

Sylvania City Council

December 2, 2024

7:00 p.m. Employee & Community Relations Committee Meeting
Board of Zoning Appeals Appointments

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 Mrs. Westphal.
3. Additions to the agenda.
4. Approval of the Council meeting minutes from November 18, 2024.
5. Oakland Court Improvements Project – Change Order No. 1 (Final).
 - a. Service Director’s letter recommending approval of the change order.
 - b. Proposed Ordinance No. 129-2024, Authorizing the Mayor and Director of Finance to approve Change Order No. 1 (Final) to this City’s agreement with Salenbien Trucking & Excavating, Inc. relative to this project.
6. Proposed Ordinance No. 130-2024, Amending Chapter 945 – Parks of the Sylvania Codified Ordinances, 1979, as amended, by amending Section 945.02 – Hours; Rules & Regulations; by adding Section 945.07 – Removal or Destruction of Property and Natural Features; by adding Section 945.08 – Fires; by adding Section 945.09 – Unlawful Structures; and by adding Section 945.10 – Unlawful Camping, Storage of Personal Property or Sleeping in Public Places.
7. Proposed Ordinance No. 131-2024, Authorizing the Mayor and Director of Finance to enter into an agreement with the Board of County Commissioners of Lucas County, Ohio, for after hours canine control services by the Acting Dog Warden of Lucas County, Ohio.
8. Proposed Ordinance No. 132-2024, Repealing Ordinance No. 127-2024; Declaring the improvement to certain parcels of real property to be a public purpose and exempt from taxation and providing for the collection and deposit of service payments into the Tax Increment Equivalent Fund.
9. Committee reports.
 - a. Report from Employee & Community Relations Committee meeting held this date.
10. Committee referrals.

INFORMATION

NONE

Minutes of the Meeting of Council
November 18, 2024

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The Council of the City of Sylvania, Ohio met in regular session on November 18, 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, Mary Westphal, Lyndsey Stough; (6) present; (1) absent.

Roll call:
6 present,
1 absent.

Pledge of Allegiance to the United States of America led by Ms. Stough.

Pledge of
Allegiance.

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

Additions to the agenda:

Item #15 – Sister City update by Mayor Stough.

Item #16 – Executive Session to discuss property issues.

Mr. Frye moved, Mrs. Westphal seconded to approve the amended agenda; roll call vote being: Hansen, Frye, Westphal, Stough, Haynam, Richardson; (6) yeas; (0) nays. The motion carried.

Agenda approval.

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

Mr. Frye presented the November 4, 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 November 4, 2024 be approved; roll call vote being: Hansen, Frye, Haynam, Westphal, Richardson, Stough; (6) yeas; (0) nays. The motion carried.

Approval of the
Nov. 4, 2024
Meeting minutes.

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

Mrs. Westphal moved, Ms. Stough seconded to reference the Public Utility Commission of Ohio in Chapter 771.11(a) of the Codified Ordinances of Sylvania, Ohio, regarding towing fees; roll call vote being: Frye, Hansen, Westphal, Stough, Richardson, Haynam; (6) yeas; (0) nays. The motion carried.

Amend 771.11
(a) To reference
PUCO.

Mr. Frye presented and read aloud by title only, proposed amended Ordinance No. 123-2024, a written copy of same having been previously furnished to each member of Council "Amending the Codified Ordinances, 1979, as amended by adding Chapter 771 – Towing Services; and declaring an emergency."; Mr. Frye moved, Mr. Haynam seconded for passage of amended Ordinance No. 123-2024 as an emergency measure; roll call vote being: Hansen, Frye, Haynam, Stough, Westphal, Richardson; (6) yeas; (0) nays. The motion carried.

Ordinance No.
123-2204, "...
Amending
Chapter 771...
Towing Services
..."

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

Mr. Frye presented and read aloud by title only, amended, proposed Ordinance No. 124-2024, a written copy of same having been previously furnished to each member of Council "To make appropriations for current expenditures and other expenditures of the City of Sylvania, Ohio, for the Fiscal Year ending December 31, 2025; and declaring an emergency."; Mr. Frye moved, Mr. Hansen seconded for passage of Ordinance No.

Ordinance No.
124-2024, "...
2025 Budget..."

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124-2024 as an emergency measure; roll call vote being: Hansen, Haynam, Stough, Westphal, Frye, Richardson; (6) yeas; (0) nays. The motion carried.

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

Mr. Haynam moved, Ms. Stough seconded to strike "...and such delinquent refuse accounts are subject to termination of the Director." from 941.022(a) of the Codified Ordinances of Sylvania, Ohio; roll call vote being: Hansen, Haynam, Stough, Westphal, Frye, Richardson; (6) yeas; (0) nays. The motion carried.

Amend 941.022
(a) striking last sentence in.

Service Director's letter on requesting modifications to Chapter 941 was placed on file. Mr. Hansen presented and read aloud by title only, proposed amended Ordinance No. 126-2024, a written copy of same having been previously furnished to each member of Council "Amending Chapter 941 – Solid Waste/Recycling Collection of the Sylvania Codified Ordinances, 1979, as amended, by amending Section 941.021 – Fees for Collection and Disposal for Residential Buildings and by Adding Section 941.022 – Delinquent Accounts; and declaring an emergency."; Mr. Hansen moved, Mr. Haynam seconded for passage of amended Ordinance No. 126-2024 as an emergency measure; roll call vote being: Hansen, Frye, Haynam, Stough, Westphal, Richardson; (6) yeas; (0) nays. The motion carried.

Ordinance No. 126-2024, "... Chapter 941... Solid Waste/ Recycling..."

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

Economic Development Director's memo on New TIF Area was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 127-2024, a written copy of same having been previously furnished to each member of Council "Declaring the improvement to certain parcels of real property to be a public purpose and exempt from taxation and providing for the collection and deposit of service payments into the Tax Increment Equivalent Fund, and specifying the public infrastructure improvements directly benefiting the parcels; and declaring an emergency."; Mr. Frye moved, Mr. Hansen seconded for passage of Ordinance No. 127-2024 as an emergency measure; roll call vote being: Hansen, Frye, Haynam, Stough, Westphal, Richardson; (6) yeas; (0) nays. The motion carried.

Ordinance No. 127-2024, "... New TIF Area..."

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

Service Director's letter recommending bid award was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 128-2024, a written copy of same having been previously furnished to each member of Council "Accepting the bid of Helms & Sons Excavating, Inc. and awarding the contract for the Downtown

Ordinance No. 128-2024, "... Helms & Sons... DT Trans. Imp.

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Transportation Improvements (Phase 1) Project to same; authorizing the expenditure for the improvements in the amount of \$4,401,234; appropriating funds therefore; and declaring an emergency.”; Mr. Richardson moved, Mr. Frye seconded for passage of Ordinance No. 128-2024 as an emergency measure; roll call vote being: Haynam, Stough, Westphal, Frye, Richardson, Hansen; (6) yeas; (0) nays. The motion carried. (Phase 1) Project...”

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

Ms. Stough presented and read aloud by title only, proposed Resolution No. 15-2024, a written copy of same having been previously furnished to each member of Council “A Resolution of the Council of the City of Sylvania, Ohio, supporting the Ohio Commission for the United States Semiquincentennial (America250-OH); and declaring an emergency.”; Ms. Stough moved, Mrs. Westphal seconded for passage of Resolution No. 15-2024 as an emergency measure; roll call vote being: Stough, Haynam, Westphal, Frye, Richardson, Hansen; (6) yeas; (0) nays. The motion carried. Resolution No. 15-2024, “...Ohio Commission... America250...”

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

Mr. Frye moved, Mrs. Westphal Seconded to approve a 2018 Ford Explorer SUV and a 2005 Chevy Impala to be offered for auction on GovDeals.com; roll call vote being: Frye, Haynam, Westphal, Stough, Richardson, Hansen; (6) yeas; (0) nays. The motion carried. 2 City Vehicles to auction on GovDeals.com.

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

Mr. Haynam moved, Mr. Hansen seconded to set a Public Hearing for ZA-2-2024 from Mike Hojnacki, Centennial Crossings Plat One, 8233 Sunset Lane & 5750 Breezy Porch Drive to change a portion of the planned development from commercial to residential, for Monday, January 6, 2025 at 7:15 p.m. in City Council Chambers, 6635 Maplewood Avenue, Sylvania Ohio, 43560; roll call vote being: Frye, Haynam, Westphal, Stough, Richardson, Hansen; (6) yeas; (0) nays. The motion carried. Set Public Hearing for ZA-2-2024 for Monday, Jan. 6, 2025 at 7:15pm.

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

Mayor Stough gave a brief update on the Woodstock Santa Claus Parade he attended on Saturday, November 16, 2024 along with Mark Frye, Marcus Hansen and Chief Danilynn Miller. Mayor Stough rode along with Woodstock Mayor Jerry Acchione in the parade which was well attended by many residents. Mayor Stough stated that there Sister City Update by Mayor Stough.

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is great value in Sylvania’s relationship with Woodstock and is encouraged by the increasing interest in the Sister Cities Commission.

Mayor Stough stated that Council will now consider added agenda item 16.

Mr. Frye moved, Ms. Stough seconded to enter into Executive Session for the purpose of discussion of current property issues at 8:12 p.m. Roll call vote being: Frye, Hansen, Stough, Richardson, Westphal, Haynam; (6) yeas; (0) nays. The motion carried.

Executive Session to discuss property issues.

Mr. Frye moved, Mr. Hansen seconded to return from Executive Session to General Session at 8:33 p.m. No action was taken. Roll call vote being: Hansen, Stough, Frye, Richardson, McCann, Haynam; (6) yeas; (0) nays. The motion carried.

Mayor Stough stated all agenda items have been addressed.

Mr. Frye moved, Mr. Hansen seconded to adjourn at 8:34 p.m. Roll call vote being: Frye, Richardson, Hansen, Stough, Haynam, Westphal; (6) yeas; (0) nays.

Adjournment.

Clerk of Council

Mayor



5a.

DEPARTMENT OF PUBLIC SERVICE
JOSEPH E. SHAW, P.E., P.S., DIRECTOR

November 18, 2024

To: The Mayor and Members of Sylvania City Council

Re: **Oakland Court Improvements Project**
Change Order No. 1 (Final)

Dear Mr. Mayor and Council Members:

The Oakland Court Improvements Project was recently completed. The original contract amount with Salenbien Trucking and Excavating, Inc. on the project was \$417,305.75 and received Council approval on February 5, 2024 by Ordinance 9-2024. Now that the project is completed, the final installed quantities have been resolved and a change order is necessary to adjust the final contract price.

The installed quantities have resulted in a decrease to the original contract in the amount of \$25,616.99. The largest savings items to the project were related to the condition of the subgrade. The condition of the subgrade was in good shape and allowed the City to save just under \$16,000 by not having to remove poor material and replace it with premium backfill. Enclosed is the complete list of all quantity overruns and underruns on the project.

A total change order in the amount of \$25,616.99 is necessary to decrease the final contract amount from \$417,305.75 to \$391,688.76. Please call if you have any questions.

Sincerely,

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

5b.

ORDINANCE NO. 129-2024

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 1 (FINAL) TO THIS CITY'S AGREEMENT WITH SALENBIEN TRUCKING AND EXCAVATING, INC. FOR THE OAKLAND COURT IMPROVEMENT PROJECT; DECREASING THE CONTRACT AMOUNT BY \$25,616.99; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 9-2024, passed February 5, 2024, accepted the bid of Salenbien Trucking and Excavating, Inc. and awarded the contract for the Oakland Court Improvements Project to same, which bid was in the amount of \$417,305.75; and,

WHEREAS, the project is now complete and a change order is necessary to adjust the final contract price based on the installed quantities; and,

WHEREAS, the Director of Public Service, by report dated September 16, 2024, has recommended acceptance of Change Order No. 1 (Final) of Helms and Sons Excavating, Inc. for said Oakland Court Improvements Project to reflect a reduction in the installed quantities in the amount of \$25,616.99, for a final contract amount of \$391,688.76; and,

WHEREAS, the final installed quantities resulted in a net decrease to the contract in the amount of Twenty-Five Thousand Six Hundred Sixteen and 99/100 Dollars (\$25,616.99), for a total contract amount of \$391,688.76.

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

SECTION 1. That said change order decreasing the contract amount by the sum of Twenty-Five Thousand Six Hundred Sixteen and 99/100 Dollars (\$25,616.99) be, and the same hereby is, approved, and the Mayor and the Director of Finance be, and they hereby are, authorized to sign said change order on behalf of this City, thereby indicating such approval and changing the total contract amount.

SECTION 2. That the 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 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the adjustments in the contract for said actual work should be approved immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

SECTION 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.

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

CITY OF SYLVANIA, OHIO

CHANGE ORDER Number 01-Final

Project Ordinance No.: 9-2024 Purchase Order No. 65587

Contract: Oakland Court Improvements
Balancing project overruns and underruns including the irrigation repairs on Oakland Court.

Title of Change Order: Court.

Description of Change:	Special – Complete Irrigation System	\$6,957.00
	Curb, Type 6 (Includes 4" Aggregate Base)	\$575.96
	Asphalt Concrete Surface Course, Type 1	\$3,766.40
	Asphalt Concrete Intermediate Course, Type 2	\$1,881.00
	Long Water Service	\$2,068.00
	Pipe Removed, 24" and Under	-\$507.21
	Excavation of Subgrade (Contingency)	-\$4,569.16
	Granular Material, Type B (Contingency)	-\$11,288.51
	Geotextile Fabric (Contingency)	-\$2,480.00
	Manhole Adjusted to Grade	-\$264.00
	Manhole Reconstructed to Grade	-\$1,149.50
	Repair Seeding and Mulching	-\$532.40
	Inter-Seeding	-\$532.40
	Lime	-\$55.00
	Water	-\$154.00
	Erosion Control	-\$4,440.00
	6" Base Pipe Underdrains with Geotextile Fabric	-\$1,881.76
	4" Conduit, Type C for Curb Drains, 707.45	-\$544.50
	6" Conduit, Type C, 707.45	-\$446.60
	Aggregate Base	-\$3,580.09
	6" Non-Reinforced Concrete Pavement, Class QC MS	-\$1,966.72
	8", 45 Deg. M.J. Bend	-\$1,355.20
	8", 22.5 Deg. M.J. Bend	-\$1,355.20
	8" 11.25 Deg. M.J. Bend	-\$1,355.20
	8" Watermain, Polyvinyl Chloride Pipe, AWWA C900, DR 18	-\$1,588.40
	Short Water Service	-\$599.50
	Water	-\$110.00
	Calcium Chloride	-\$110.00
	Total	-\$25,616.99

Date: 11/04/2024

RECOMMENDED
FOR APPROVAL BY:


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

11/20/24
Date

Original Contract Amt	\$ 417,305	75
Previous Changes (+ or -)	\$	
This Change (+ or -)	-\$ 25,616	99
Adjusted Contract Amt	\$ 391,688	76

REVIEWED BY: Darren J. Schimmoeller, PE
Digitally signed by Darren Schimmoeller
 DN: c=US,
 e=d.schimmoeller@structurepoint.com,
 ou=American Structurepoint, CN=Darren
 Schimmoeller
 Date: 2024.11.14 13:55:01-05'00'
 DATE: 11/14/24 | Darren Schimmoeller
Engineers Signature

SUBMITTED BY: Salenbien Trucking & Excavating
Name of Contractor
 DATE: 11/14/24 | 
Contractor's Signature

City of Sylvania, Ohio

The above proposal is hereby approved.

The above proposal is hereby approved.

Craig A. Stough, Mayor

Date

Toby Schroyer, Finance Director

Date



American Structurepoint - OH Change Order Details

City of Sylvania - Oakland Court Improvements

Description	The full-depth replacement of concrete pavement with typical residential asphalt pavement. This project also includes the replacement of water line and storm sewer within the right of way.		
Prime Contractor	SALEBIEN TRUCKING AND EXCAVATING INC 9217 ANN ARBOR RD DUNDEE, MI 48131		
Change Order	1		
Status	Approved		
Date Created	11/04/2024		
Type	Normal Difference between Plan and Actual Quantities		
Summary	Balancing underruns and overruns		
Change Order Description	This final change order will balance any differences between planned and actual project quantities, including the extra cost for the irrigation repairs on Oakland Court.		
Awarded Project Amount	\$417,305.75		
Authorized Project Amount	\$417,305.75		
Change Order Amount	-\$25,616.99		
Revised Project Amount	\$391,688.76		

Increases/Decreases

Line Number	Item ID	Unit	Unit Price	Current		Change		Revised	
				Quantity	Amount	Quantity	Amount	Quantity	Amount
Section: 1 - Roadway Reconstruction									
005	202E35100	FT	\$9.570	475.000	\$4,545.75	-53.000	-\$507.21	422.000	\$4,038.54
Pipe Removed, 24" and Under									
Reason: Normal difference between plan and actual quantities.									
011	204E13000	CY	\$18.700	300.000	\$5,610.00	-244.340	-\$4,569.16	55.660	\$1,040.84
Excavation of Subgrade (Contingency)									
Reason: Normal difference between plan and actual quantities. The remaining contingency quantity was not needed to meet compaction requirements.									
012	203E35110	CY	\$46.200	300.000	\$13,860.00	-244.340	-\$11,288.51	55.660	\$2,571.49
Granular Material, Type B (Contingency)									
Reason: Normal difference between plan and actual quantities. The remaining contingency quantity was not needed to meet compaction requirements.									
013	204E50000	SY	\$1.240	2,000.000	\$2,480.00	-2,000.000	-\$2,480.00	0.000	\$0.00
Geotextile Fabric (Contingency)									
Reason: The contingency quantity was not needed. Therefore, this item was non-performed in its entirety.									
015	609E26000	FT	\$20.570	1,408.000	\$28,962.56	28.000	\$575.96	1,436.000	\$29,538.52
Curb, Type 6 (Includes 4" Aggregate Base)									

Change Order Details:

City of Sylvania - Oakland Court Improvements

Line Number	Item ID	Unit	Unit Price	Current Quantity	Current Amount	Change Quantity	Change Amount	Revised Quantity	Revised Amount
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Reason: Normal difference between plan and actual quantities.

016	611E99654	EACH	\$264.000	1.000	\$264.00	-1.000	-\$264.00	0.000	\$0.00
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Manhole Adjusted to Grade

Reason: This line item was non-performed in its entirety.

017	611E99660	EACH	\$1,149.500	1.000	\$1,149.50	-1.000	-\$1,149.50	0.000	\$0.00
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Manhole Reconstructed to Grade

Reason: This line item was non-performed in its entirety.

020	659E14000	SY	\$4.400	121.000	\$532.40	-121.000	-\$532.40	0.000	\$0.00
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Repair Seeding and Mulching

Reason: No repair seeding and mulching needed. Therefore, this line item is non-performed in its entirety.

021	659E15000	SY	\$4.400	121.000	\$532.40	-121.000	-\$532.40	0.000	\$0.00
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Inter-Seeding

Reason: No Inter-Seeding needed. Therefore, this line item is non-performed in its entirety.

023	659E31000	ACRE	\$110.000	0.500	\$55.00	-0.500	-\$55.00	0.000	\$0.00
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Lime

Reason: This line item is non-performed in its entirety.

Line Number	Item ID	Unit	Unit Price	Current Quantity	Current Amount	Change Quantity	Change Amount	Revised Quantity	Revised Amount
024	659E35000	MGAL	\$11.000	14.000	\$154.00	-14.000	-\$154.00	0.000	\$0.00
	Water								
	Reason: This line item is non-performed in its entirety.								
025	832E30000	EACH	\$1.000	4,500.000	\$4,500.00	-4,440.000	-\$4,440.00	60.000	\$60.00
	Erosion Control								
	Reason: Normal difference between plan and actual quantities.								
026	605E14000	FT	\$12.380	1,368.000	\$16,935.84	-152.000	-\$1,881.76	1,216.000	\$15,054.08
	6" Base Pipe Underdrains with Geotextile Fabric								
	Reason: Normal difference between plan and actual quantities.								
027	611E00410	FT	\$16.500	252.000	\$4,158.00	-33.000	-\$544.50	219.000	\$3,613.50
	4" Conduit, Type C for Curb Drains, 707.45								
	Reason: Normal difference between plan and actual quantities.								
029	611E00110	FT	\$15.400	1,087.000	\$16,739.80	-29.000	-\$446.60	1,058.000	\$16,293.20
	6" Conduit, Type C, 707.45								
	Reason: Normal difference between plan and actual quantities.								
035	304E20000	CY	\$58.690	462.000	\$27,114.78	-61.000	-\$3,580.09	401.000	\$23,534.69
	Aggregate Base								

Change Order Details:

City of Sylvania - Oakland Court Improvements

Line Number	Item ID	Unit	Unit Price	Current		Change		Revised	
				Quantity	Amount	Quantity	Amount	Quantity	Amount

Reason: Normal difference due to the change from an 8" thickness to a 6" thickness. The remaining quantity is non-performed.

037	441E70000	CY	\$235.400	85.000	\$20,009.00	16.000	\$3,766.40	101.000	\$23,775.40
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Asphalt Concrete Surface Course, Type 1, (449), PG64-22

Reason: Normal difference between plan and actual quantities.

038	441E70300	CY	\$209.000	141.000	\$29,469.00	9.000	\$1,881.00	150.000	\$31,350.00
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Asphalt Concrete Intermediate Course, Type 2, (449)

Reason: Normal difference between plan and actual quantities.

040	452E10050	SY	\$85.250	234.000	\$19,948.50	-23.070	-\$1,966.72	210.930	\$17,981.78
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6" Non-Reinforced Concrete Pavement, Class QC MS

Reason: Normal difference between plan and actual quantities needed to replace the concrete aprons for the residential driveways on Oakland Court.

042	638E10000	EACH	\$677.600	4.000	\$2,710.40	-2.000	-\$1,355.20	2.000	\$1,355.20
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8", 45 Deg. M.J. Bend

Reason: Normal difference between plan and actual quantities.

043	638E10000	EACH	\$677.600	5.000	\$3,388.00	-2.000	-\$1,355.20	3.000	\$2,032.80
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8", 22.5 Deg. M.J. Bend

Reason: Normal difference between plan and actual quantities.

Change Order Details:

City of Sylvana - Oakland Court Improvements

Line Number	Item ID	Unit	Unit Price	Current		Change		Revised	
				Quantity	Amount	Quantity	Amount	Quantity	Amount
044	638E10000	EACH	\$677.600	3.000	\$2,032.80	-2.000	-\$1,355.20	1.000	\$677.60
8" 11.25 Deg. M.J. Bend									
Reason: Normal difference between plan and actual quantities.									
045	638E01406	FT	\$79.420	709.000	\$56,308.78	-20.000	-\$1,588.40	689.000	\$54,720.38
8" Watermain, Ductile Iron Pipe, ANSI Class 54, or, Polyvinyl Chloride Pipe, AWWA C900, DR 18									
Reason: Normal difference between plan and actual quantities.									
048	638E20770	EACH	\$599.500	6.000	\$3,597.00	-1.000	-\$599.50	5.000	\$2,997.50
Short Water Service									
Reason: A long water service installed for 6311 Oakland Court instead of the proposed short water service. Therefore, the remaining short water service quantity is non-performed.									
049	638E20770	EACH	\$2,068.000	4.000	\$8,272.00	1.000	\$2,068.00	5.000	\$10,340.00
Long Water Service									
Reason: An additional long water service installed for 6311 Oakland Court instead of the proposed short water service.									
054	616E10000	MGAL	\$55.000	2.000	\$110.00	-2.000	-\$110.00	0.000	\$0.00
Water									
Reason: This line item is non-performed in its entirety.									
055	616E20000	TON	\$110.000	1.000	\$110.00	-1.000	-\$110.00	0.000	\$0.00
Calcium Chloride									

Change Order Details:

City of Sylvania - Oakland Court Improvements

Line Number	Item ID	Unit	Unit Price	Current Quantity	Current Amount	Change Quantity	Change Amount	Revised Quantity	Revised Amount
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Reason: This line item is non-performed in its entirety.

27 items				Totals	\$273,549.51		-\$32,573.99		\$240,975.52
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New Items

Line Number	Item ID	Unit	Quantity	Unit Price	Extension
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Section: 1 - Roadway Reconstruction

0070	680E43100	EACH	1.000	\$6,957.000	\$6,957.00
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SPECIAL - COMPLETE IRRIGATION SYSTEM

Reason: The total amount billed by Steve Brighton for the irrigation repairs, including costs for labor, materials, and other necessary expenses, covers the work required to restore or repair the irrigation systems affected by construction activities within the designated construction limits and right-of-way areas.

1 item
Total: \$6,957.00



ORDINANCE NO. 130-2024

AMENDING CHAPTER 945 – PARKS OF THE SYLVANIA CODIFIED ORDINANCES, 1979, AS AMENDED, BY AMENDING SECTION 945.02 - HOURS; RULES AND REGULATIONS; BY ADDING SECTION 945.07 – REMOVAL OR DESTRUCTION OF PROPERTY AND NATURAL FEATURES; BY ADDING SECTION 945.08 – FIRES; BY ADDING SECTION 945.09 – UNAUTHORIZED STRUCTURES; AND BY ADDING SECTION 945.10 – UNLAWFUL CAMPING, STORAGE OF PERSONAL PROPERTY OR SLEEPING IN PUBLIC PLACES; AND DECLARING AN EMERGENCY.

WHEREAS, the Chief of Police and Director of Public Safety have recommended some changes to Chapter 945 – Parks to address recent instances and complaints regarding activity in city parks and public spaces.

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

SECTION 1. That Section 945.02 – Hours; Rules and Regulations of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

SECTION 2. That Section 945.07 – Removal or Destruction of Property and Natural Features of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit B.”

SECTION 3. That Section 945.08 – Fires of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit C.”

SECTION 4. That Section 945.09 – Unauthorized Structures of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit D.”

SECTION 5. That Section 945.10 – Unlawful Camping, Storage or Personal Property or Sleeping in Public Places of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit E.”

SECTION 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7. 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 8. 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 amendments and additions to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

945.02 HOURS; RULES AND REGULATIONS.

All such parks shall be open to the public for use from sunrise to sunset. Rules and regulations, not inconsistent with this chapter, shall be promulgated from time to time by the Director of Public Safety as to all aspects of the use of such parks, with power to enforce all ordinances, rules and regulations relating to the same and as shall be promulgated by the Director of Public Safety as to all aspects of the use of such parks. The Director of Public Service shall promulgate all rules and regulations relating to all aspects of improvements to such parks such as paving, sidewalks, sewers and water lines, which rules and regulations shall, before they become effective, be approved by the Mayor in writing endorsed on such rules and regulations and also be published by posting the same as provided for the publication of municipal ordinances.

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

“Exhibit A”

945.07 REMOVAL OR DESTRUCTION OF PROPERTY AND NATURAL FEATURES.

(a) No person in a park shall remove any property, natural feature or part thereof including, but not limited to, any building, equipment, sign, rock, stone, mineral formation, earth, wood, tree, shrub, flower, and/or plant from a park without a permit from the Mayor or designee.

(b) No person in a park shall injure, destroy, break, cut, chop, write upon, mutilate, set fire to, deface, dig, paint or damage in any manner any property, natural feature or part thereof, including but not limited to, any building, equipment, sign, rock, stone, mineral formation, earth, wood, tree, shrub, flower or plant.

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

945.08 FIRES.

- (a) No person in a park shall start or maintain a fire except in a place or at a site designated for this purpose.
- (b) No person in a park shall start or maintain a fire for the purposes of grilling food except in a place or at a site designated for this purpose.
- (c) No person in a park shall build a fire at a time or period when the Mayor or designee has prohibited the building of fires.

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

945.09 UNAUTHORIZED STRUCTURES.

No person in a park shall construct, erect, or in any other way build any structure without a permit from the Mayor or designee. These authorized structures include but are not limited to: tents, inflatable structures, fencing, stages, portable bathrooms, and corrals.

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

“Exhibit D”

**945.10 UNLAWFUL CAMPING, STORAGE OF PERSONAL PROPERTY
OR SLEEPING IN PUBLIC PLACES.**

(a) It shall be unlawful for any person to camp or to store personal property, including camp facilities or camp paraphernalia, in the following areas:

- (1) Any park;
- (2) Any street; or
- (3) Any public property, improved or unimproved.

(b) It shall be unlawful for any person to sleep or engage in protracted lounging on any bench, playground equipment, monument or parapet wall in the following areas:

- (1) Any park;
- (2) Any street; or
- (3) Any public property, improved or unimproved.

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

ORDINANCE NO. 131-2024

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF LUCAS COUNTY, OHIO, FOR AFTER HOURS CANINE CONTROL SERVICES BY THE ACTING DOG WARDEN OF LUCAS COUNTY, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 89-2007, passed October 1, 2007, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for after hours animal control services by the dog warden of Lucas County, Ohio; and,

WHEREAS, Ordinance No. 5-2011, passed February 7, 2011, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for after hours animal control services by the dog warden of Lucas County; and,

WHEREAS, Ordinance No. 88 -2013, passed December 2, 2013, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for after hours canine control services for the years 2014, 2015 and 2016; and,

WHEREAS, Ordinance No. 73-2016, passed November 21, 2016, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for after hours canine control services for the years 2017 and 2018; and,

WHEREAS, Ordinance No. 65-2018, passed December 3, 2018, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for after hours canine control services for the years 2019, 2020 and 2021; and,

WHEREAS, Ordinance No. 69-2021, passed October 4, 2021, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners

for after hours canine control services for the years 2022, 2023 and 2024; and,

WHEREAS, the City's Agreement with the Board of County Commissioners of Lucas County, Ohio, expires on December 31, 2024 and the Commissioners have proposed a new agreement for a one-year term and no increase in the cost of this service; and,

WHEREAS, the Director of Public Safety has recommended this Agreement be approved; and,

WHEREAS, the Board of County Commissioners has been providing after hours animal control services by the dog warden to this City at an annual cost of Two Thousand Five Hundred Dollars (\$2,500.00) to cover the base cost of operating the service plus an amount based upon four hours of overtime pay for the Canine Care Officer at the prevailing rate of pay including actual extra cost to the County for fringe benefits created by the overtime service; and,

WHEREAS, this Council desires to have animal control services around the clock.

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 agreement with the Board of County Commissioners for after hours animal control services of the dog warden providing for a payment to Lucas County in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for the year 2025.

SECTION 2. That all charges under the agreement entered into with the Board of County Commissioners of Lucas County, Ohio, for animal control services of the dog warden shall be charged to and paid from **Account No. 110-7110-52268 - Miscellaneous Law Enforcement.**

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

requirements, including Section 121.22 of the Ohio Revised Code.

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

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that twenty-four (24) hour per day animal control services should be authorized to be continued 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.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date



ORDINANCE NO. 132-2024

REPEALING ORDINANCE NO. 127-2024; DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THE TAX INCREMENT EQUIVALENT FUND, AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITTING THE PARCELS; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40 to 5709.43 (collectively, the "TIF Statutes") authorize the legislative authority of a municipal corporation to declare the improvements to parcels of real property located within the municipal corporation to be a public purpose and exempt from taxation, specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, require the owner of each parcel to make service payments in lieu of taxes, and establish a municipal public improvement tax increment equivalent fund for the deposit of the those service payments; and,

WHEREAS, the City of Sylvania has developed a plan for improving the infrastructure s and laying the basis for future growth and development by incurring debt for new public infrastructure in the area identified in Exhibit A; and,

WHEREAS, the parcels of real property identified and depicted in Exhibit A attached hereto (each such parcel individually, the "Parcel") are located in the City of Sylvania, Ohio (collectively, the "Property"), and this Council has determined to declare the Improvements to the Property to be a public purpose; and,

WHEREAS, this Council desires to provide for the public infrastructure improvements described in Exhibit B attached hereto (the "Public Infrastructure Improvements"); and,

WHEREAS, notice of this Ordinance has been delivered to the Sylvania City School District ("School District") pursuant to the requirements of Ohio Revised Code Sections 5709.40 and 5709.83, with the School District adopted a resolution waiving the notification period and approving the exemptions in excess of the statutory rate and term limits, as long as the school district receives Service Payments as directed in Section 4.

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

SECTION 1. Authorization of Tax Exemption. Pursuant to and in accordance with the provisions of Section 5709.40 of the Ohio Revised Code, this Council hereby finds and determines that one-hundred percent (100%) of the increase in assessed value of the parcels in the Property subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Section 5709.40(B) of the Ohio Revised Code) is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing, for each Parcel comprising the Property, with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure first appears on the tax list and duplicate of real and public utility property for said Parcel, and ending on the earlier of (a) thirty (30) years after such commencement for said Parcel, or (b) the date on which the City can no longer require service payments in lieu of taxes for said Parcel, all in accordance with the requirements of the TIF Statutes. Pursuant to Section 5709.40(G) of the Ohio Revised Code, it is expressly the intent of this Ordinance that the exemptions of Improvements to Parcels authorized herein may commence in different tax years on a Parcel-by-Parcel basis, with a separate exemption term for each.

SECTION 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner(s) of the Property to make annual Service Payments (as defined herein) in lieu of taxes with respect to the Improvement allowable thereto to the Lucas County Treasurer on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then-current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code (collectively, the "Service Payments"), shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 1 of this Ordinance. The Service Payments, and any other payments with respect to the Improvement that are received by the Lucas County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152, and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 4 of this Ordinance. This Council further hereby authorizes and directs appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

SECTION 3. Tax Increment Equivalent Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Sylvania Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"). The TIF Fund shall be maintained in the

custody of the City and shall receive all distributions to be made to the City pursuant to Section 2 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of the Property and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

SECTION 4. Distribution of Funds. Pursuant to the TIF Statutes, the Lucas County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

(i) To the School District: an amount equal to the amounts the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the Property located within the School District's boundaries if the Improvement had not been exempt from taxation pursuant to this Ordinance; and

(ii) To the City: All remaining amounts for further deposit in the TIF Fund for payment of costs of the Public Infrastructure Improvements, including debt service on any securities issued to finance those costs.

SECTION 5. Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements, as public infrastructure improvements made, to be made or constructed, or in the process of being made or constructed, by the City or other entity approved by the City that directly benefit, or that once made will benefit, the Property.

SECTION 6. Non-Discriminatory Hiring Policy. In accordance with Section 5709.832 of the Ohio Revised Code, this Council hereby determines that no employer located upon the Property shall deny any individual employment based solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

SECTION 7. Further Authorizations. This Council hereby authorizes and directs the Mayor, Economic Development Director, Finance Director, Law Director, and other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes the Mayor, Development Director, Finance Director, Law Director, and other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

SECTION 8. Filings with the Ohio Department of Development. Pursuant to Section 5709.40(I) of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of Development Services for the State of Ohio within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the exemption set forth in Section 1 of this Ordinance remains in effect, the Development Director or other authorized officer of the City shall prepare and submit to the Director of Development Services of the State of Ohio the status report required under Section 5709.40(I) of the Ohio Revised Code.

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

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2024, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

EXHIBIT A

TIF Area Map and "Property" List



Legend

- Parcel Address
- TIF AOI

Exhibit A: TIF MAP
DEPARTMENT OF PUBLIC SERVICE
TIF AREA
HOLLAND-SYLVANIA ROAD



Appendix A: Holland Sylvania - Harroun TIF Parcel List

<u>Address</u>	<u>Parcel Number</u>
4827 N. Holland Sylvania Road	8200008
	8200009
4821 N. Holland Sylvania Road	8200010
4815 N. Holland Sylvania Road	8200011
4807 N. Holland Sylvania Road	8200181
4805 N. Holland Sylvania Road	8200182
4755 N. Holland Sylvania Road	8200183
4747 N. Holland Sylvania Road	8231017
4840 Harroun Road	8200034
4820 Harroun Road	8204537
	8204535

EXHIBIT B
PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements include the construction of the following improvements on or near the Parcels that will directly benefit the Parcels and all related cost of permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code):

- Roadways. Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, and all other appurtenances thereto.
- Water/Sewer. Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto;
- Utilities. Construction, reconstruction or installation of gas, electric and communication service facilities and all appurtenances thereto;
- Stormwater. Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare;
- Demolition. Demolition, including demolition on private property when determined to be necessary for public health, safety and welfare;
- Parks and Public Spaces. Construction or reconstruction of one or more public parks, recreation facilities and meeting/gathering facilities, including grading, trees and other park plantings, building facilities, gazebos, off-street parking structures, accessories and related improvements, together with all appurtenances thereto;
- Streetscape/Landscape. Construction or installation of streetscape and landscape improvements including a clock tower, wayfinding and locational monuments, trees, tree grates, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto;
- Real Estate. Acquisition of real estate or interests in real estate (including easements) necessary to accomplish any of the foregoing improvements; and
- Professional Services. Engineering, consulting, legal, administrative, and other professional services associated with the planning, design, acquisition, construction and installation of the foregoing improvements and real estate.

ORDINANCE NO. 127-2024

DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THE TAX INCREMENT EQUIVALENT FUND, AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40 to 5709.43 (collectively, the "TIF Statutes") authorize the legislative authority of a municipal corporation to declare the improvements to parcels of real property located within the municipal corporation to be a public purpose and exempt from taxation, specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, require the owner of each parcel to make service payments in lieu of taxes, and establish a municipal public improvement tax increment equivalent fund for the deposit of the those service payments; and,

WHEREAS, the City of Sylvania has developed a plan for improving the infrastructure s and laying the basis for future growth and development by incurring debt for new public infrastructure in the area identified in Exhibit A; and,

WHEREAS, the parcels of real property identified and depicted in Exhibit A attached hereto (each such parcel individually, the "Parcel") are located in the City of Sylvania, Ohio (collectively, the "Property"), and this Council has determined to declare the Improvements to the Property to be a public purpose; and,

WHEREAS, this Council desires to provide for the public infrastructure improvements described in Exhibit B attached hereto (the "Public Infrastructure Improvements"); and,

WHEREAS, notice of this Ordinance has been delivered to the Sylvania City School District ("School District") pursuant to the requirements of Ohio Revised Code Sections 5709.40 and 5709.83, with the School District adopted a resolution waiving the notification period and approving the exemptions in excess of the statutory rate and term limits, as long as the school district receives Service Payments as directed in Section 4.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, County of Lucas, State of Ohio, 6 members thereto elected concurring that:

SECTION 1. Authorization of Tax Exemption. Pursuant to and in accordance with the provisions of Section 5709.40 of the Ohio Revised Code, this Council hereby finds and determines that one-hundred percent (100%) of the increase in assessed value of the parcels in the Property subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Section 5709.40(B) of the Ohio Revised Code) is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing, for each Parcel comprising the Property, with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure first appears on the tax list and duplicate of real and public utility property for said Parcel, and ending on the earlier of (a) thirty (30) years after such commencement for said Parcel, or (b) the date on which the City can no longer require service payments in lieu of taxes for said Parcel, all in accordance with the requirements of the TIF Statutes. Pursuant to Section 5709.40(G) of the Ohio Revised Code, it is expressly the intent of this Ordinance that the exemptions of Improvements to Parcels authorized herein may commence in different tax years on a Parcel-by-Parcel basis, with a separate exemption term for each.

SECTION 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner(s) of the Property to make annual Service Payments (as defined herein) in lieu of taxes with respect to the Improvement allowable thereto to the Lucas County Treasurer on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then-current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code (collectively, the "Service Payments"), shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 1 of this Ordinance. The Service Payments, and any other payments with respect to the Improvement that are received by the Lucas County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152, and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in

accordance with Section 4 of this Ordinance. This Council further hereby authorizes and directs appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

SECTION 3. Tax Increment Equivalent Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Downtown Sylvania Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 2 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of the Property and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

SECTION 4. Distribution of Funds. Pursuant to the TIF Statutes, the Lucas County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

(i) To the School District: Twenty-Five percent (25%) of the Service Payments during years one through ten; and during years 11 through 30 an amount equal to the amounts the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the Property located within the School District's boundaries if the Improvement had not been exempt from taxation pursuant to this Ordinance; and

(ii) To the City: Seventy-Five percent (75%) of the Service Payments during years one through ten; and during years 11 through 30 all remaining amounts for further deposit in the TIF Fund for payment of costs of the Public Infrastructure Improvements, including debt service on any securities issued to finance those costs.

(iii) As provided in subsection (i) and (ii) above, the exemptions of improvements to parcels authorized herein may commence in different tax years and the allocations to the school district and city shall be on a 75%/25% for years 1-10 of the exemption on a parcel-by-parcel basis, regardless of when the exemption term begins and with a separate exemption term for each. The allocations to the school district in years 11-30 of the exemption shall be an amount equal to the amounts the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the Property located within the School District's boundaries if the Improvement had not been exempt from taxation pursuant to this ordinance and the allocation to the city for years 11-30 of the exemption shall be all remaining amounts for further

deposit in the TIF Fund for payment of costs of the Public Infrastructure Improvements, including debt service on any securities issued to finance those costs.

SECTION 5. Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements, as public infrastructure improvements made, to be made or constructed, or in the process of being made or constructed, by the City or other entity approved by the City that directly benefit, or that once made will benefit, the Property.

SECTION 6. Non-Discriminatory Hiring Policy. In accordance with Section 5709.832 of the Ohio Revised Code, this Council hereby determines that no employer located upon the Property shall deny any individual employment based solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

SECTION 7. Further Authorizations. This Council hereby authorizes and directs the Mayor, Economic Development Director, Finance Director, Law Director, and other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes the Mayor, Development Director, Finance Director, Law Director, and other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

SECTION 8. Filings with the Ohio Department of Development. Pursuant to Section 5709.40(I) of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of Development Services for the State of Ohio within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the exemption set forth in Section 1 of this Ordinance remains in effect, the Development Director or other authorized officer of the City shall prepare and submit to the Director of Development Services of the State of Ohio the status report required under Section 5709.40(I) of the Ohio Revised Code.

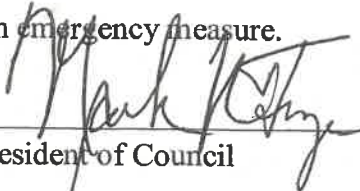
SECTION 9. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were 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 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 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 improvements in the district and the payments therefore should be approved immediately so that the improvements can be made at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote on passage as an emergency: Yeas 6 Nays 0

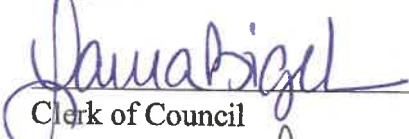
Passed, November 18 , 2024, as an emergency measure.



President of Council

ATTEST:

APPROVED AS TO FORM:

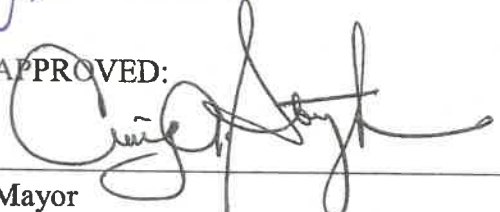


Clerk of Council



Director of Law

APPROVED:



Mayor

 November 18, 2024
Date