to the County's preferred Next Generation 9-1-1 (NG91-1) System?

PSAP Name: Lucas County 911 Regional Council of Governments

Connection description:

Currently, the PSAP has ESInet via AT&T hosted site.

In the future, the PSAP intends on connecting through OARnet to the State ESInet via AT&T's host site. Fiber circuits will connect the two closest points of presence to the NG91-1 network provided by the State ESInet, either by the current hosted Viper solution with sites in Kent and Dublin, Ohio or the Core Services from NextGen Communications, having fiber connections directly routed to the PSAP building.

§128.07(A)(2): From what geographic territory [city, village, township, etc.] will the PSAP receive 9-1-1 calls?

PSAP Name: Lucas County 911 Regional Council of Governments

Geographic territory (ies):

The PSAP serves the entire territory of Lucas County, Ohio. This includes the following municipalities, villages and townships in Lucas County, Ohio:

City of Maumee
City of Oregon
City of Sylvania
City of Toledo
City of Waterville
Village of Berkey
Village of Harbor View
Village of Holland
Village of Ottawa Hills
Village of Swanton (geographical boundaries within Lucas County)
Village of Whitehouse
Harding Township
Jerusalem Township
Monclova Township
Providence Township
Richfield Township
Spencer Township
Springfield Township
Swanton Township
Sylvania Township
Washington Township
Waterville Township

County Final Plan for Counties following:

ORC §128.06 (C)(1)



Department of
Administrative
Services

9-1-1 Program Office

§128.07(A)(2): Within the territories listed above, will Enhanced 9-1-1 or NG9-1-1 service be provided? (check all that apply)



Enhanced 9-1-1



NG9-1-1

§128.07(A)(2): What subdivisions will be served by the PSAP? [Police, Fire, EMS, etc.]

PSAP Name: Lucas County 911 Regional Council of Governments

Subdivision(s) served:

The Lucas County Regional Council of Governments serves law enforcement, fire service, and emergency medical services within Lucas County, Ohio.

City of Maumee – Police and Fire
City of Oregon – Police and Fire
City of Sylvania – Police
City of Toledo – Police and Fire
City of Waterville – Police and Fire
Village of Berkey - Police
Village of Harbor View - Police
Village of Holland - Police
Village of Ottawa Hills – Police

Village of Whitehouse – Police and Fire
Jerusalem Township – Fire
Monclova Township – Fire
Providence Township – Fire
Richfield Township – Fire
Springfield Township – Fire
Sylvania Township – Police and Fire
Washington Township – Police and Fire
Waterville Township – Police

Lucas County Sheriff's Office – Police
Lucas County Port Authority – Police
Metroparks Toledo – Police
Ohio Air National Guard – Fire
University of Toledo – Police

§128.07(A)(2): Identify if the PSAP is going to respond to calls by directly dispatching an emergency service provider, relaying a message to the appropriate emergency service provider, or by transferring the call to the appropriate emergency service provider (check all that apply):

PSAP Name: Lucas County 911 Regional Council of Governments



Directly dispatching



Relaying message



Transferring call

§128.07(A)(3): How must originating service providers connect to the core 9-1-1 system identified by the final plan and what methods will be utilized by the originating service provider to provide 9-1-1 voice, text, other forms of messaging media, and caller location to the core 9-1-1 system?

Currently, 911 calls are delivered to the PSAP on CAMA trunks from AT&T's selective router.

In the future, service providers will connect to the core 911 system using IP-based service to deliver voice, text, and media to the 911 system.

County Final Plan for Counties following:



**Department of
Administrative
Services**

9-1-1 Program Office

ORC §128.06 (C)(1)

§128.07(A)(4): If the PSAP does not directly dispatch emergency services needed for an incident, without significant delay, the request shall be transferred, or the information electronically relayed to the entity that directly dispatches the potentially needed emergency services. How will the transfer or electronic relay be accomplished?

PSAP Name: Lucas County 911 Regional Council of Governments

The PSAP directly dispatches for all agencies listed within Lucas County, Ohio.

§128.07(A)(5): Which subdivision or regional council of government will establish, equip, furnish, operate, and maintain the PSAP?

PSAP Name: Lucas County 911 Regional Council of Governments

Subdivision or COG: COG

§128.07(A)(6): Please provide a projection of the initial cost to establish, equip, and furnish the PSAP.

PSAP Name: Lucas County 911 Regional Council of Governments

Projected cost:

§128.07(A)(6): Please provide the annual cost of the first five years of operating and maintaining the PSAP.

PSAP Name:	Annual Cost year 1 \$ 15,882,125.22
	Annual Cost year 2 \$ 15,856,014.09
Lucas County 911 Regional Council of Governments	Annual Cost year 3
	Annual Cost year 4
	Annual Cost year 5
	Total \$ 31,738,139.31

§128.07(A)(7): Is the cost of establishing, equipping, furnishing, operating, or maintaining the PSAP listed above being funded through charges imposed under §128.35?

PSAP Name: Lucas County 911 Regional Council of Governments

Yes ☐ No ☒

County Final Plan for Counties following:



Department of
Administrative
Services

9-1-1 Program Office

ORC §128.06 (C)(1)

§128.07(A)(7): Will the cost of establishing, equipping, furnishing, operating, or maintaining the PSAP be allocated among the subdivisions served by the PSAP and, if any such cost is to be allocated, what is the formula for allocating it?

PSAP Name: Lucas County 911 Regional Council of Governments

Infrastructure Costs:

Lucas County has a .7 mill property tax per ORC 5709.19(SS), used for an E911 and a countywide public safety communications system infrastructure.

Operating Costs:

A regional council of governments was formed to operate a consolidated PSAP as defined in ORC 128.01(P) that serves the entire territory of Lucas County. The Addendum to the 9-1-1 Final Plan authorizes the cost of operating a consolidated PSAP be allocated amongst the subdivisions of Lucas County served by the RCOG.

Allocation Formula:

Each year, the total operational budget for the RCOG shall be allocated among jurisdictions and agencies served. This allocation shall be based on a formula which utilizes each jurisdiction's preceding four (4) year average of law, fire, and EMS CAD incidents. The preceding four (4) year average shall be defined as the four calendar years preceding the year in which the budget is being developed. For example, the allocation for RCOG Fiscal Year 2022, shall be developed in calendar year 2021 and shall use the average number of law, fire, and EMS CAD incidents for years 2017, 2018, 2019, and 2020. The four-year average of incidents for each jurisdiction or agency served shall be calculated into a percentage of the total four-year average of incidents. This percentage is then applied to the annual operational budget as the proportional share and billed to the jurisdiction or agency served.

§128.08(A)(8): Provide information on how each emergency service provider will respond to a misdirected call or the provision of a caller location that is either misrepresentative of the actual location or does not meet the requirements of the FCC or other accepted national standards as they exist on the date of the call origination.

PSAP Name: Lucas County 911 Regional Council of Governments

When it is determined that an incident is not in Lucas County, Ohio, the details of the call will be relayed to the appropriate Public Safety Answering Point, without significant delay, via telephone. The emergency service provider will respond according to their Standard Operating Procedures.

§128.021: Adoption of rules establishing technical and operational standards for PSAPs. Check the answer next to each question (2) for your PSAP:

PSAP Name: Lucas County 911 Regional Council of Governments

Does the PSAP currently meet the PSAP rules: Yes ☒ No ☐

If no, will the PSAP have to comply in 2 years: Yes ☐ No ☐ N/A ☒

County Final Plan for Counties following:



**Department of
Administrative
Services**

9-1-1 Program Office

ORC §128.06 (C)(1)

You are permitted to have more or additional requirements for your PSAP or even dispatch/calling centers in your respective county. This can include mandates related to training, providing EMD, complying with specific rules, etc. Please list any such additional local requirements and/or any comments you may have (you may use additional sheets if necessary):

County Final Plan for Counties following:

ORC §128.06 (A)



**Department of
Administrative
Services**

9-1-1 Program Office

Additional Local Requirements and/or Comments(cont.):



ORC §128.06 (E) Revenue and Expenditures Summary Form

GENERAL INFORMATION

County: **Lucas**

Individual Preparing Report: **Stacey Mitchell**

Reporting Period: Jan. 1, 2023 – Dec. 31, 2023

9-1-1 Coordinator: **Stacey Mitchell**

2023 Starting GAF Fund Balance: **\$ 664,193.02**

2023 GAF Funds Received: **\$ 919,856.76**

To access the Ohio Department of Taxation
website to verify the amount of GAF
received [CLICK HERE](#)

PSAP Name	NON-GAF Revenue	NON-GAF Expenditures	GAF Expenditures	Total Expenditure
Lucas County 911 Regional Council of Governments	\$ 14,799,604.92	\$ 14,973,702.51	\$ 882,311.58	\$ 15,856,014.09

Total: \$ 14,799,604.92 \$ 14,973,702.51 \$ 882,311.58 \$ 15,856,014.00

Ending GAF Fund Balance: \$ 701,738.20

Signature of 911
Coordinator

Date:

State 9-1-1 Program
Office

Date:



15a.

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

May 6, 2024

To: The Mayor and Members of Sylvania City Council

Re: **Permission to File a Petition for Appropriation (Parcel 002-WD, KP Real Estate One, LLC)
Monroe/Main/Summit Traffic Signal Improvements**

Dear Mr. Mayor and Council Members:

City Council has authorized the acquisition of proposed right-of-way for two (2) of the three (3) parcels needed on the Monroe/Main/Summit Traffic Signal Improvements Project. The City owned parcel (003-WD, Ord. 81-2023) and the WFZ Properties owned parcel (001-WD, Ord. 82-2023) were authorized on October 2, 2023. The remaining 0.008-acre parcel to be acquired (002-WD) at the northeast corner of Monroe Street and Summit Street is owned by KP Real Estate One, LLC located in Fowler, California. KP Real Estate One owns several properties nationwide that have Rite Aid pharmacy stores as tenants.

WE Realty has been unsuccessful since August 2023 in securing the warranty deed from this property owner. They have acknowledged there are no problems with the City offer or amount presented, but their attorneys are reluctant to convey property at this time with ongoing discussions with Rite Aid.

The Service Department is recommending a Petition for Appropriation be filed with the Lucas County Common Pleas Court to keep the acquisition process on schedule. The Petition process (as described in Section 163 of the Ohio Revised Code) would allow the City to take possession of the right-of-way at the time the Fair Market Value Estimate (FMVE) is deposited with the Court. This allows the construction project to proceed while the appropriation process continues according to the Code.

As a result, we would request permission to file a Petition for Appropriation for Parcel 002-WD (KP Real Estate One, LLC) including deposit of the FMVE in the amount of \$8,070. Please call with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin G. Aller", written over a horizontal line.

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

RESOLUTION NO. 5-2024

A RESOLUTION DECLARING IT NECESSARY AND DECLARING COUNCIL'S INTENT TO APPROPRIATE CERTAIN PROPERTY FOR THE MONROE STREET/MAIN STREET/SUMMIT STREET TRAFFIC SIGNAL IMPROVEMENT PROJECT FROM KP REAL ESTATE ONE, LLC; AUTHORIZING THE MAYOR TO CAUSE WRITTEN NOTICE TO BE GIVEN; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 47-2022, passed April 18, 2022, authorized the Mayor and Director of Finance to enter into an Agreement with DGL Consulting Engineers, LLC to provide engineering design services for the Monroe Street/Main Street/Summit Street Traffic Signal Improvement Project in the amount of \$38,259; and,

WHEREAS, this project includes updating signal operations and equipment at both intersections, adding pedestrian signal accommodations at Summit Street, and improving the truck turning radius at the northeast quadrant of Summit Street; and,

WHEREAS, in order to accommodate the improvements, additional right-of-way needs to be acquired from property owners of two parcels; and,

WHEREAS, Ordinance No. 49-2023, passed June 5, 2023, accepted the proposal of WE Realty Solutions, Ltd. to provide right-of-way acquisition services relative to the Monroe Street/Main Street/Summit Street Traffic Signal Improvement Project and appropriated funds therefore in the amount of \$14,300 for said services; and,

WHEREAS, WE Realty Solutions, Ltd. has been working with the property owners to acquire the necessary property for the project; and,

WHEREAS, despite repeated requests, one of the property owners has been unwilling to execute the necessary deed for additional right-of-way required for the project; and,

WHEREAS, the City has need to acquire 0.008 acre owned by KP Real Estate One, LLC, whose legal description is attached hereto as “Exhibit A,” which is designated by the City’s engineers as necessary for the Monroe Street/Main Street/Summit Street Traffic Signal Improvement Project; and,

WHEREAS, the City of Sylvania has made a good faith effort to agree with the owner, but negotiations for the acquisition of said property between the Lucas County, the City of Sylvania and the property owner have reached an impasse and cannot be resolved by negotiations within the near future; and,

WHEREAS, it is necessary to immediately acquire the property set forth on “Exhibit A” for said project so as not to delay the commencement of the project.

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

SECTION 1. That this Council considers it necessary and declares its intention to appropriate certain property from KP Real Estate One, LLC, for the purpose of the Monroe Street/Main Street/Summit Street Traffic Signal Improvement Project, the fee simple interest in and to the property described on the attached “Exhibit A.”

SECTION 2. That the Mayor is hereby authorized to cause written notice of the passage of this Resolution to be given to the owners and persons in possession or having an interest of record in said property, which notice shall be served or given and returned according to law.

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

SECTION 4. That the Clerk of Council is hereby directed to post a copy of this Resolution in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the reason that so as not to delay the commencement of the Monroe Street/Main Street/Summit Street Traffic Signal Improvement Project. Provided this Resolution receives the

affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date



LEGAL DESCRIPTION

For: City of Sylvania

Parcel "2"—0.008 acres
(341 Sq. Ft.)

A parcel of land being part of Lot 34 in Whiteford Division (Volume 1, Page X), City of Sylvania, Lucas County, Ohio and being further bounded and described as follows:

Commencing from a mag nail set marking the intersection of the centerline of Monroe Street (right of way varies) with the centerline of Summit Street (66' right of way) (STA. 22+50.00, Monroe Street = STA. 0+00.00 Summit Street);

Thence Easterly along the centerline of said Monroe Street, South 86 degrees 42 minutes 19 seconds East, a distance of 67.00 feet to a point (STA. 24+17.00 Monroe Street);

Thence Northerly along a line perpendicular to the centerline of said Monroe Street, North 03 degrees 17 minutes 41 seconds East, a distance of 33.00 feet to a point on the Northerly existing right of way line of said Monroe Street and the **True Point of Beginning** of the Parcel herein described (STA. 24+17.00, 33.00' Lt. Monroe Street);

1. Thence Westerly along the Northerly existing right of way line of said Monroe Street, North 86 degrees 42 minutes 19 seconds West, a distance of 23.59 feet to a point (STA. 23+93.41, 33.00' Lt. Monroe Street);
2. Thence Westerly along the Northerly existing right of way line of said Monroe Street, North 72 degrees 50 minutes 02 seconds West, a distance of 12.51 feet to a point on the Easterly existing right of way line of said Summit Street (STA. 23+81.26, 36.00' Lt. Monroe Street);
3. Thence Northerly along the Easterly existing right of way line of said Summit Street, North 00 degrees 27 minutes 43 seconds East, a distance of 20.27 feet to an iron pine set (STA. 23+80.26, 56.24' Lt. Monroe Street);
4. Thence Southeasterly along a curve to the left, said curve having a Radius of 41.95 feet, a Delta of 33 degrees 09 minutes 54 seconds, a Chord Bearing of South 43 degrees 59 minutes 28 seconds East, a Chord Distance of 23.95 feet, a Distance of 24.28 feet to an iron pin set (STA. 23+97.85, 40.00' Lt. Monroe Street);

5. Thence Easterly along a line parallel with the Northerly existing right of way line of said Monroe Street, South 86 degrees 42 minutes 19 seconds East, a distance of 19.15 feet to an iron pin set (STA. 24+17.00, 40.00' Lt. Monroe Street);
6. Thence Southerly along a line perpendicular to the Northerly existing right of way line of said Monroe Street, South 03 degrees 17 minutes 41 seconds West, a distance of 7.00 feet to the **True Point of Beginning**, containing in all 0.008 acres (341 square feet) of land more or less, subject however to all legal highways and prior easements of record.

KP Real Estate One, LLC claims title by Instrument Number 20200803-0031242 of the Lucas County Records.

All 0.008 acres lie within Lucas County Parcel No. 82-11174.

The above legal description is based on a land survey performed during June of 2023, by DGL Consulting Engineers, LLC. and was prepared by Ronald J. Lumbrezer, Ohio Professional Surveyor #8029.

NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

All references to "an iron pin set" are 5/8" diameter x 30" long iron pins with cap "DGL – RJI 8029"



Date: August 2, 2023

Ronald J. Lumbrezer, P.S.
Ohio Professional Surveyor #8029
DGL Consulting Engineers, LLC
3455 Briarfield Blvd, Suite E
Maumee, Ohio 43537
Phone: (419)535-1015, Ext 232





SYLVANIA OHIO | DIVISION OF TAXATION
CHRISTY M. ORDORICA, COMMISSIONER

6730 MONROE STREET SYLVANIA, OHIO 43560

419.885.8940 FAX 419.885.3442

A

First Quarter 2024 Management Report

Key Statistics:	2024	2023
Number of tax returns processed (includes e-files)	3757	3880
Number of e-filed returns	330	305
Gross Receipts	\$3031165.24	\$3201660.50
Number of withholding payments processed	4380	4285
Number of online payments	114	114
Number of refunds processed	91	93
Delinquent totals	\$1105065.57	\$1060964.59
Amount of money collected by the collection attorney	\$4406.21	\$3954.55
Amount of money collected by the State Attorney General	\$2454.12	0
Number of accounts turned over for collection	72	0

Items of Special Interest:

Dave Atkinson was hired as the third Tax Specialist. He comes from the City of Perrysburg Tax Office and brings with him years of municipal tax experience.

Our office has been very busy this quarter processing year end reconciliations and the large volume of tax returns that have submitted, along with the other day to day work and assisting taxpayers with their tax return preparation.

We have received our first payments from the State Attorney General's collection assistance.

Respectfully submitted,

Christy M. Ordorica
Commissioner of Taxation

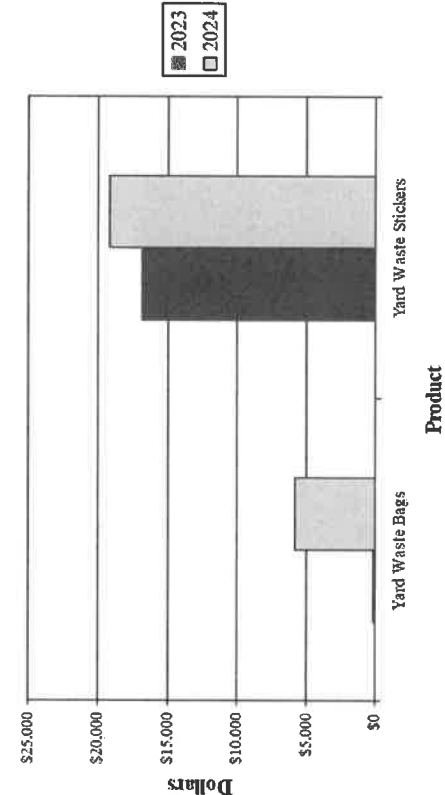
Parks & Forestry Quarterly Report : January - March, 2024

Green Yard Waste

Volume Collected (cubic yards)

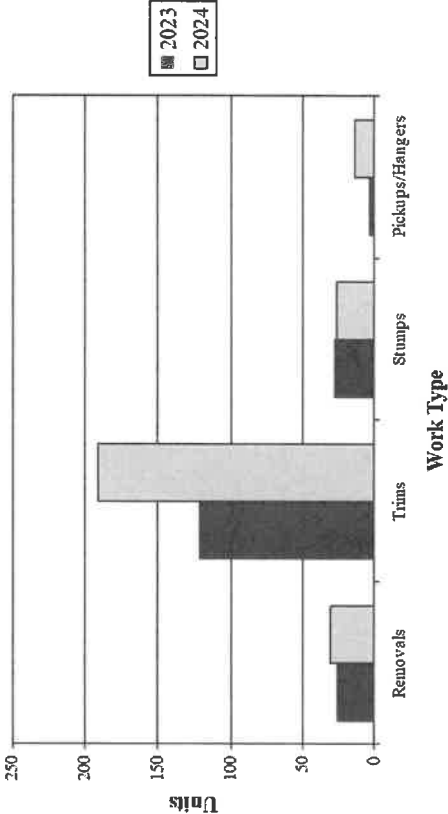
*	Route A	13.0~
*	Route B	14.0~
~ Processed Volume		

2023- 2024 Revenue Comparison

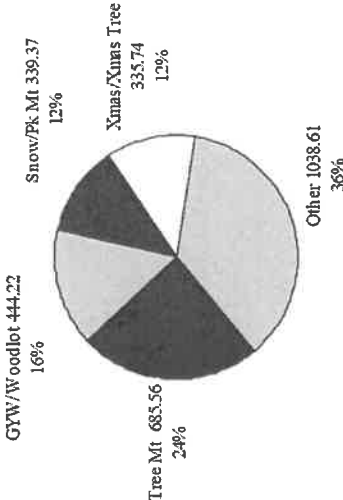


Parks & Forestry Quarterly Report : January - March, 2024

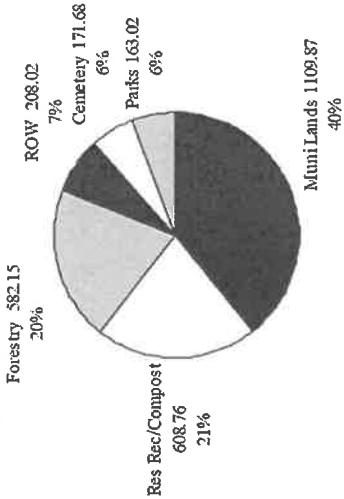
2023 - 2024 Work Comparison



Man-Hours by Work Type



Man-Hours by Account





SYLVANIA POLICE DIVISION 1st QUARTER 2024

Operational Statistics

	<u>2024</u>	<u>2023</u>
Crime Reports	272	274
Criminal Arrests - Juvenile/Adult	4/59	11/62
Traffic Citations	168	148
Warnings	1060	1099
Parking Tickets	1	5
OVI	14	11
Traffic Crashes	63	60
Traffic Crash injuries/fatalities	27/0	23/0
Calls for Police Service	2868	3049
Hours Spent Handling Police Calls	1299:04	1578:55
Emergency Response Time – Priority 1	2:03	1:57
Overtime Hours - Police	884	820
Overtime Hours - Records	15.75	40
Training Hours	777	504

Administrative Update

During the 1st quarter of 2024, Officer Brad Clay was promoted to Sergeant and was assigned to the 2nd supervisor position on midnight shift. Officer Lindsey Russell was moved from road patrol to Community Affairs where she is currently assigned as the Northview High School Resource Officer.

An Officer/Cadet Examination was held this quarter and there are currently 6 candidates

going through the background process. We expect to have this process completed in the 2nd quarter of this year.

The Flock Safety Camera's have been fully activated. A total of 15 have been installed at the entrances in the city. In March, all road patrol officers received training in the operation of the system.

Community Affairs

"The mission of the Office of Community Affairs is to support the Sylvania Police Division in its efforts to maintain an atmosphere of safety and security for members of the community. To be effective in assisting in this mission, the Office of Community Affairs shall provide education in the areas of substance abuse and positive decision-making in all Sylvania Schools. The Office of Community Affairs shall also provide crime prevention programs and services to educate our citizens and businesses."

Introduction

Officer Barnswell is currently presenting the middle school D.A.R.E. program at McCord Junior High. Officer Barnswell is also currently presenting the elementary D.A.R.E. program at Highland Elementary, Sylvan Elementary, and Toledo Islamic Academy. Officer Russell started presenting the Seatbelt Safety and Bike Safety in Sylvania's elementary schools. The 3rd Grade Seatbelt Safety presentations will be completed in the 2nd Quarter, along with the Kindergarten Bike Safety presentations.

Sgt. Bell has begun the registration process for Safety City 2024. Sgt. Bell continues to work with the school district on safety planning including threat assessment, emergency preparedness, verbal de-escalation, mental health referral process and the A.L.I.C.E. program.

The Public Safety Cadet Program's lead mentor is Sylvania Township PD Officer Deutschman. Officer Russell continues to be the mentor for the City of Sylvania. Sgt. Bell is the Program Supervisor of the Public Safety Cadet Program for the city. With the promotion of Lieutenant Steinman and Chief Toth, the Program Supervisors the township have yet to be determined. The Public Safety Cadet Program continues to offer meaningful and interesting opportunities to the youth of the Sylvania community.

Youth Programs / DARE Events

- Officer Barnswell presented the middle school D.A.R.E. program at McCord Junior High.
- Officer Barnswell started to present the elementary D.A.R.E. program at Highland, Sylvan, and Toledo Islamic Academy.

Community Involvement

- Sgt. Bell and Officer Barnswell attended several community events and meetings.

Public Safety Cadets

The Public Safety Cadets have trained in the following topics this quarter:

- Joint Terrorism Task Force
- Taser Use
- Competition Preparation and Scenarios
- Critical Injury First-aid

The Public Safety Cadets worked the following events this quarter:

- No events this quarter

School Resource Officer Programs

Northview High School - Officer Russell		Southview High School – Officer Andrzejewski	
Presentations	0	Presentations	1
Meetings /Training	11	Meetings /Training	15
General Offense /Accident Reports	7	General Offense /Accident Reports	0
Citations / Warnings	0	Citations / Warnings	0
School Related Complaints/Interview	27	School Related Complaints/Interview	42
Parking Lot Assists	11	Parking Lot Assists	8
Court Appearances	0	Court Appearances	0
Security Issues	51	Security Issues	6
Misc.	33	Misc.	28

Volunteer Program -1st. Quarter Report

Hour Summary	
Total Patrol Volunteer hours for Jan 2024 - March 2024	31
Total Event Volunteer hours for Jan. 2024 - March 2024	6
Total	37

Volunteer Patrol Log	
Lockouts	0
House Checks	43
Road Patrol/Traffic Assists	0
Citizen/Motorist Assists	0
Special Assignments: <ul style="list-style-type: none">• Volunteer Appreciation Dinner• Hot Coco Run	

Respectfully submitted,

Sgt. 

Sgt. Justin Bell #8869
Office of Community Affairs
Sylvania Police Division

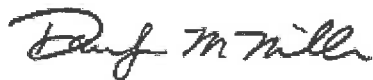
Detective Bureau

January – March 2024

Active Case Load by Investigator			
Detective	Assigned	Cleared	Total Active
Sgt. Music	13	14	6
Det. Collins	9	11	9
Det. Espinosa	26	29	4
Det. Papenfuss	11	19	5
Monthly Totals	59	73	24

Mobile Device Extractions Completed	3
Storage Device Extractions Completed	9
Computers/Hard Drive Extractions	6

Respectfully submitted,



Danilyn M. Miller
Chief of Police

Division of Vehicle Maintenance
First Quarter 2024

Key Statistics

No. of vehicles serviced and repaired:

This Quarter	84
Last Quarter	84

	<u>Unit count</u>	<u>Parts \$</u>	<u>Labor \$</u>	<u>Misc</u>
<u>Fleet Condition:</u>				
<u>SPD:</u> Good, routine maint.	48	\$3,940.00	\$4,410.00	\$5,965.00
<u>Streets:</u> Good, routine maint.	20	\$4,465.00	\$3,030.00	\$0.00
<u>Water:</u> Good, routine maint.	3	\$102.00	\$180.00	\$0.00
<u>Sewer:</u> Good, routine maint.	4	\$2,547.00	\$840.00	\$0.00
<u>Parks:</u> Good, routine maint.	7	\$495.00	\$870.00	\$0.00
<u>Other Depts:</u> Good, routine Maint.	2	\$1,308.00	\$210.00	\$0.00
<u>Totals</u>	84	\$12,857.00	\$9,540.00	\$5,965.00

Misc Repairs (sublet):

Total Vehicle Maintenance cost: **\$28,362.00**

Second Quarter 2024: Provide revolving repair and maintenance for all departments.

Ready and maintain seasonal equipment such as leaf loaders and plow trucks. As the fleet ages, the equipment will require more maintenance and repairs.

Jason Music

Jason Music
Vehicle Maintenance Manager
4/23/2024

City of Sylvania
2024 Quarterly Reports
Zoning Operation

<u>Zoning Office Key Statistics</u>	2023 1st Qtr	2024 1st Qtr
Residential Renovations, Additions & Accessory	10	6
New Dwelling (Residential)	12	2
Estimated Valuation	\$300,000	\$300,000
New Commercial Construction	0	2
Commercial Additionas & Renovations	2	8
Demolition Permits Issued	2	2
Swimming Pool Permits Issued	2	2
Sidewalk Permits Issued	3	4
Fence	5	13
Food Truck Permits	3	21

<u>Municipal Planning Commission</u>		
Lot Splits	1	0
Council Referrals	1	0
Site Plan Review	0	0

<u>Architectural Board of Review</u>		
Sign Review	6	14
Architectural Review - Construction	1	6

<u>Zoning Complaints</u>		
On Site Inspections	30	30
Open Zoning Complaints	24	24
Closed Zoning Complaints	4	6
Letters & Warnings Sent	11	

City of Sylvania Management Report
For The Division of Streets
First Quarter - 2024

Key Statistics

Ice & Snow Control:

	<u>2024</u>	<u>2023</u>
Ice & Snow Control Hours	333 hrs.	264 hrs.
Salt Tonnage Used	499 tons	620 tons
Bridge Sidewalk Snow Clearing Hours	24 hrs.	31 hrs.
Stack Salt in Harroun Rd Storage Dome	16 hrs.	32 hrs.
Hours Making Salt Brine	16hrs.	36 hrs.
Hours Applying Salt Brine	48 hrs.	98 hrs.
Salt Brine used	19,702 gal	38,937 gal
Liquid Calcium Chloride	2,334 gal	0 gal.
Haul Snow From Main St	0 hrs.	0 hrs.

Traffic Signs Repaired and / or Replaced:

Sign Maintenance Hours	520 hrs.	506 hrs.
Regulatory Signs	4	7
Warning Signs	8	12
Street Name & Informative Signs	17	14

Road Maintenance & Repairs:

Cold Patch Hours	420 hrs.	608 hrs.
Cold Mix Tonnage Used	17 tons	14 tons
Cleaning and Inspecting Catch Basin Hours	416 hrs.	160 hrs.
Sweep	48 hrs.	40 hrs.

Equipment Maintenance:

Leaf Loader - Leaf Box Repair & Repainting Hours	480 hrs.	524 hrs.
Snow Removal Equipment Repair & Repainting Hours	240 hrs.	64 hrs.
Miscellaneous Equipment Repairs Hours	576 hrs.	732 hrs.

Miscellaneous:**2024****2023**

Snow Plow Damage

(Mail Box & Yard Repair)

112 hrs.

16 hrs.

Dead Animals Removed From Right-of-Way

13

28

Maintenance Bldg.

(Repairs, Cleaning, Painting) Hours

413 hrs.

601 hrs.

Inventory & Green Tag Hours

0 hrs.

12 hrs.

Clean Basin Grates

16 hrs.

12 hrs.

Replace traffic Signal Bulbs

70 hrs.

8 hrs.

Michael Elliott

Street Division Foreman

5/3/2024