

Sylvania City Council

May 20, 2024

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. Haynam.
3. Additions to the agenda.
4. Approval of the Council meeting minutes from May 6, 2024.
5. Presentation of Certified Autism Center Certificate.
6. Presentation of Proclamation to the Northview High School Esports State Champions.
7. Sylvania Township Fire Department update by Oliver Turner.
8. Proposed Ordinance No. 71-2024, An Ordinance appropriating the Fee Simple Title to the City of Sylvania in and to certain real estate for the Monroe Street/Main Street/Summit Street Traffic Signal Improvement Project.
9. Knee Wall Standard Development Proposal (EDGE).
 - a. Deputy Service Director's letter on recommending proposal approval.
 - b. Proposed Ordinance No. 72-2024, Accepting the proposal of EDGE Group to provide professional landscape architectural services to prepare Monroe Street Knee Wall detail.
10. Proposed Ordinance No. 73-2024, Revising the Administrative, Departmental and Divisional Organization of the City and the Codified Ordinances thereof by amending Sylvania Codified Ordinance Section 127.17 – Division of Parks and Forestry; amending Sylvania Codified Ordinance Section 139.03(e)(3) to set the salary of the “Parks & Forestry Foreman” annual commencing July 1, 2024 and thereafter.
11. Proposed Ordinance No. 74-2024, Revising the Administrative, Departmental and Divisional Organization of the City and the Codified Ordinances thereof by amending Sylvania Codified Ordinance Section 127.08 – Section of Utility Office Service to restructure the staffing of the Utility Office; amending Sylvania Codified Ordinance Section 139.02(a) to set the salaries of the new positions of “Customer Service Representative” and “Billing Technician” annual commencing May 21, 2024 and thereafter.
12. Proposed Ordinance No. 75-2024, Authorizing the Mayor and Director of Finance to enter into an agreement with Palmer Energy Company, Inc. to provide electric aggregation consulting services for the City of Sylvania residential and small business customers.

13. Proposed Ordinance No. 76-2024, Authorizing the Mayor and Director of Finance to enter into an agreement with Palmer Energy Company, Inc. to provide natural gas aggregation consulting services for the City of Sylvania residential and small business customers.
14. Approval of one City vehicle to be offered for auction on GovDeals.com.
15. Council's confirmation of Mayor's appointment of Director of Public Service/Safety.
16. Council's confirmation of Mayor's appointments to the Sylvania Tree Commission.
 - a. Ms. Stephanie Leffler
 - b. Mr. Brady Kohlenberg
 - c. Mr. Anthony Haddad.
17. Committee reports.
18. Committee referrals.

INFORMATION

- A. Board of Architectural Review meeting minutes from May 15, 2024.
- B. Municipal Planning Commission meeting minutes from May 15, 2024.

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The Council of the City of Sylvania, Ohio met in regular session on May 6, 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, Patrick Richardson, Mary Westphal, Lyndsey Stough; (7) present; (0) absent.

Roll call:
7 present.

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

Pledge of
Allegiance.

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

Additions to the agenda: none.

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

Agenda approval.

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

Mr. Frye presented the April 15, 2024 regular meeting minutes. Mr. Frye moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of April 15, 2024 be approved; roll call vote being: Haynam, Hansen, Frye, McCann, Richardson, Westphal, Stough; (7) yeas; (0) nays. The motion carried.

Approval of the
April 15, 2024
Meeting minutes.

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

Mr. Frye gave a brief summary of the Committee of the Whole meeting held this date. Tara Hays, Stranahan PTA President, gave a presentation on the Inclusive Playground project at Stranahan Elementary. She is asking for \$100,000 in support of this inclusive playground as it will benefit the entire Sylvania community. The project is expected to be completed in the summer of 2025.

C.O.W.
Summary on
Stranahan
Inclusive
Playground
Presentation.

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 64-2024, a written copy of same having been previously furnished to each member of Council "An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances; to repeal Ordinances in conflict therewith; to publish the enactment of new matter; and declaring an emergency."; Mr. Frye moved, Ms. Stough seconded for passage of Ordinance No. 64-2024 as an emergency measure; roll call vote being: Stough, Haynam, McCann, Westphal, Hansen, Richardson, Frye; (7) yeas; (0) nays. The motion carried.

Ordinance No.
64-2024, "...
Approve, Adopt
& Enact Current
Replacement
Pages to the
Codified
Ordinances..."

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 65-2024, a written copy of same having been previously furnished to each member of Council

Ordinance No.

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“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.”; Mr. Frye moved, Mr. Haynam seconded for passage of Ordinance No. 65-2024 as an emergency measure; roll call vote being: Stough, McCann, Haynam, Westphal, Hansen, Richardson, Frye; (7) yeas; (0) nays. The motion carried.

65-2024, “...
JEDD
Agreement with
Sylvania Twp.
Trustees...”

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

Zoning Administrator’s letter on the bid award was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 66-2024, a written copy of same having been previously furnished to each member of Council “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.”; Mr. Richardson moved, Mr. McCann seconded for passage of Ordinance No. 66-2024 as an emergency measure; roll call vote being: Stough, Hansen, Haynam, McCann, Westphal, Richardson, Frye; (7) yeas; (0) nays. The motion carried.

Ordinance No.
66-2204, “...
2024 Sidewalk
Program...
Jennite
Company”.

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

Service Director’s letter on agreement amendment was placed on file. Mr. Hansen presented and read aloud by title only, proposed Ordinance No. 67-2024, a written copy of same having been previously furnished to each member of Council “Authorizing the Mayor and Director of Finance to enter into an amendment to the agreement with the Nature Conservancy to provide invasive species treatments in Harroun Park; and declaring an emergency.”; Mr. Hansen moved, Ms. Stough seconded for passage of Ordinance No. 67-2024 as an emergency measure; roll call vote being: Haynam, Hansen, McCann, Westphal, Richardson, Frye, Stough; (7) yeas; (0) nays. The motion carried.

Ordinance No.
67-2024, “...
Nature
Conservancy...
Invasive Species
Treatments in
Harroun Park”

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

Deputy Service Director’s letter on approval recommendation was placed on file. Mr. McCann presented and read aloud by title only, proposed Ordinance No. 68-2024, a written copy of same having been previously furnished to each member of Council “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

Ordinance No.
68-2024, “...
Drainage
Ditches...”

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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.”; Mr. McCann moved, Mr. Haynam seconded for passage of Ordinance No. 68-2024 as an emergency measure; roll call vote being: Stough, Hansen, Haynam, McCann, Westphal, Richardson, Frye; (7) yeas; (0) nays. The motion carried.

Assessments...”

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

Mr. Hansen presented and read aloud by title only, proposed Ordinance No. 69-2024, a written copy of same having been previously furnished to each member of Council “Providing for the controlling blight and disease of shade trees and for planting, maintaining, trimming and removing shade trees in an along the streets and within public right-of-way of the City of Sylvania; authorizing the Director of Public Service, by an 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.”; Mr. Hansen moved, Mr. McCann seconded for passage of Ordinance No. 69-2024 as an emergency measure; roll call vote being: Hansen, Frye, Haynam, Stough, McCann, Westphal, Richardson; (7) yeas; (0) nays. The motion carried.

Ordinance No. 69-2024, “... Shade Trees... Assessments...”

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

Mr. McCann presented and read aloud by title only, proposed Resolution No. 6-2024, a written copy of same having been previously furnished to each member of Council “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.”; Mr. McCann moved, Ms. Stough seconded for passage of Resolution No. 6-2024 as an emergency measure; roll call vote being: Haynam, McCann, Westphal, Richardson, Frye, Stough, Hansen; (7) yeas; (0) nays. The motion carried.

Resolution No. 6-2024, “... Street Lighting... Assessments...”

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 70-2024, a written copy of same having been previously furnished to each member of Council “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.”; Mr. Frye moved, Mr. Haynam seconded for passage of Ordinance No. 70-2024 as an emergency measure; roll call vote being:

Ordinance No. 70-2024, “... Village of Holland...”

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McCann, Westphal, Richardson, Haynam, Stough, Hansen, Frye; (7) yeas; (0) nays.
The motion carried.

Criminal
Prosecutions..."

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

Mr. Frye presented and read aloud by title only, proposed Resolution No. 4-2024, a written copy of same having been previously furnished to each member of Council "A Resolution of the Council of the City of Sylvania adopting the Final 9-1-1 Plan; and declaring an emergency."; Mr. Frye moved, Mr. Hansen seconded for passage of Resolution No. 4-2024 as an emergency measure; roll call vote being: McCann, Richardson, Frye, Stough, Westphal, Hansen, Haynam; (7) yeas; (0) nays. The motion carried.

Resolution No.
4-2024, "...
Final 9-1-1 Plan
Adoption..."

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

Service Director's letter requesting permission to file a petition was placed on file. Mr. Richardson presented and read aloud by title only, proposed Resolution No. 5-2024, a written copy of same having been previously furnished to each member of Council "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."; Mr. Richardson moved, Mr. Hansen seconded for passage of Resolution No. 5-2024 as an emergency measure; roll call vote being: McCann, Westphal, Haynam, Richardson, Frye, Stough, Hansen; (7) yeas; (0) nays. The motion carried.

Resolution No.
5-2024,"...
Property for
Monroe/Main/
Summit Traffic
Signal Project...
KP Real Estate
One, LLC..."

Mayor Stough stated all agenda items have been addressed.

Mr. Frye moved, Mr. McCann seconded to adjourn at 8:26 p.m. Roll call vote being: Frye, Richardson, Westphal, Hansen, Stough, Haynam, McCann; (7) yeas; (0) nays.

Adjournment.

Clerk of Council

Mayor



ORDINANCE NO. 71-2024

AN ORDINANCE APPROPRIATING THE FEE SIMPLE TITLE TO THE CITY OF SYLVANIA IN AND TO CERTAIN REAL ESTATE FOR THE MONROE STREET/MAIN STREET/SUMMIT STREET TRAFFIC SIGNAL IMPROVEMENT PROJECT; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF \$8,070.00 FOR SUCH PURPOSE; AND DECLARING AN EMERGENCY.

WHEREAS, on the 6th day of May, 2024, Council of the City of Sylvania, Ohio, adopted Resolution No. 5-2024, declaring the necessity and intent to appropriate the land hereinafter described, notice of the adoption of such Resolution having been served on the owner of, or person having an interest of record in said premises; and,

WHEREAS, it is immediately necessary to appropriate the fee simple interest in and to the hereinafter described parcel of real estate necessary to be acquired for the Monroe Street/Main Street/Summit Street Traffic Signal Improvement Project which is necessary for the immediate preservation of the public peace, property, health and safety.

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

SECTION 1. That a fee simple title, in and to the parcel of real estate described on “Exhibit A” attached hereto, be, and the same hereby is, appropriated for the public purpose for the Monroe Street/Main Street/Summit Street Traffic Signal Improvement Project, pursuant to and in accordance with Resolution No. 5-2024 of the City of Sylvania, the Charter of the City of Sylvania, Ohio, the Constitution of the State of Ohio, and Sections 719.01 and 719.02 of the Revised Code of Ohio.

SECTION 2. That the Council of the City of Sylvania, Ohio, hereby fixes the value of said fee simple interest at Eight Thousand Seventy Dollars (\$8,070.00) and establishes said amount as being the total amount to be paid as full and fair compensation for the acquisition of said interest in said property.

SECTION 3. That the amount of Eight Thousand Seventy Dollars (\$8,070.00), being the amount set forth in Section 2, herein, be deposited with the Court of Common Pleas of Lucas County, Ohio, for the use and benefit of the owner of the property appropriated, and upon such deposit with said Court, the City of Sylvania shall take possession of and enter upon such property pursuant to and in accordance with Resolution No. 5-2024, the Charter of the City of Sylvania, Ohio, the Constitution of the State of Ohio, and Sections 719.01 and 719.02 of the

Revised Code of Ohio.

SECTION 4. That the Council of the City of Sylvania, Ohio, finds that the appropriation of property made herein is necessary for the said public purposes; that the City has been unable to agree with an owner of the property appropriated herein, and that the City intends to obtain immediate possession of the above-described property, which immediate possession is necessary for said public purposes.

SECTION 5. That KP Real Estate One, LLC appears of record to be the owner of the property herein appropriated.

SECTION 6. That the Director of Law be, and she hereby is authorized and directed to file a complaint in a Court of competent jurisdiction, to have a jury impaneled and to make inquiry into and assess the compensation to be paid for the aforesaid.

SECTION 7. That, to provide funds for payment of \$8,070.00, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND**, from funds therein not heretofore transferred or appropriated, to **Account No. 401-7635-53543 – Traffic Signals**, the sum of Eight Thousand Seventy Dollars (\$8,070.00).

SECTION 8. 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 9. 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 10. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that it is immediately necessary to appropriate the fee simple title in and to the property described herein. 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.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date



9a.

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

May 20, 2024

To: The Mayor and Members of Sylvania City Council

Re: **Knee Wall Standard Development Proposal (EDGE)**

Dear Mr. Mayor and Council Members:


On April 18, 2016 City Council passed Ordinance 56-2015 which approved revisions to the zoning code, zoning map, and design review guidelines in Chapter 1187 – Architectural Districts.

The approved Design Guidelines adopted three architectural districts, one of which was the Gateway Architectural District (GAD). The GAD applies to Monroe Street from Main Street through the US-23 interchange and functions as Sylvania’s “front door” to welcome people to our community. GAD Design Topic 8 pertains to knee walls, which are required to be used for parking lots between the right-of-way and building. Knee walls help separate parking areas from sidewalks and provide screening. The Design Topic provides guidance on location, but lacks detail on materials, heights, colors, and overall aesthetic character. As redevelopment of the Monroe Street corridor occurs, the Service Department would like to have a standard knee wall design prepared that can be shared with architects/engineers and included with each project that requires parking screening.

The Service Department received a proposal from EDGE in the amount of \$5,700 to develop the standard. EDGE has been heavily involved in landscape and aesthetic planning with the Downtown Transportation Improvement Project and US-23/Monroe Street Interchange Project and are well equipped to blend those designs together. The Service Department will engage the Board of Architectural Review for a review and recommendation of the standard before it is finalized.

We recommend approval of the proposal from EDGE in the amount of \$5,700. Funds would be used from account number 110-7750-51250. Please call if you should have any questions.

Sincerely,



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

9b.

ORDINANCE NO. 72-2024

ACCEPTING THE PROPOSAL OF EDGE GROUP TO PROVIDE PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES TO PREPARE MONROE STREET KNEE WALL DETAIL; APPROPRIATING FUNDS THEREFORE IN AN AMOUNT NOT TO EXCEED \$5,700; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 56-2015, passed by Sylvania City Council on April 18, 2016, amended Chapter 1187 – Architectural Districts; and,

WHEREAS, Ordinance No. 56-2015 established three architectural districts, including the Gateway Architectural District which consists of the Monroe Street Corridor (Monroe Street from Main Street to US23 interchange); and,

WHEREAS, Gateway Architectural District Design Topic 8 refers to knee walls which are intended to help separate parking areas from sidewalks and provide screening; and,

WHEREAS, Design Topic 8 provides guidance on location of the knee walls, however, does not identify types of materials, heights, colors, or overall aesthetic character that should be used in the construction of knee walls; and,

WHEREAS, as the Monroe Street Corridor redevelops, the materials, heights, colors of the required knee walls should be established; and,

WHEREAS, the Director of Public Service, by report dated May 20, 2024, has received a proposal from EDGE Group to provide professional landscape architectural services including preparing two to three preliminary wall and buffer details at a cost of \$5,700, and the Director of Public Service has recommended approval of that proposal.

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 EDGE Group in the amount of Five Thousand Seven Hundred Dollars (\$5,700.00) to provide landscape architectural services for the knee wall design

in the Gateway Architectural District is hereby approved and accepted.

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

SECTION 3. That to provide funds for said services hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 110-7750-51250 – Contract Labor** an amount not to exceed Five Thousand Seven Hundred Dollars (\$5,700.00).

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 landscape architectural services for the knee wall design should commence at the earliest possible time and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2024, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

May 14, 2024

Mr. Joe Shaw, P.E., P.S. Deputy Director
Department of Public Service
City of Sylvania
6730 Monroe Street
Sylvania, Ohio 43560

RE: Professional Landscape Architectural Services for Monroe Street Knee Wall / Buffer

Dear Mr. Shaw:

The EDGE Group is pleased to submit this proposal to provide professional services for the above referenced project. It is our understanding that we will be preparing a buffer/wall detail that supports the Sylvania Design Guidelines that were adopted in 2016, as well as the aesthetic standards that have been developed as part of the Downtown and Interchange planning work. The wall section/detail is intended to portray the buffer requirements along Monroe Street, as identified in the Gateway Architectural District guidelines for knee walls.

Based upon this understanding of the project and the services requested by you, we propose the following scope of services.

- A. Buffer / Wall Detail
 - 1. Prepare 2-3 preliminary wall and buffer details that incorporate brick walls/piers as well as wrought iron fencing to achieve an acceptable buffer. Preliminary details will include a section through the wall, as well as an elevation (view from Monroe Street).
 - 2. Present preliminary wall and buffer details for review by City administration, and solicit comment and gain concurrence on design direction.
 - 3. Finalize wall detail section and elevation, with "Design Development" type detail that can be incorporated into planning documents. Wall detail will show dimensions and construction type. Final wall detail shall be provided in pdf and hard copy format.

As part of these services, The EDGE Group will provide reproducible copies and electronic file of final documents for each phase for printing, assembly and distribution by the Architect. All other printing, plotting, etc. will be considered a reimbursable expense. For the above stated

services, The EDGE Group proposes the following fee structure plus reimbursable expenses. Please find attached our Terms and Conditions which are a part of this proposal.

Buffer / Wall Detail

Fixed Fee \$5,700.00

If this proposal is acceptable, please sign below and return one copy to our office. The EDGE Group acknowledges your signature on this document as formal acceptance of the Scope, Fee and Terms expressed herein and as your authorization to proceed. Thank you for the opportunity to submit this proposal and we look forward to working with you on this project.

Respectfully submitted,
The EDGE Group, Inc.



Timothy J. Bockbrader, PLA, ASLA, LEED AP
Principal

APPROVED:

By: _____

Mayor: Craig A. Stough _____

Date: _____

By: _____

Finance Director: Toby A. Schroyer _____

Date: _____

TERMS AND CONDITIONS

This agreement contains the terms and conditions governing the attached proposal by The EDGE Group, Inc. doing business as EDGE, and is governed by the laws of the State of Ohio.

Payments

All payments are due within fifteen (15) days of date of invoice. Amounts unpaid thirty days after the invoice date are subject to 1.5% per month interest (18% per annum) on unpaid balance. An initial payment of 10% of the total fee is payable upon execution of the contract. This initial payment will be applied to the first project invoice. Any failure to pay a monthly invoice when due shall give The EDGE Group the right to terminate this contract. Services will be invoiced on a monthly basis.

Additional Services

For work requested and performed beyond the basic scope of this agreement, The Edge Group shall receive extra compensation at the prevailing rates plus reimbursable expenses at the time the work is authorized in writing. Payments for such additional services are subject to the terms stated above.

Reimbursable Expenses

In addition to compensation provided for professional services, The EDGE Group, Inc. shall receive reimbursement for expenses incurred on behalf of the client towards the completion of the project. Expenses are to be billed at a multiple of 1.1 times cost. Expenses are to include but are not limited to printing, photo processing, plotting, telephone calls, postage, copies, travel, meals and lodging. Additional charges for insurance adjustments requested by the client over basic coverage are reimbursable. Payments for all such reimbursable expenses are subject to the terms stated above.

Delay of Schedule

Should the project be delayed beyond the original scheduled completion dates through no fault of The EDGE Group, Inc., compensation will be adjusted to rates prevailing at the time the project is invoiced plus reimbursable expenses for all additional time spent on the project beyond the period scheduled.

Standard of Care

In providing services under this agreement, The EDGE Group will endeavor to perform in a manner consistent with the degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. The EDGE Group will perform its services as expeditiously as is consistent with professional skill and care and the orderly progress of The EDGE Group's part of the project. Regardless of any other term or condition of this Agreement, The EDGE Group makes no express or implied warranty of any sort. All warranties, including warranty of merchantability or warranty of fitness for a particular purpose, are expressly disclaimed.

Indemnifications

The Client agrees, to the fullest extent permitted by law, to indemnify and hold The EDGE Group and its subconsultants harmless from and against any and all damage, losses or cost (including reasonable attorney's fees and defense costs) caused in whole or in part by its acts, errors or omissions and those of anyone for whom they are legally liable. The EDGE Group further agrees to indemnify the Client for damages arising from its own negligent errors, acts or omissions.

Construction Activities

The EDGE Group shall not be responsible for the acts or omissions of any person performing any of the Work or for instructions given by the Client or its representatives to anyone performing any of the work, nor for means and methods or job-site safety.

Limitation of Liability

Neither The EDGE Group, Inc., nor its officers, directors, members, partners, employees, agents or consultants shall be jointly, severally, individually or otherwise liable to the client or anyone claiming by, through or under the client, in excess of the compensation paid pursuant to this agreement, by reason of any act or omission (including breach of contract or negligence) not amounting to willful or intentional wrong doing. The Edge Group, Inc., shall not be liable for consequential damages.

Termination of Services

This agreement may be terminated by either party upon not less than seven (7) days written notice should the other party fail substantially to perform in accordance with the terms of this agreement through no fault of the party initiating the termination. The EDGE Group, Inc., reserves the right to cease all work production at such time the account remains unpaid fifteen (15) days after the invoice date. The EDGE Group, Inc., shall be compensated for all services performed prior to termination or work stoppage for reasons stated above plus reimbursable expenses and reasonable profit on the project.

Prevailing Rates

Professional 5	\$185/hour - \$260/hour
Professional 4	\$160/hour - \$180/hour
Professional 3	\$140/hour - \$155/hour
Professional 2	\$115/hour - \$135/hour
Professional 1	\$ 90/hour - \$110/hour
Intern	\$ 65/hour - \$ 85/hour

EFFECTIVE: January 1, 2024

ORDINANCE NO. 73-2024

REVISING THE ADMINISTRATIVE, DEPARTMENTAL AND DIVISIONAL ORGANIZATION OF THE CITY AND THE CODIFIED ORDINANCES THEREOF BY AMENDING SYLVANIA CODIFIED ORDINANCE SECTION 127.17 – DIVISION OF PARKS AND FORESTRY; AMENDING SYLVANIA CODIFIED ORDINANCE SECTION 139.03(e)(3) TO SET THE SALARY OF THE “PARKS AND FORESTRY FOREMAN” ANNUALLY COMMENCING JULY 1, 2024 AND THEREAFTER; AND DECLARING AN EMERGENCY.

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

_____ members elected thereto concurring:

SECTION 1. That Section 127.17 – Division of Parks and Forestry of the Codified Ordinances of Sylvania, 1979, as amended, be, and the same hereby is, amended to read as set forth on the attached “Exhibit A” effective July 1, 2024.

SECTION 2. That Section 139.03(e)(3) – Definition and Adoption of the Compensation Plan of the Codified Ordinances of Sylvania, 1979, as amended, be, and the same hereby is, amended to read as set forth on the attached “Exhibit b” effective July 1, 2024.

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 the changes to the staffing structure should be made at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2024, as an emergency issue.

President of Council

ATTEST:

Clerk of Council

APPROVED:

Mayor

Date

APPROVED AS TO FORM:

Director of Law

127.17 DIVISION OF PARKS AND FORESTRY.

The Foreman of the Division of Parks and Forestry, to be called the Parks and Forestry Foreman, under the Director of Public Service, shall be responsible for and have supervision and control of park maintenance, composting operations, tree planting and maintenance and gardening and landscaping in the parks, cemetery, and on the grounds under control of the City; and facilities maintenance of all City buildings and structures. The Division shall be composed of the Parks and Forestry Foreman, one Parks and Forestry Crew Leader, one Parks and Forestry Maintenance Worker, up to four Public Works Servicemen, up to three Laborers, and such additional seasonal, temporary, or part-time employees as shall hereafter be authorized by and have funds for the same provided by Council.

(Ord. _____-2024. Passed _____-2024.)

139.02(e)(3) Compensation for elective and appointive officials. The following elective and appointed officials which are not otherwise provided for in this chapter shall be compensated as follows:

<u>TITLE</u>	<u>RATE</u>
	* * *
Parks and Forestry Foreman	\$106,409 annually commencing July 1, 2024 and thereafter.

* * *

(Ord. ____-2024. Passed ____-2024.)

“Exhibit B”

11

ORDINANCE NO. 74-2024

REVISING THE ADMINISTRATIVE, DEPARTMENTAL AND DIVISIONAL ORGANIZATION OF THE CITY AND THE CODIFIED ORDINANCES THEREOF BY AMENDING SYLVANIA CODIFIED ORDINANCE SECTION 127.08 – SECTION OF UTILITY OFFICE SERVICE TO RESTRUCTURE THE STAFFING OF THE UTILITY OFFICE; AMENDING SYLVANIA CODIFIED ORDINANCE SECTION 139.02(a) TO SET THE SALARIES OF THE NEW POSITIONS OF “CUSTOMER SERVICE REPRESENTATIVE” AND “BILLING TECHNICIAN” ANNUALLY COMMENCING MAY 21, 2024 AND THEREAFTER; AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Public Service has recommended that the staffing of the Section of Utility Office Service be restructured as set forth in the attached “Exhibit A.”

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

SECTION 1. That Section 127.08 – Section of Utility Office Service of the Codified Ordinances of Sylvania, 1979, as amended, be, and the same hereby is, amended to read as set forth on the attached “Exhibit A” effective May 21, 2024.

SECTION 2. That Section 139.02(a) – Content and Coverage of the Compensation Plan of the Codified Ordinances of Sylvania, 1979, as amended, be, and the same hereby is, amended to read as set forth on the attached “Exhibit B” effective May 21, 2024.

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 the changes to the structure of the Utility Office Service should be made at the earliest possible time. Provided this Ordinance receives the affirmative vote of five

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

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2024, as an emergency issue.

President of Council

ATTEST:

Clerk of Council

APPROVED:

APPROVED AS TO FORM:

Mayor

Director of Law

Date

127.08 SECTION OF UTILITY OFFICE SERVICE.

The Section of Utility Office Service shall be under the direction and supervision of the Director of Public Service. The Director of Public Service shall have charge of the Utility Office providing service to the public in the form of customer relations, paying water and sewer charges, making contracts for meter connections and disconnections and providing maintenance for service problems, and shall provide for reading meters and billing and such other services as assigned to it from time to time by the Director of Public Service. The Section of Utility Office Service shall be comprised of two billing technicians and one customer service representative, and such additional part-time employees or shall hereafter be authorized by, and have funds for the same provided by Council.

(Ord. _____-2024. Passed _____-2024.)

“Exhibit A”

139.02(a) Classes in the Plan. The Classification Plan shall consist of the classes listed in this section, with such changes from time to time as may be recommended by the Treasurer and approved by Council. All positions in each class shall be compensated in accordance with the class grade for each class as shown in this section and at the rates of pay for each class grade as set forth in Section 139.03. the salary rates as established for each class grade shall be the compensation for work of salaried employees on a normal full-time schedule not to exceed the number of hours per week shown in this section for the respective groups of classes.

LIST OF OCCUPATIONAL TITLES

<u>CLASS CODE</u>	<u>CLASS GRADE</u>	<u>CLASS TITLE</u>
	* *	*
130	13	Customer Service Representative
131	17	Billing Technician
	* *	*

(Ord. _____-2024. Passed _____-2024.)

12

ORDINANCE NO. 75-2024

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT WITH PALMER ENERGY COMPANY, INC. TO PROVIDE ELECTRIC AGGREGATION CONSULTING SERVICES FOR THE CITY OF SYLVANIA RESIDENTIAL AND SMALL BUSINESS CUSTOMERS; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 56-2000 authorized the creation of a governmental aggregation program and submitted the question to the electorate at the November 7, 2000; and,

WHEREAS, the voters approved the creation of an opt out aggregation program within the City of Sylvania; and,

WHEREAS, Ordinance No. 103-2000, passed November 6, 2000, authorized Sylvania to enter into an intergovernmental agreement with eight other communities to jointly operate and manage a governmental aggregation program as the Northwest Ohio Aggregation Coalition; and,

WHEREAS, Ordinance No. 107-2000, passed December 4, 2000, authorized the Northwest Ohio Aggregation Coalition (“NOAC”) to hire Palmer Energy as an energy consultant; and,

WHEREAS, Palmer Energy has served as NOAC’s energy consultant since 2001 and has collectively saved the residential and small businesses in the NOAC communities’ electric aggregation programs an estimated \$124 million; and,

WHEREAS, a copy of Palmer Energy’s Electric Aggregation Consulting Agreement is attached hereto as “Exhibit A.”

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

SECTION 1. That the Mayor and Director of Finance be, and they hereby are, authorized to enter into an Electric Aggregation Consulting Agreement with Palmer Energy Company, Inc. on behalf of the City of Sylvania for its residential and small business customers.

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

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the consulting agreement with Palmer Energy should be approved at the earliest possible time to ensure the City's electric aggregation customers continue to receive the best possible pricing. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

NOAC Electric Aggregation Consulting Agreement

This Consulting Agreement executed the _____ day of _____ 2024 by the **City of Sylvania** ("City") and **Palmer Energy Company, Inc.** (the "Palmer") located at 5577 Airport Highway, Suite 101, Toledo, OH 43615, each individually considered a "Party" to this Agreement and collectively called "Parties".

RECITALS. The citizens authorized the City to function as an opt-out electricity aggregator under ORC 4928.20 and is certified as an electric aggregator by the Public Utilities Commission of Ohio ("PUCO").

The City has an opt-out electric aggregation and is participating in the Northwest Ohio Aggregation Coalition (NOAC) electricity aggregation program ("Program").

The eligible residential and small businesses that have participated in the Program ("Participants") since the Program's inception in 2001 have collectively savings an estimated \$124 million.

The Program has advocated for residential and small business electric consumers in the City at the regulatory matters before the PUCO. It also advocates at the Ohio House and Senate on legislation that would impact the Program.

The City agrees that its continued participation in NOAC is in the best interests of its citizens.

NOAC and the City plan to continue utilizing Palmer for its electric aggregation consulting services.

Now, therefore, in consideration of the mutual covenants and agreements set forth herein, and for other good and valuable consideration, the City and Palmer hereby agree as follows:

SECTION 1. PROGRAM. The City determined that it is in the City and the Participants' interest to continue operating the Program. To secure lower pricing and increase its economy of scale the City collaborates cooperatively with other communities in NOAC. The various NOAC communities utilize Palmer to provide energy consulting services to the Program and its Participants. This Agreement describes the terms and conditions of the energy consulting services provided by Palmer to the Program and its Participants during the Term of this Agreement.

SECTION 2. SERVICES. Palmer will assist the City and other NOAC communities in securing competitively priced electricity supplies for eligible residential and small business electricity consumers that participate in the municipality's electric governmental aggregation. Working in cooperation with the other NOAC communities, Palmer will provide numerous services including, but not limited to, the following:

- A. Assisting the City in maintaining its electric aggregation certification at the PUCO including filing the required quarterly and annual reports.
- B. Evaluating the potential participants usage pattern(s), determining the Electric Distribution Utility ("EDU") load profiles where applicable, generation capacity and other information needed to secure pricing offers(s) from various supplier(s)
- C. Issuing RFP's to PUCO approved Competitive Retail Electric Service ("CRES") providers.
- D. Analyzing the proposals received from CRES for the Program.
- E. Providing recommendations to the City and other NOAC communities on the appropriate term and type of pricing mechanism(s) to utilize from various supplier offers.
- F. Evaluating electric market conditions and other opportunities which may provide electric savings or cost control opportunities to the Program Participants.

- G. Providing an estimate of the EDU's avoidable generation supply costs to the City and other communities.
- H. Collaborating with legal counsel on appropriate commercial contract terms for the City and other NOAC communities, the Program, and its Participants.
- I. Reviewing opt-out letters and contract terms provided by the selected supplier to help ensure they meet the terms and conditions delineated in the supplier's contract with the City.
- J. Ongoing interaction with legal representatives regarding matters pending before the PUCO that impact the City, other NOAC communities and Program.
- K. Ongoing interaction and evaluation of energy legislation pending at the Ohio State Legislature and/or Senate and how such legislation could impact the Program.
- L. Ongoing Program Management including scheduling of opt-out mailings to newly eligible potential Participants and monitoring aggregation enrollment statistics.
- M. Providing the City and other NOAC communities with rate and other electric market updates.
- N. Assisting the City and other NOAC communities in various electricity governmental aggregation efforts such as public meetings and press releases to explain the Program to potential or existing Participants.
- O. Creating savings estimates for Program Participants.
- P. Paying the Public Utilities Commission of Ohio and Ohio Consumers Counsel annual fees associated with the operation of the Program.
- Q. Performing other services as required so the City can operate its opt-out electric governmental aggregation program for Participants in the City.

SECTION 3. REQUEST FOR PROPOSALS. Prior to the City entering into any supply agreement with an aggregation provider, Palmer shall issue a request for proposals from PUCO certified CRES providers and shall, upon request, make the request for proposals and any responses to such request available to the City.

SECTION 4. SUPPLY OF ELECTRICITY

A. Purchase of Electricity. The City understands it develops and approves the commercial terms and conditions of offers mailed by the approved CRES to potential aggregation participants. The residential and small business consumers determine whether to participate in the Program under the terms and conditions offered by the approved CRES.

B. No Liabilities of Participant. Other than its own facilities which may participate in the Program, the City shall not be financially responsible to pay for the Participants' cost of electricity, generation capacity and other costs attributable to securing their electricity consumption.

C. Letter of Exclusive Authorization. The City agrees to execute a Letter of Exclusive Authorization ("LOE") on its letterhead for use by Palmer to assist in operating the Program. This LOE shall provide Palmer authority to execute any letters of authorization necessary to securing pricing from various potential suppliers, obtain billing, rate, demand, use, load profile, PLC's, interval, and all other information from the EDU necessary to obtain electric supply pricing for the Participant's consideration. The LOE also provides Palmer with authority to request the same information from the existing supplier(s) that it would otherwise obtain from the EDU.

SECTION 5. PROGRAM CONSULTING FEE. Included in the Supplier(s) electricity costs paid by the Participants' will be Program Consulting Fees of \$0.00045 per kilowatt-hour ("kWh"). The revenue derived from the Consulting Fee multiplied by the number of kWh ("Revenue") shall be paid to Palmer and divided according to Section 6 of this Agreement.

SECTION 6. REVENUE DIVISION. The Revenue paid to Palmer shall be divided. One third of the Revenue (33.33%) shall be transferred each month to an escrow account held by Palmer for the benefit of the Program ("Escrow"). Palmer shall retain the remaining revenue.

SECTION 7. ESCROW. Palmer shall have a separate account for any NOAC Escrow funds. Fund balances in the Escrow account shall be reported to the Lucas County Prosecutor's office and a designated person within the City of Toledo, Department of Law at least semi-annually. The information reported shall be from the bank where the Escrow account resides and shall include the current balance along with any deposits or withdrawals for authorized payments made after the last report.

The City agrees that funds in the Escrow account may be used to pay for legal and expert representation on various regulatory and legislative purposes for the Participants in the City and other NOAC communities. No payments for legal and expert representation for various regulatory and legislative purposes shall be permissible without email or other form of written authorization from the Civil Division of the Lucas County Prosecutors Office. These Escrow funds may also be used to reduce the price offered to potential participants in the Program.

SECTION 8. PROGRAM TERM. The initial Program Term of this Exhibit shall begin from the Effective Date of this Exhibit and will continue for a term through January 1, 2035. Furthermore, unless either party to this Agreement provides at least 180 days written notice to the other party, this Agreement shall automatically be extended for additional terms of five (5) years ("Renewal Terms").

SECTION 9. NOAC UNIFORMITY. The Parties understand and agree that this Agreement is in uniformity with the terms and conditions of this consulting agreement with the other NOAC communities. The NOAC communities for electricity aggregation on the execution date of this Agreement are Cities of Maumee, Northwood, Oregon, Perrysburg, Rossford, Sylvania, Toledo, and Waterville. Other NOAC communities include the Villages of Delta, Holland, Ottawa Hills, and Walbridge as well as Perrysburg and Lake Townships (Wood County) and Lucas County representing the unincorporated areas of the County.

SECTION 10. COMMUNICATIONS. All notices and communications under this Agreement shall be provided in writing and delivered in person or posed by prepaid U.S. mail to the following individuals:

To the City:

City of Sylvania
6730 Monroe Street
Sylvania, OH 43560

To Consultant:

Mark R. Frye, President
Palmer Energy Company
5577 Airport Highway, Suite 101
Toledo, OH 43615

IN WITNESS WHEREOF, the undersigned representatives City of Sylvania and Palmer Energy Company, Inc. have authority to sign this Agreement.

CITY OF SYLVANIA, OHIO

PALMER ENERGY COMPANY, INC.

By: _____

By: _____

Approved as to Form:

Mark R. Frye
President
5577 Airport Highway, Suite 101
Toledo, Ohio 43615

Department of Law

13

ORDINANCE NO. 76-2024

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT WITH PALMER ENERGY COMPANY, INC. TO PROVIDE NATURAL GAS AGGREGATION CONSULTING SERVICES FOR THE CITY OF SYLVANIA RESIDENTIAL AND SMALL BUSINESS CUSTOMERS; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 56-2000 authorized the creation of a governmental aggregation program and submitted the question to the electorate at the November 7, 2000; and,

WHEREAS, the voters approved the creation of an opt out aggregation program within the City of Sylvania; and,

WHEREAS, Ordinance No. 103-2000, passed November 6, 2000, authorized Sylvania to enter into an intergovernmental agreement with eight other communities to jointly operate and manage a governmental aggregation program as the Northwest Ohio Aggregation Coalition; and,

WHEREAS, Ordinance No. 107-2000, passed December 4, 2000, authorized the Northwest Ohio Aggregation Coalition (“NOAC”) to hire Palmer Energy as an energy consultant; and,

WHEREAS, Palmer Energy has served as NOAC’s energy consultant since 2001 and has collectively saved the residential and small businesses in the NOAC communities’ natural gas aggregation programs an estimated \$21 million; and,

WHEREAS, a copy of Palmer Energy’s Natural Gas Aggregation Consulting Agreement is attached hereto as “Exhibit A.”

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

SECTION 1. That the Mayor and Director of Finance be, and they hereby are, authorized to enter into an Natural Gas Aggregation Consulting Agreement with Palmer Energy Company, Inc. on behalf of the City of Sylvania for its residential and small business customers.

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

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the consulting agreement with Palmer Energy should be approved at the earliest possible time to ensure the City's natural gas aggregation customers continue to receive the best possible pricing. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

NOAC Natural Gas Aggregation Consulting Agreement

This Consulting Agreement executed the ____ day of _____ 2024 by the **City of Sylvania** ("City") and **Palmer Energy Company, Inc.** (the "Palmer") located at 5577 Airport Highway, Suite 101, Toledo, OH 43615, collectively called "Parties".

RECITALS. The citizens authorized the City to operate as an opt-out natural gas aggregator under ORC 4929.26 and is certified as a natural gas aggregator by the Public Utilities Commission of Ohio ("PUCO").

The City is operating or has operated an opt-out natural gas aggregation and is participating in the Northwest Ohio Aggregation Coalition (NOAC) electricity aggregation program ("Program").

The eligible residential and small businesses that have participated in the Program ("Participants") since its inception in 2002 have collectively saved an estimated \$21 million.

The Program has advocated for residential and small business natural gas consumers in the City at the regulatory matters before the PUCO. It also advocates at the Ohio House and Senate on legislation that would impact the Program.

The City agrees that its continued participation in NOAC is in the best interests of its citizens.

NOAC and the City plan to continue utilizing Palmer for its natural gas aggregation consulting services.

Now, therefore, in consideration of the mutual covenants and agreements set forth herein, and for other good and valuable consideration, the City and Palmer hereby agree as follows:

SECTION 1. PROGRAM. The City determined that it is in the City and the Participants' interest to continue operating the Program. To secure lower pricing and increase its economy of scale the City collaborates cooperatively with other communities in NOAC. The various NOAC communities utilize Palmer to provide energy consulting services to the Program and its Participants. This Agreement describes the terms and conditions of the energy consulting services provided by Palmer to the Program during the Term of this Agreement.

SECTION 2. SERVICES. Palmer will assist the City and other NOAC communities in securing competitively priced natural gas supplies for eligible residential and small business consumers that participate in the municipality's natural gas governmental aggregation. Working in cooperation with the other NOAC communities, Palmer will provide numerous services including, but not limited to, the following:

- A. Assist the City in maintaining its natural gas certification at the PUCO so it can operate an opt-out natural gas governmental aggregation program for Participants in the City.
- B. Evaluating the Program's potential participants usage pattern(s), determining LDC maximum daily quantities as necessary and applicable, and estimating the gas transport and storage requirements to supply the Program.
- C. Issuing RFP's to PUCO approved Competitive Retail Natural Gas Service ("CRNGS") providers.
- D. Analyzing the proposals received from CRNGS for the Program.
- E. Providing recommendations to the City and other NOAC communities representing potential Participants on the appropriate contract duration and type of pricing mechanism(s) to utilize.

- F. Projecting the avoidable natural gas costs if the Program is operating at that time.
- G. Collaborating with legal counsel on appropriate commercial contract terms for the City and other NOAC communities, the Program, and its potential Participants.
- H. Reviewing opt-out letters and contract terms provided by the selected CRNGS to help ensure they meet the terms and conditions delineated in the supplier's contract with the City.
- I. Ongoing interaction with legal representatives regarding matters pending before the PUCO that impact the City, other NOAC communities and Program.
- J. Providing the City and other NOAC communities rate and other natural gas market updates.
- K. Creating collective savings estimates for Program Participants.
- L. Assisting the City and other NOAC communities in various natural gas governmental aggregation efforts such as public meetings, press releases or answering questions to Program Participants.
- M. Paying the PUCO and Ohio Consumers Counsel annual fees associated with the operation of the Program.
- N. Performing other services as required so the City can operate its opt-out natural gas governmental aggregation program for Participants in the City.

SECTION 3. REQUEST FOR PROPOSALS. Prior to the City entering into any supply agreement with an aggregation provider, Palmer shall issue a request for proposals from PUCO certified CRNGS providers and shall, upon request, make the request for proposals and any responses to such request available to the City.

SECTION 4. SUPPLY OF NATURAL GAS.

A. Purchase of Natural Gas. The City understands it develops and approves the commercial terms and conditions of offers mailed by the approved CRNGS to potential aggregation participants. The residential and small business consumers determine whether to participate in the Program under the terms and conditions offered by the approved CRNGS.

B. No Liabilities of Participant. Other than its own facilities which may participate in the Program, the City shall not be financially responsible to pay for the Participants' cost of natural gas or any other costs attributable to securing their natural gas consumption.

C. Letter of Exclusive Authorization. The City agrees to execute a Letter of Exclusive Authorization ("LOE") on its letterhead for use by Palmer to assist in operating the Program. This LOE shall provide Palmer the authority to execute any letters of authorization necessary to securing pricing offers from various potential suppliers, obtain billing, rate, use, maximum daily quantities, meter readings, and all other information from local gas utility necessary to obtain natural gas supply pricing for the Participants' consideration. The LOE also provides Palmer with authority to request the same information from the existing supplier(s) that it would otherwise obtain from the local gas utility.

SECTION 5. PROGRAM CONSULTING FEE. Included in the Supplier(s) natural gas costs paid by the Participants' will be Program Consulting Fees of \$0.003 per hundred cubic feet ("ccf"). The revenue derived from the Consulting Fee multiplied by the number of kWh ("Revenue") shall be paid to Palmer.

SECTION 6. PROGRAM TERM. The initial Program Term of this Exhibit shall begin from the Effective Date of this Agreement and will continue for a term through June 30, 2034. Unless either party to this Agreement provides at least 180 days written notice to the other party, this Agreement shall automatically be extended for additional terms of two (2) years ("Renewal Terms").

SECTION 7. NOAC UNIFORMITY. The Parties understand and agree that this Agreement is in uniformity with the terms and conditions of consulting agreements with the other NOAC communities. The NOAC communities for natural gas aggregation on the execution date of this Agreement are the Cities of Maumee, Northwood, Oregon, Perrysburg, Rossford, Sylvania, and Toledo. Other NOAC communities include the Villages of Holland, Ottawa Hills, and Walbridge as well as Lake Township (Wood County) and Lucas County representing the unincorporated areas of the County.

SECTION 8. COMMUNICATIONS. All notices and communications under this Agreement shall be provided in writing and delivered in person or posed by prepaid U.S. mail to the following individuals:

To the City:

City of Sylvania
6730 Monroe Street
Sylvania, OH 43560

To Consultant:

Mr. Mark R. Frye, President
Palmer Energy Company
5577 Airport Highway, Suite 101
Toledo, OH 43615

IN WITNESS WHEREOF, the undersigned representatives City of Sylvania and Palmer Energy Company, Inc. have authority to sign this Agreement.

CITY OF SYLVANIA, OHIO

PALMER ENERGY COMPANY, INC.

By: _____

By: _____

Mark R. Frye, President
5577 Airport Highway, Suite 101
Toledo, Ohio 43615

Approved as to Form:

Department of Law



14

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

Memo

To: The Mayor and City Council
From: Kevin G. Aller, Director of Public Safety/Service
Date: 05/20/2024
Re: Obsolete Equipment

Council Members,

The following item is no longer of use in our City operations:

Parks #54: 1994 GMC Aerial Lift (Bucket) Truck Vin#1GDP7H1J6RJ501896

We would request approval to dispose of this vehicle by posting it for sale on the GovDeals website. Should we not receive any bids to purchase the vehicle we will dispose of it either through scrap value.

Please call if you have any questions. Thank you.



16

OFFICE OF THE MAYOR
CRAIG A. STOUGH, MAYOR

May 16, 2024

TO THE MEMBERS OF SYLVANIA CITY COUNCIL:

RE: Appointments to the Sylvania Tree Commission

Dear Council Members:

Ms. Stephanie Leffler, Mr. Brady Kohlenberg and Mr. Anthony Haddad have expressed their interest in serving on the Sylvania Tree Commission.

Ms. Leffler, 4434 Tamworth Road, Sylvania, Ohio, is a 7th Grade Environmental Science Teacher at Timberstone Junior High School and monarch butterfly advocate. Ms. Leffler recently won a scholarship to go to the monarch sanctuaries in Mexico and is passionate about trees. Ms. Leffler earned a Bachelor of Science degree with a major in biology from Hope College, a Masters of Teaching for Science Education from Wayne State University and a Masters of Curriculum and Instruction from the University of Louisiana at Monroe.

Mr. Brady Kohlenberg, 5600 West Sylvania Avenue, Toledo, Ohio, is an Eagle Scout and has an Associate's Degree in Forest Management with a Certificate in Timber Harvest and Tree Care from Hocking College. Mr. Kohlenberg currently serves as Property Manager for Ranger Camp Miakonda DeVilbiss Scout Reservation Erie Shores Council, Inc. #460 and is a member of the Society of American Foresters.

Mr. Anthony Haddad, 5819 Brainard Drive, Sylvania, Ohio, is very passionate about street trees and can give a citizen's viewpoint on the aesthetics of the Commission's tree planting plans. Mr. Haddad has completed coursework towards a Bachelor's Degree in Business Administration at both the University of Toledo and College of DuPage.

Therefore, I am pleased to announce the appointments of Ms. Leffler, Mr. Kohlenberg and Mr. Haddad to the Sylvania Tree Commission and request that you confirm these appointments.

Respectfully submitted,

Craig A. Stough
Mayor

CAS/lb

A

Board of Architectural Review

Minutes of the regular meeting of May 15, 2024. Mr. Schaaf called the meeting to order.

Acting Secretary, Timothy Burns, took the roll call. Members present: Mayor Craig Stough, Kate Fischer, Carol Lindhuber, Ken Marciniak and Jeff Schaaf. (5) present

Ms. Fischer moved, Ms. Lindhuber seconded to approve the Minutes of the April 10, 2024 meeting as submitted. Vote being: Stough, Lindhuber, Fischer, Marciniak and Schaaf (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 3 – Building Review – app. no. 17-2024 requested by Jim Sutphin of Stop & Go Stores for S&G Car Wash, 5778 Centennial Road, Sylvania, Ohio 43560. Application is construction of a new tunnel style car wash.

Mr. Sutphin was present.

Ms. Lindhuber moved, Mr. Marciniak seconded, to approve the design shown in the drawing submitted with the application conditional on Planning Commission approval of the properties lot split. Vote being: Stough, Lindhuber, Fischer, Marciniak and Schaaf (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 4 – Building Review – app. no. 25-2024 requested by Rami Shaheen of Sign Design USA for Vape Shack, 5805 Monroe Street, Sylvania, Ohio 43560. Application is for a new wall sign and discussion of existing window lighting.

Mr. Burns stated that the sign meets the sign code. He added that the store has some existing LED lighting around the windows that is similar to the vape store discussed at a previous meeting.

Discussion took place amongst the members and concerns were expressed about the possible impact that future LED lighting could have on both residents and drivers.

Mayor Stough recommended that a conversation be had with the Law Director to see how this may tie in with what City Council did ten years ago.

Mr. Marciniak moved, Ms. Fischer seconded, to approve the sign as shown in the drawing submitted with the application; and recommend to the Law Director review the lighting ordinance and start the process to come up with uniform requirements regarding the lighting. Vote being: Stough, Lindhuber, Fischer, Marciniak and Schaaf (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

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Item 5 – Regulated Sign – app. no. 26-2024 requested by Karrie Brock of Fast Signs for Sylvania CSD Board of Education, 6769 Maplewood Avenue, Sylvania, OH 43560. Application is for a new wall sign.

Ms. Brock was present and explained that Mr. Duwve is retiring and the sign is a quote of his that they would like to put up to memorialize him for what he did, and gave, to the school.

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

Items 6 and 7 – Building Review – app. no. 22-2024 requested by David Bruckelmeyer for Sheetz, 5855 Monroe Street, Sylvania, Ohio 43560. (Tabled at the April 10, 2024 meeting) Application is for construction of a new fuel station and canopy and Regulated Sign – app. no. 23-2024 requested by David Bruckelmeyer for Sheetz, 5855 Monroe Street, Sylvania, Ohio 43560. Application is for a new monument sign and two new wall signs. (Tabled at the April 10, 2024 meeting)

Mr. Schaaf called for a motion to table the items until June.

Mayor Stough said before they do, that he would like to talk about the memorandum (in the Planning Commission packet) that he requested that the Law Director put together that included the reasons that Planning Commission can or cannot recommend something to City Council. He said that she has listed the criteria that they can use, that it is not just that it meets the zoning code, and that there are other reasons that she has listed. He requested that the Board retain the information.

Mr. Schaaf asked if they needed a motion to honor the request to table the items.

Mr. Burns stated that it just needed to be put on record that they (the applicant) requested that the items be tabled.

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

Submitted by,



Timothy Burns, Acting Secretary
Municipal Planning Commission

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Sylvania Municipal Planning Commission

Minutes of the regular meeting of May 15, 2024. Mr. Schaaf called the meeting to order.

Acting Secretary, Timothy Burns, took the roll call Members present: Mayor Craig Stough, Kate Fischer, Carol Lindhuber, Ken Marciniak and Jeff Schaaf. (5) present.

Ms. Lindhuber moved, Mr. Marciniak seconded to approve the Minutes of the May 15, 2024 meeting as submitted. Vote being: Stough, Lindhuber, Fischer, Marciniak and Schaaf (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 3 – Council Referral – Petition for Zoning Ordinance Amendment SUP#2-2024 – requested by David Bruckelmeyer for Sheetz, located at 5855 Monroe Street, Sylvania, Ohio 43560, for construction of an approximately 6,239 square foot convenience store and 8 island gas station with canopy. (Tabled at the April 10, 2024 meeting)

Mr. Burns stated that the applicant requested for the item to be tabled.

Item 4 – Lot Split app. no. 1-2024 – Requested by Jim Sutphin, agent for Dan Ridi of Stop & Go Stores, for Louisville Title Agency for NW Ohio, for the property located at 5778 Centennial Road, Sylvania, Ohio 43560.

Mr. Sutphin was present.

Mayor Stough asked if the lot split would meet the code requirements for size.

Mr. Burns said that it would.

Discussion took place amongst the applicant and the members regarding the lot split.

Mr. Burns said that the lot split has been reviewed by the City's Engineer, Joe Shaw.

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

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

Submitted by,



Timothy Burns, Acting Secretary
Municipal Planning Commission