

6:20 p.m. - Public Hearing - Rezoning Request



**CITY OF PERRYSBURG
CITY COUNCIL
AGENDA**

July 2, 2024

1. Call to Order - 6:30 PM
2. Roll Call
3. Pledge of Allegiance
4. Minutes of Council Meeting of June 18, 2024
5. Special Reports
 - a. Employee Recognitions
6. Letters, Communications, and Citizens Communications
7. Administrative Reports
 - a. Mayor
 - b. City Administrator
 - c. Finance Director
 - d. Law Director
8. President of Council Report
9. Committee Reports

a. Finance & Economic Development

Ordinance# 47-2024

AN ORDINANCE AMENDING CITY OF PERRYSBURG, OHIO, CODIFIED
ORDINANCE §896.02 REGARDING HOTEL TAX

3rd Reading, vote requested

Ordinance# 49-2024

AN ORDINANCE AMENDING CODIFIED ORDINANCE §252.05
"AUTHORITY TO ENTER INTO CONTRACTS", CODIFIED BY ORDINANCE
64-2013 AND PASSED ON MAY 21, 2013

2nd Reading, no vote required

b. Safety

Resolution# 72-2024

A RESOLUTION AMENDING RESOLUTION 43-2022 AND AUTHORIZING
AN AMENDED AGREEMENT WITH ATLANTIC EMERGENCY SOLUTIONS
NOT TO EXCEED EIGHT HUNDRED NINETY-NINE THOUSAND SIX

HUNDRED NINETY-FOUR DOLLARS AND ZERO CENTS (\$899,694.00)
FOR THE PURCHASE OF AN ENFORCER PUC RESCUE PUMPER (AKA
FIRE TRUCK); AND DECLARING AN EMERGENCY

***Recommendation to Suspend the Rules,
Waive the Three Readings, and
Pass as an Emergency Measure***

Resolution# 73-2024

A RESOLUTION DECLARING A 2009 FORD CROWN VICTORIA
CURRENTLY USED BY THE FIRE DIVISION AS NO LONGER NEEDED
FOR MUNICIPAL PURPOSES; AND DECLARING AN EMERGENCY

***Recommendation to Suspend the Rules,
Waive the Three Readings, and
Pass as an Emergency Measure***

c. Recreation

d. Planning & Zoning

Ordinance# 51-2024

AN ORDINANCE APPROVING A PROPOSED PLANNED UNIT
DEVELOPMENT AGREEMENT BETWEEN THE CITY AND FIVE POINT
INVESTMENTS LLC, FOR THE COVENTRY POINTE NORTH PROJECT;
AND DECLARING AN EMERGENCY

***Recommendation to Suspend the Rules,
Waive the Three Readings, and
Pass as an Emergency Measure***

Ordinance# 52-2024

AN ORDINANCE AMENDING CODIFIED ORDINANCE §1250.51 "CURB
CUTS AND DRIVEWAYS" PREVIOUSLY ADOPTED THROUGH
ORDINANCE 17-2017 ON MARCH 20, 2017

***Recommendation to Suspend the Rules,
Waive the Three Readings, and
A Vote is requested***

e. Personnel

Ordinance# 40-2024

AN ORDINANCE AMENDING CODIFIED ORDINANCE §266.06-3
"BEREAVEMENT LEAVE" PREVIOUSLY ADOPTED THROUGH
ORDINANCE 62-2021 ON DECEMBER 7, 2021

3rd Reading, vote requested

Ordinance# 41-2024

AN ORDINANCE ADDING CODIFIED ORDINANCE §267.03-2 "TUITION
REIMBURSEMENT" TO THE CITY OF PERRYSBURG CODIFIED
ORDINANCES

3rd Reading, vote requested

Ordinance# 42-2024

AN ORDINANCE REPEALING CODIFIED ORDINANCES §267.03-1
“COMPENSATION FOR ADVANCED STUDY” OF THE CITY OF
PERRYSBURG CODIFIED ORDINANCES PREVIOUSLY ENACTED BY
ORDINANCE 196-91 AND PASSED ON NOVEMBER 5, 1991

3rd Reading, vote requested

Ordinance# 43-2024

AN ORDINANCE REPEALING CODIFIED ORDINANCES §267.01-3
“VOLUNTEER FIRE PERSONNEL COMPENSATION” OF THE CITY OF
PERRYSBURG CODIFIED ORDINANCES PREVIOUSLY ENACTED BY
ORDINANCE 7-2015 AND PASSED ON FEBRUARY 3, 2015

3rd Reading, vote requested

Ordinance# 53-2024

AN ORDINANCE AMENDING PERRYSBURG CODIFIED ORDINANCE
§266.15-2; AND DECLARING AN EMERGENCY

***Recommendation to Suspend the Rules,
Waive the Three Readings, and
Pass as an Emergency Measure***

f. Public Utilities

Ordinance# 54-2024

AN ORDINANCE AUTHORIZING AN AMENDMENT AND EXTENSION OF
THE LEASE BETWEEN THE CITY AND T-MOBILE USA TOWER LLC, FOR
PROPERTY LOCATED AT 26308 FORT MEIGS ROAD

***Recommendation to Suspend the Rules,
Waive the Three Readings, and
A Vote is requested***

g. Service

Resolution# 70-2024

A RESOLUTION AMENDING RESOLUTION 18-2024 AND AUTHORIZING
AN AMENDED AGREEMENT WITH THE EDGE GROUP, INC. FOR
PROFESSIONAL SERVICES TO CREATE A FINAL DESIGN OF
IMPROVEMENTS FOR THE DOWNTOWN STREETScape PROJECT IN AN
AMOUNT NOT TO EXCEED FOUR HUNDRED SIXTY-SEVEN THOUSAND
FOUR HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$467,450.00); AND
DECLARING AN EMERGENCY

***Recommendation to Suspend the Rules,
Waive the Three Readings, and
Pass as an Emergency Measure***

Resolution# 74-2024

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF
PERRYSBURG AND WOOD COUNTY FOR THE RESURFACING OF THE
CITY'S PORTION OF CERTAIN PARTS OF ROACHTON ROAD IN AN
AMOUNT NOT TO EXCEED THREE HUNDRED FIFTEEN THOUSAND
NINETY-ONE DOLLARS AND FIFTEEN CENTS (\$315,091.15)

***Recommendation to Suspend the Rules,
Waive the Three Readings, and
A Vote is requested***

Resolution# 75-2024

A RESOLUTION AUTHORIZING THE CITY ENGINEER TO PURSUE A TMACOG SURFACE TRANSPORTATION BLOCK GRANT (STBG) FOR THE RESURFACING OF EAST SOUTH BOUNDARY STREET FROM LOUISIANA AVENUE (SR 199) TO SANDUSKY STREET (SR 20); AND DECLARING AN EMERGENCY

***Recommendation to Suspend the Rules,
Waive the Three Readings, and
Pass as an Emergency Measure***

Resolution# 76-2024

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT WITH DGL CONSULTING ENGINEERS, LLC, FOR ENGINEERING SERVICES AT A COST NOT TO EXCEED FIFTY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS AND ZERO CENTS (\$58,800.00); AND DECLARING AND EMERGENCY

***Recommendation to Suspend the Rules,
Waive the Three Readings, and
Pass as an Emergency Measure***

10. Other Business

11. Adjournment

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Ordinance 47-2024

DATE: May 30, 2024



Subject Matter/Background

An Ordinance Amending Codified Ordinance §896.02 to change the deposit amount levied from the Hotel Tax from 60% to 50% by January 1, 2025. Currently, 60% of the taxes levied from the Hotel Tax are deposited into fund used for the convention and visitors' bureaus. The City has decided to reduce that amount to 50% but January 1, 2025, with the 10% taken from this amount being put into the general fund.

An initial reduction from 60% to 55% will be for any taxes collected on or after 9/1/2024.

A second reduction from 55% to 50% will be for any taxes collected on or after 1/1/2025.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

First Reading – 6/4/2024

Second Reading – 6/18/2024

Third Reading and Vote – 7/2/2024

ORDINANCE 47-2024

AN ORDINANCE AMENDING CITY OF PERRYSBURG, OHIO, CODIFIED ORDINANCE §896.02 REGARDING HOTEL TAX

WHEREAS, the City of Perrysburg, Ohio, enacted Codified Ordinance §896 entitled “Hotel Tax” pertaining to the taxation of the Hotel/Transient Accommodations, pursuant to Section 5739.08(B) of the Ohio Revised Code; and,

WHEREAS, Ohio R.C. 5739.08(B) requires the legislative authority of the municipal corporation to deposit at least fifty percent (50%) of the revenue from the tax levied pursuant to this division into a separate fund, which shall be spent solely to make contributions to convention and visitors' bureaus operating within the county in which the municipal corporation or township is wholly or partly located, and the balance of that revenue shall be deposited in the general fund; and,

WHEREAS, the City is currently depositing sixty percent (60%) of the revenue from the tax levied pursuant to this division into a separate fund, which shall be spent solely to make contributions to convention and visitors' bureau.

WHEREAS, the City has decided to reduce that amount of the revenue from the tax levied pursuant to this division deposited into a separate fund to fifty percent (50%), which shall be spent solely to make contributions to convention and visitors' bureaus operating within the county in which the municipal corporation or township is wholly or partly located, and the balance of that revenue shall be deposited in the general fund; and,

WHEREAS, the Finance Committee considered this legislation at its meeting on May 14, 2024 and unanimously recommended advancement to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1: Codified Ordinance §896.02, which currently reads as follows:

896.02 IMPOSITION AND USE OF TAX.

- (a) For the purpose of providing revenue with which to meet the needs of the City for the use of the general fund of the City, for the advancement of the cultural development of the community, for promotion and publicizing of the City of Perrysburg as a desirable location for conventions, trade shows and similar events, to encourage the patronage and business of cultural, educational, religious, professional, sports and other organizations to utilize the City of

Perrysburg and its facilities for such events, all for the benefit of the citizens of the City of Perrysburg, an excise tax of three percent (3%) is hereby levied on transactions by which the lodging by a hotel or transient accommodations is or is to be furnished to transient guests.

- (b) For the purpose of the proper administration of this chapter and to prevent evasion of the tax it is presumed that the lodging furnished by hotels to transient guests is subject to the tax until the contrary is established.
- (c) An amount equal to 60% of the revenue from the tax levied pursuant to this chapter shall be deposited in a separate fund which shall be used solely to make contributions to convention and visitors bureau operating within the City for the advancement of the cultural development of the community, for promotion and publicizing of the City of Perrysburg as a desirable location for conventions, trade shows and similar events, to encourage the patronage and business of cultural, educational, religious, professional, sports and other organizations to utilize the City of Perrysburg and its facilities for such events, and to provide community event planning and management of community events within the City of Perrysburg, all for the benefit of the citizens of the City of Perrysburg. The balance of such revenue shall be deposited in the General Fund.

The tax imposed by this chapter shall be paid by the transient guest to the vendor, and each vendor shall collect from the transient guest the full and exact amount of the tax payable on each taxable lodging.

If the transaction is claimed to be exempt, the transient guest must furnish to the vendor, and the vendor must obtain from the transient guest, written proof of exempt status. If no such proof of exemption is obtained it shall be presumed the tax applies.

Is hereby amended and revised to read:

896.02 IMPOSITION AND USE OF TAX.

- (d) For the purpose of providing revenue with which to meet the needs of the City for the use of the general fund of the City, for the advancement of the cultural development of the community, for promotion and publicizing of the City of Perrysburg as a desirable location for conventions, trade shows and similar events, to encourage the patronage and business of cultural, educational, religious, professional, sports and other organizations to utilize the City of Perrysburg and its facilities for such events, all for the benefit of the citizens of the City of Perrysburg, an excise tax of three percent (3%) is hereby levied on transactions by which the lodging by a hotel or transient accommodations is or is to be furnished to transient guests.

- (e) For the purpose of the proper administration of this chapter and to prevent evasion of the tax it is presumed that the lodging furnished by hotels to transient guests is subject to the tax until the contrary is established.
- (f) Prior to September 1, 2024, for any revenue collected from the tax levied before September 1, 2024, an amount equal to sixty percent (60%) of the revenue from the tax levied pursuant to this chapter shall be deposited in a separate fund which shall be used solely to make contributions to convention and visitors bureaus operating within Wood County for the advancement of the cultural development of the community, for promotion and publicizing of the City of Perrysburg as a desirable location for conventions, trade shows and similar events, to encourage the patronage and business of cultural, educational, religious, professional, sports and other organizations to utilize the City of Perrysburg and its facilities for such events, and to provide community event planning and management of community events within the City of Perrysburg, all for the benefit of the citizens of the City of Perrysburg. The balance of such revenue shall be deposited in the General Fund.
- (g) Effective September 1, 2024, for any revenue collected from the tax levied on or after September 1, 2024, an amount equal to fifty-five percent (55%) of the revenue from the tax levied pursuant to this chapter shall be deposited in a separate fund which shall be used solely to make contributions to convention and visitors bureaus operating within Wood County for the advancement of the cultural development of the community, for promotion and publicizing of the City of Perrysburg as a desirable location for conventions, trade shows and similar events, to encourage the patronage and business of cultural, educational, religious, professional, sports and other organizations to utilize the City of Perrysburg and its facilities for such events, and to provide community event planning and management of community events within the City of Perrysburg, all for the benefit of the citizens of the City of Perrysburg. The balance of such revenue shall be deposited in the General Fund.
- (h) Effective January 1, 2025, for any revenue collected from the tax levied on or after January 1, 2025, an amount equal to fifty percent (50%) of the revenue from the tax levied pursuant to this chapter shall be deposited in a separate fund which shall be used solely to make contributions to convention and visitors bureaus operating within Wood County for the advancement of the cultural development of the community, for promotion and publicizing of the City of Perrysburg as a desirable location for conventions, trade shows and similar events, to encourage the patronage and business of cultural, educational, religious, professional, sports and other organizations to utilize the City of Perrysburg and its facilities for such events, and to provide community event planning and management of community events within the City of Perrysburg, all for the benefit of the citizens of the City of Perrysburg. The balance of such revenue shall be deposited in the General Fund.

The tax imposed by this chapter shall be paid by the transient guest to the vendor, and each vendor shall collect from the transient guest the full and exact amount of the tax payable on each taxable lodging.

If the transaction is claimed to be exempt, the transient guest must furnish to the vendor, and the vendor must obtain from the transient guest, written proof of exempt status. If no such proof of exemption is obtained it shall be presumed the tax applies.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time permitted by law.

President of Council

Mayor

PASSED: _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Ordinance 49-2024

DATE: June 11, 2024



Subject Matter/Background

Codified Ordinance §252.05 explains the authority to enter into contracts on behalf of the City of Perrysburg.

The Administration has reviewed the Code and is recommending that certain areas should be modified in order to allow for a more streamlined contracting process within the City.

This amendment would allow the Mayor and Director of Finance to enter into contracts on behalf of the City as long as they fall below a \$50,000.00 threshold. The current threshold is \$25,000.00, which was established in 2013.

Financial Review

This legislation will have no financial impact on the City.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

First Reading – 6/18/2024

Second Reading – 7/2/2024

Third Reading and Vote – 8/6/2024

ORDINANCE 49-2024

AN ORDINANCE AMENDING CODIFIED ORDINANCE §252.05 “AUTHORITY TO ENTER INTO CONTRACTS”, CODIFIED BY ORDINANCE 64-2013 AND PASSED ON MAY 21,2013

WHEREAS, City of Perrysburg, Ohio, Codified Ordinance §252.05 explains the authority to enter into contracts on behalf of the City of Perrysburg; and,

WHEREAS, the Administration has reviewed the Code and has determined that certain areas should be modified in order to allow for a more streamlined contracting process within the City.

WHEREAS, the Finance Committee considered this legislation at its June 11, 2024 meeting it was approved unanimously for advancement to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. Codified Ordinance §252.05 which currently reads as:

252.05 AUTHORITY TO ENTER INTO CONTRACTS.

- (a) Consistent with the annual budget passed each year, Council hereby delegates to the Mayor and Director of Finance, the authority to enter into agreements, or otherwise provide for transactions, so long as they conform to the following standards:
 - (1) A written record of the agreement or transaction has been retained by the City in accordance with auditing standards and Ohio public records law; and
 - (2) The subject of the agreement is either:
 - A. A transaction pursuant to which the City will spend not more than twenty-five thousand dollars (\$25,000.00) on:
 - 1. The periodic maintenance of equipment;
 - 2. The purchase of equipment that is contained in the individual department or division's approved budget;
 - 3. Software or equipment licenses, technical services or educational services for the Municipality; or
 - 4. The acquisition of services, commodities or goods routinely used by the City or other similar municipalities; or
 - B. An agreement in which the City is not incurring any direct contract costs, including but not limited to agreements for cooperative training programs for paramedics, police officers,

and other safety personnel; agreements with other jurisdictions or political subdivisions that provide for cooperative purchasing, mutual aid or the sharing of resources or equipment; and agreements based upon which the City is eligible for rebates, reimbursements or other payment of costs or other amounts incurred by the City.

- (b) Individual agreements or transactions that are authorized under this section or otherwise may be paid for by the City under a revolving or other credit arrangement, and the City is authorized to make payments due under such a credit arrangement even where the net payment for the transactions may be in excess of twenty-five thousand dollars (\$25,000.00).

(Ord. 64-2013. Passed 5-21-13.)

is hereby amended and revised to read:

(a) 252.05 AUTHORITY TO ENTER INTO CONTRACTS.

- (b) Consistent with the annual budget passed each year, Council hereby delegates to the Mayor and Director of Finance, the authority to enter into agreements, or otherwise provide for transactions, so long as they conform to the following standards:
 - a. A written record of the agreement or transaction has been retained by the City in accordance with auditing standards and Ohio public records law; and
 - b. The subject of the agreement is either:
 - i. A transaction pursuant to which the City will spend not more than fifty thousand dollars (\$50,000.00) on:
 - 1. The periodic maintenance of equipment;
 - 2. The purchase of equipment that is contained in the individual department or division's approved budget;
 - 3. Software or equipment licenses, technical services or educational services for the Municipality; or
 - 4. The acquisition of services, commodities or goods routinely used by the City or other similar municipalities; or
 - ii. An agreement in which the City is not incurring any direct contract costs, including but not limited to agreements for cooperative training programs for paramedics, police officers, and other safety personnel; agreements with other jurisdictions or political subdivisions that provide for cooperative purchasing, mutual aid or the sharing of resources or equipment; and agreements based upon which the City is eligible for rebates,

reimbursements or other payment of costs or other amounts incurred by the City.

- (c) Individual agreements or transactions that are authorized under this section or otherwise may be paid for by the City under a revolving or other credit arrangement, and the City is authorized to make payments due under such a credit arrangement even where the net payment for the transactions may be in excess of fifty thousand dollars (\$50,000.00).

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time permitted by law.

President of Council

Mayor

PASSED _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Res 72-2024

DATE: June 27, 2024



Subject Matter/Background

On April 19, 2022, the City of Perrysburg passed Resolution 43-2022 authorizing the Mayor and Director of Finance to enter into an agreement with Atlantic Emergency Solutions to purchase an Enforcer PUC Rescue Pumper at a price not to exceed Eight Hundred Seventy-Four Thousand Eight Hundred Sixty-Nine Dollars and Zero Cents (\$874,869.00).

The Fire Division reviewed the agreement and found certain items that were not included in the initial build-out that would be beneficial to have installed by the Supplier. These additional items would cost an additional Twenty-Four Thousand Eight Hundred Twenty-Five Dollars and Zero Cents (\$24,825.00), which would bring the total cost of the vehicle to Eight Hundred Ninety-Nine Thousand Six Hundred Ninety-Four Dollars and Zero Cents (\$899,694.00).

This Resolution authorizes the Mayor and Director of Finance to enter into an amended agreement with Atlantic Emergency Solutions to purchase an Enforcer PUC Rescue Pumper at a cost not to exceed Eight Hundred Ninety-Nine Thousand Six Hundred Ninety-Four Dollars and Zero Cents (\$899,694.00), in accordance with the proposal attached hereto as Exhibit A.

Financial Review

Account: 4403-21233-55600

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to suspend the rules, waive the three readings and pass this Resolution as an emergency is recommended, in order to ensure timely completion of the build-out.

RESOLUTION 72-2024

**A RESOLUTION AMENDING RESOLUTION 43-2022 AND
AUTHORIZING AN AMENDED AGREEMENT WITH ATLANTIC
EMERGENCY SOLUTIONS NOT TO EXCEED EIGHT HUNDRED
NINETY-NINE THOUSAND SIX HUNDRED NINETY-FOUR
DOLLARS AND ZERO CENTS (\$899,694.00) FOR THE PURCHASE
OF AN ENFORCER PUC RESCUE PUMPER (AKA FIRE TRUCK);
AND DECLARING AN EMERGENCY**

WHEREAS, on April 19, 2022, the City of Perrysburg passed Resolution 43-2022 authorizing the Mayor and Director of Finance to enter into an agreement with Atlantic Emergency Solutions to purchase an Enforcer PUC Rescue Pumper; and,

WHEREAS, that agreement had a not to exceed limit of Eight Hundred Seventy-Four Thousand Eight Hundred Sixty-Nine Dollars and Zero Cents (\$874,869.00); and,

WHEREAS, the Fire Division reviewed the agreement and found certain items that were not included in the initial build-out that would be beneficial to have installed by the Supplier; and,

WHEREAS, these additional items would cost an additional Twenty-Four Thousand Eight Hundred Twenty-Five Dollars and Zero Cents (\$24,825.00), which would bring the total cost of the vehicle to Eight Hundred Ninety-Nine Thousand Six Hundred Ninety-Four Dollars and Zero Cents (\$899,694.00).

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY
OF PERRYSBURG, WOOD COUNTY, OHIO:**

SECTION 1. The Mayor and Director of Finance are authorized to enter into an amended agreement with Atlantic Emergency Solutions to purchase an Enforcer PUC Rescue Pumper at a cost not to exceed Eight Hundred Ninety-Nine Thousand Six Hundred Ninety-Four Dollars and Zero Cents (\$899,694.00), in accordance with the proposal attached hereto as Exhibit A.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the

citizens of the City of Perrysburg, Wood County, Ohio, in order to ensure timely completion of the build-out, and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

President of Council

Mayor

PASSED: _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR



Atlantic Emergency Solutions

DATE	6/4/2024
JOB NO.	38865
CHASSIS:	Enforcer
MODEL:	PUC Rescue Pumper

SHIPPED TO:

Perrysburg Fire Division

\$874,869.00

Change Order Total:	\$24,825.00
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Contract Total after Changes:	\$899,694.00
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TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Resolution 73-2024

DATE: June 27, 2024



Subject Matter/Background

The Fire Division is no longer in need of a 2009 Ford Crown Victoria vehicle, VIN: 2FAHP71V49X120244, the value of which has been determined to be over One Thousand Dollars.

In accordance with Ohio Revised Code §721.15 it is necessary to legislatively authorize the disposal of property valued at over One Thousand Dollars only after determining the property is no longer needed or unfit for municipal purposes.

This Resolution authorizes the Mayor and Director of Finance to arrange for the sale of the 009 Ford Crown Victoria vehicle, VIN: 2FAHP71V49X120244,, currently used by the Fire Division, by public auction as such vehicle is no longer needed for municipal purposes.

Financial Review

This Resolution has no financial impact on the City.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to suspend the rules, waive the three readings and pass this Resolution as an emergency is recommended, in order to ensure timely completion of the sale.

RESOLUTION 73-2024

A RESOLUTION DECLARING A 2009 FORD CROWN VICTORIA CURRENTLY USED BY THE FIRE DIVISION AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AND DECLARING AN EMERGENCY

WHEREAS, Article III, Section III – 10.0 of the Perrysburg City Charter provides the City Council with the power to determine the method, manner, consideration and procedure for the purchase of property on behalf of the Municipality and the sale or disposal thereof; and,

WHEREAS, the Fire Division is no longer in need of a 2009 Ford Crown Victoria vehicle, VIN: 2FAHP71V49X120244, the value of which has been determined to be over One Thousand Dollars; and,

WHEREAS, in accordance with Ohio Revised Code §721.15 it is necessary to legislatively authorize the disposal of property valued at over One Thousand Dollars only after determining the property is no longer needed or unfit for municipal purposes; and,

WHEREAS, this legislation went before the Safety Committee on June 24, 2024 and was unanimously approved for advancement to City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. The Council hereby authorizes the Mayor and Director of Finance to arrange for the sale of the 2009 Ford Crown Victoria vehicle, VIN: 2FAHP71V49X120244, currently used by the Fire Division, by public auction as such vehicle is no longer needed for municipal purposes.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Perrysburg, Wood County, Ohio, as this vehicle should be auctioned off as soon as possible, and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

President of Council

Mayor

PASSED _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

City of Perrysburg - Declaration of Surplus Property Form

To: Mayor and Director of Finance

From: Chief William McCullough

Date: 6/18/2024

Please mark one:

☒ I have determined the following described City property, which was purchased through the General Fund is of no further use to the City and may be disposed of in accordance with Administrative Policy No. 34.

OR

☐ I have determined the following described City property, which came into the possession of the Perrysburg Police Division as found or unclaimed property is of no use to the City and may be disposed of in accordance with Administrative Policy No. 34.

DESCRIPTION OF PROPERTY

Current Estimated Value of Item (please choose one):

☐ \$0-\$999

☒ \$1,000 or more

NOTE: If the item is valued at \$1,000 or more, it must be authorized by an ordinance of City Council.

Description of property (non-vehicle):

Description of property (vehicle)

Kelly Blue Book Value \$4762.00

(Attach KBB Printout)

Year: 2009

Make: Ford

Model: Crown Victoria

Vehicle #: C 41

Color: White

VIN: 2FAHP71V49X120244

Mileage: 78000+

I recommend the following method of disposition (please check one of four options):

☒ Sell → Employee Name - Point of Contact for Auction Listing: _____

☐ Destroy

☐ Scrap

☐ Other _____

Approved: _____

Mayor

Date

Director of Finance

Date

1 Your Options

Instant Cash Offer

Trade-in

Private Party

Donate Your Car

♥ Save this car



Value valid as of **05/02/2024**

Factors That Impact Value

Check that yours are correct below.

Mileage: **100,000** ZIP Code: **43551**

Condition
Fair



Edit Options

PRIVATE SELLER Exchange



Reach millions of buyers on Autotrader and KBB.com



Free vehicle history report



Secure transactions and financing



Verified buyers and sellers

Verified buyers get a clean title every time. Verified sellers get secure payment.

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TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Ord 51-2024

DATE: June 27, 2024



Subject Matter/Background

Pursuant to Codified Ordinance 1240.01, et seq, applicant, Five Point Investments LLC, requests approval of a planned unit development (PUD) for the Coventry Pointe North project.

At its April 25, 2024 meeting, the Planning Commission for the City of Perrysburg, Ohio, voted 6-0 to recommend to City Council the conditional approval of the PUD. The conditions set by the Planning Commission have been met. City Council held a public hearing on June 4, 2024, to receive public comment regarding the proposed PUD, and the issue came before Council's Planning and Zoning Committee on June 25, 2024. By Code, any future plat or plan for the Five Point Investments LLC, Coventry Pointe North project, and based on the proposed PUD agreement must be reviewed and approved by the City's Planning Commission.

Through this Ordinance, the Mayor and Director of Finance are authorized to enter into a planned unit development agreement with Five Point Investments LLC for the Coventry Pointe North project, upon terms and conditions consistent with Exhibit A and otherwise be deemed reasonable, appropriate, and necessary by the City's Director of Public Safety, Director of Public Service, Law Director, and Administrator for Planning and Zoning.

Financial Review

There is no financial impact on the City.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to suspend the rules, waive the three readings and pass this Resolution as an emergency is recommended.

ORDINANCE 51-2024

AN ORDINANCE APPROVING A PROPOSED PLANNED UNIT DEVELOPMENT AGREEMENT BETWEEN THE CITY AND FIVE POINT INVESTMENTS LLC, FOR THE COVENTRY POINTE NORTH PROJECT; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Codified Ordinance 1240.01, *et seq*, applicant, Five Point Investments LLC, requests approval of a planned unit development (PUD) for the Coventry Pointe North project, as reflected on the attached Exhibit A; and,

WHEREAS, at its April 25, 2024 meeting, the Planning Commission for the City of Perrysburg, Ohio, voted 6-0 to recommend to City Council the conditional approval of the PUD; and,

WHEAEAS, the conditions set by the Planning Commission have been met; and,

WHEREAS, City Council held a public hearing on June 4, 2024, to receive public comment regarding the proposed PUD, and the issue came before Council's Planning and Zoning Committee on June 25, 2024; and,

WHEREAS, by Code, any future plat or plan for the Five Point Investments LLC, Coventry Pointe North project, and based on the proposed PUD agreement must be reviewed and approved by the City's Planning Commission; and,

WHEREAS, based on its review of the facts and information before it, City Council approves this request subject to those conditions and terms reflected on Exhibit A, attached hereto, as well as any conditions deemed reasonable, appropriate, and necessary by the City's Director of Public Safety, Director of Public Service, Law Director, and Administrator for Planning and Zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. The Mayor and Director of Finance are authorized to enter into a planned unit development agreement with Five Point Investments LLC for the Coventry Pointe North project, upon terms and conditions consistent with Exhibit A

and otherwise be deemed reasonable, appropriate, and necessary by the City's Director of Public Safety, Director of Public Service, Law Director, and Administrator for Planning and Zoning.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Perrysburg, Wood County, Ohio, to permit the applicants reasonably to move forward with development of the subject property, and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

President of Council

Mayor

PASSED _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

PUD - Request for Qualification

Ch. 1240.06

PUD – Plan Approval

Ch. 1240.07

Coventry Pointe North

25270 Ft. Meigs Rd.

**Ch. 1240.06 – PUD – Request for Qualification
Ch. 1240.07 – PUD – Plan Approval
Coventry Pointe North
25270 Ft. Meigs Rd.**

APPLICANT/OWNER/DEVELOPER

Steve Mitchell
Five Point Investments LLC
3150 Republic Blvd., Suite 3
Toledo, OH 43615

Feller Finch and Associates, Inc.
1683 Woodlands Drive
P.O. Box 68
Maumee, OH

REQUEST

Chapter 1240.01 – Planned Unit Development
Chapter 1240.06 – Submittal and Request for Qualification
Chapter 1240.07 – Submittal and Approval of PUD Plan
Chapter 1255.01 – Impact Assessment

PROPERTY LOCATION & DESCRIPTION

The subject property comprises two separate parcels: Q61-100-240000008000, and Q61-100-2400000020000 (recently annexed). These parcels are located on the west side of Fort Meigs Road, south of Roachton Road, and north of Five Point Road. For additional reference purposes, this property is immediately north of Coventry Pointe subdivision. This site is approximately 78.801 acres in size and all properties are zoned R-3 (Single Family Residential).

ANALYSIS OF QUALIFICATION

The applicant is requesting a preliminary determination as to whether the provided plan for these parcels meets the qualification standards for the eventual approval of a Planned Unit Development (PUD). The applicant desires to develop this property for residential purposes in a way that will provide a mixture of residential uses (single-family and multiple-family units). The plan for this property includes both single-story villas and apartments mixed with traditional single-family homes.

Proposed Statistics:

Single Family Lots = **102 units**

Detached Villas = **96 units**

Attached Villas = **86 units**

Total Possible Units = **284**

Per Ch 1240.03, in order to qualify for the Planned Unit Development option all of the following must be met:

- a) The PUD option may be effectuated only in the R, RM, C, OS and I Districts.
- b) The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.
- c) The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.
- d) The Planned Unit Development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Comprehensive Plan unless the proponent can demonstrate to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the Planned Unit Development.
- e) The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.

Additionally, at least two of the following must be met:

The proposed Plan Unit Development appears to meets four (4) of the eight (8) objectives per Chapter 1240.03(f) and are indicated below with a numbered circle:

- 1) To permanently preserve open space or natural features because of their exceptional characteristics or because it can provide a permanent transition or buffer between land uses.
- 2) To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
- 3) To accept dedication or set aside open space areas in perpetuity.
- 4) To provide alternative uses for parcels which can provide transition buffers to residential areas.

- 5) To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.
- 6) To promote the goals and objectives of the Comprehensive Plan.
- 7) To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
- 8) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.

In conclusion, it has been determined that the submission materials provided by the applicant are sufficient for making a preliminary determination as to the qualification of the proposed plan.

ANALYSIS OF PUD PLAN APPROVAL

The applicant is requesting PUD Plan Approval per Ch. 1240.07. The applicant has provided an engineered site plan, a building location plan, and an Open Space/Circulation Plan. The code typically requires a topographic survey but due to the relatively flat nature of the property, it is recommended not to require this information.

Ch 1240.07 Submittal and Approval of PUD Plan

Application may be made for consideration with the submission of the following materials:

- (a) Submittal of Proposed PUD Plan. An application shall be made to the City for review and recommendation by the Planning Commission of the following:
 - (1) A boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (scale not smaller than one (1) inch equals one hundred (100) feet) or less if approved by the City.
 - (2) A topographic map of the entire area at a contour interval of not more than two (2) feet. This map shall indicate all major stands of trees, bodies of water, wetlands and un-buildable areas (scale: not smaller than one (1) inch equals one hundred (100) feet) or less if approved by the City.
 - (3) A proposed land use plan indicating the following at a scale no smaller than one (1) inch equals one hundred (100) feet or less if approved by the City:

1. The proposed PUD adheres to the conditions for qualification of the PUD option and promotes the land use goals and objectives of the City.
2. All applicable provisions of this Chapter shall be met. Insofar as any provision of this Chapter shall be in conflict with the provisions of any other provision of this Chapter, the provisions of this Chapter shall apply to the lands embraced within a PUD area.
3. There is or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and stormwater drainage system are adequate.

RECOMMENDATION

At their April 25, 2024, meeting, the Planning Commission, made a motion to recommend conditional approval of the Submittal of a Planned Unit Development (PUD) for Coventry Pointe North located on Parcel Q61-100-240000008000 (25270 Fort Meigs Road) and Parcel Q61-100-240000020000 (o Fort Meigs Road), and that a Public Hearing be set for June 4, 2024, at 6:15 p.m. Seconded by Mr. Bade. The conditional approval was unanimously approved (6-0) with the following conditions:

1. Minimum of three (3) exterior colors on the villas (yellow and blue sections on map)
2. Install a ten (10) foot wide asphalt multi-use path.
3. Provide a two (2) foot-staggered variance offset on the front of the villas.
4. Provide an updated landscaping plan for the Commission to review and approve that features the following:
 - a. Trees along the bike path
 - b. Community Park benches
 - c. Open space
 - d. Separation along the railroad tracks
5. Provide variable roof height for the villas and a minimum of four (4) exterior products for the front elevation materials (vinyl, stone, shaker, and board/batten).
6. Install glass on the garage doors with a preference of variation on the doors.
7. Install driveways that are uniform throughout the development.

Stephen M. Chovanec
Jennifer E. Feehan
402 E. Seventh St.
Perrysburg, OH 43551

March 21, 2024

Brody Walters
Director of Planning and Zoning

Members of the Planning Commission

We have reviewed the plans for the proposed Coventry Pointe North development, and we would like to express our support for the project. We have owned adjacent property along Fort Meigs Road for more than 30 years, and we believe this is a good design and use of the land.

Thank you for considering our input.

Stephen M. Chovanec
Jennifer E. Feehan

FellerFinch

& ASSOCIATES, INC.

Engineers • Surveyors

1683 Woodlands Drive
Maumee, Ohio 43537
Phone: (419) 893-3680
Fax: (419) 893-2982
www.fellerfinch.com

Donald L. Feller, P.E.
Gregory N. Feller, P.E.
Aaron M. Feller, P.E.

February 21, 2024

Mr. Brody Walters
City of Perrysburg
201 W. Indiana Avenue
Perrysburg, OH 43551

RE: Coventry Pointe North
Project No. 10E09780

Dear Mr. Walters:

The original submittal for this proposed PUD project was tabled at the August 24, 2023 planning commission meeting. This submittal is a revised PUD plan with changes made to address concerns raised at that meeting. The intent of this development remains to provide a variety of housing options, extensive open space and recreation amenities in a neighborhood setting. The project received preliminary determination of PUD approval on June 29, 2023. After annexation of the 69.22 acre portion of the property, permanent zoning of R-3 was approved on December 8, 2022. At that time, you suggested that with a PUD development agreement and open space concessions, a density of up to 4 units per acre could be appropriate to create a neighborhood that is unique in arrangement of houses and green space. We believe this plan achieves that goal and has a density less than 4 units per acre at 3.60 units per acre.

The most significant changes to the plan are a reduction in total unit count of 30 units, consolidation of the majority of the open space into a centralized location, elimination of the fourplex units and a revision to the northern villa units from 2-story buildings with 3 bedrooms to 1-story buildings with 2 bedrooms.

The current plan now contains three distinct dwelling options. The southern and western portions of the development will contain 102 - 65' wide single-family lots. These lots will accommodate "typical" two story single-family houses similar to what is being built in the Coventry Pointe and Summerfield developments. Located in the middle and eastern portion of the development are 96 - 50' villa lots. These lots will accommodate smaller stand-alone single story villas targeted to empty nester homeowners. A monthly fee will cover lawn care and snow removal. The northern portion includes 86 - attached single story villa units also built for an empty nester market. There are now a total of 284 units (originally 314). The anticipated resultant population from these units is estimated to be around 900 residents. The floor areas of each unit type are shown on the PUD drawing. All of the units will come with a garage, therefore parking is accommodated within the garage and driveways for each unit. The streets can also accommodate on street parking if needed. All roads are public streets built to current Perrysburg width and right of way standards.

The amenities in the development include open space of 16.32 acres exclusive of the pond area representing 20.4% of the total site. Included in open space area is a 10' wide asphalt multi-use path. The multi-use path will connect to Coventry Pointe to the south, traverse around the development and provide a future connection point to both the north and south-west. The intent is that this path will eventually be connected to the multi-use path on Roachton which will provide access to Levis Commons and future development to the south-west. There is approximately 6,028 LF (1.14 miles) of multi-use path within the development.

Also included in the development is a large amount of consolidated open space now located in the middle of the project. The open space along the western and northern property lines is intended to be a prairie type area with the multi-use path. This area will be utilized by the residents for walking and running. The open space in the middle of the development is intended to be lawn type mowed grass. This area will be used by the residents for passive activities such as picnics and an active play area for children.

The current development schedule is to start with phases of both the 50' detached villa lots and single story attached villa lots in 2025. The 65' two-story single family lots will start when the Summerfield development is near completion in approximately 3 years. Development beyond that will depend on market conditions. We anticipate the full buildout will take approximately 10-12 years.

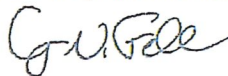
In your report for the August 24th meeting, you indicated we did not include sufficient information called for in Ch. 1240.07(a)(3)(D) and 1240.07 (a)(3)(K). I believe in the paragraphs above, we have covered the items required in 1240.07 (a)(3)(K). If not please let us know what additional information you would like from us. The items required for Ch. 1240.07(a)(3)(D) are listed below:

- General location of nonresidential buildings – None
- Parking areas – in garages or on-street parking
- Estimated floor areas, building coverage and number of stories and height is on the drawing.

We would appreciate if you would share this letter with members of the planning commission. Should you have any questions, please contact us at your earliest convenience.

Sincerely,

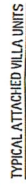
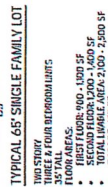
FELLER, FINCH & ASSOCIATES, INC.



Gregory N. Feller, P. E.
President

- PARCELS: 0661100-24000000000000 (6.9-221 AC)
- AUD: 15-00000000000000000000000000000000
- EX. ZONING: R-2
- PROPOSED USE: RESIDENTIAL
- AREA: 78,801 AC. (BASED ON SURVEY)
- NUMBER OF UNITS: 284
 - 90 - 65' SINGLE FAMILY LOTS
 - 96 - 50' VILLA LOTS
 - 86 - ATTACHED VILLA UNITS
- DENSITY: 3.60 UNITS/AC
- APPROXIMATE BUILDING COVERAGE: 13.2 AC.
- COMMON OPEN SPACE: 16.11 AC, 20.4% (SHADED AREAS, NOT INCLUDING THE POND) TO BE MAINTAINED BY THE HOA
- 10' WIDE ASPHALT MULTI-USE PATH THROUGHOUT THE DEVELOPMENT (6.028 L.F. 1/4 MILES)
- AVERAGE GROUND ELEVATION = 6450'
- THERE ARE NO MAJOR STANDS OF TREES, BODIES OF WATER, OR OTHER FEATURES OF SIGNIFICANCE ON THE SITE
- ADJACENT STREETS AND UN-BUILDABLE AREAS: PUBLIC STREETS WITH A 60' WIDE STREET BACK OF CURB TO BACK OF CURB AND 5' WIDE SIDEWALKS.
- 35' PERIMETER SETBACK, 25' PERIMETER SETBACK ON THE SOUTH PROPERTY LINE AS SHOWN.

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- 35' PERIMETER SETBACK, 25' PERIMETER SETBACK ON THE SOUTH PROPERTY LINE AS SHOWN.

 NORTH
SCALE: 1"=1/2 MI.

DEGROUND UTILITIES
contact two working days
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OHIO811.org
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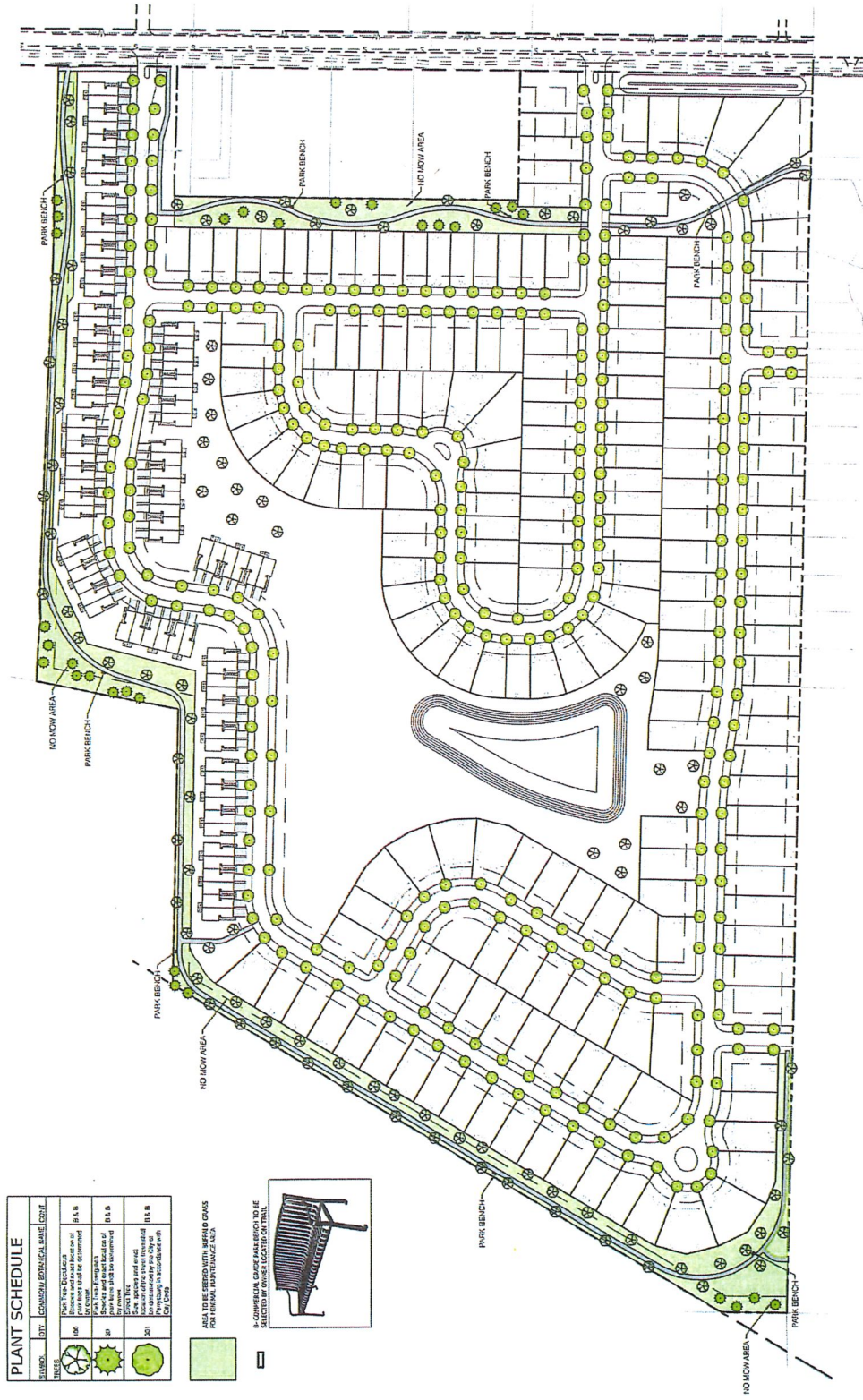
Feller-Finch
A ASSOCIATES, INC.
Engineering • Surveying

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PUD REVIEW

WINKID			
EATC			
SCALE	1"=100'		
DATE	2-21-24		
NOTED CHF		TRAIN CHF	
OTHER CHF		SYNCH CHF	
PROPERTY	10ED5760		
USDA/BLM			
	10-03762PRODAIL7		
SHEET	1	OF	1

EVERY	1	of	1
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PLANT SCHEDULE

SYMBOL	QTY	COMMON NAME	SIZE
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AREA TO BE SEED WITH BARELY GRASS
 FOR FUTURE MAINTENANCE AREA
 SELECTED BY OWNER FOR SEED TYPE



TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Ord 52-2024

DATE: June 27, 2024



Subject Matter/Background

City of Perrysburg, Ohio, Codified Ordinance §1250.51 establishes “Curb Cuts and Driveways” through the City of Perrysburg’s Codified Ordinances (“Code”). This Ordinance is being updated to help clarify this portion of the Code and provide for a temporary waiver of the sidewalk requirement.

The Planning and Zoning Committee considered this legislation at its meeting on June 25, 2024 and unanimously recommended advancement to City Council.

Financial Review

There is no financial impact on the City.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to suspend the rules, waive the second and third readings and vote on this Resolution is recommended.

ORDINANCE 52-2024

AN ORDINANCE AMENDING CODIFIED ORDINANCE §1250.51 “CURB CUTS AND DRIVEWAYS” PREVIOUSLY ADOPTED THROUGH ORDINANCE 17-2017 ON MARCH 20, 2017

WHEREAS, City of Perrysburg, Ohio, Codified Ordinance §1250.51 establishes “Curb Cuts and Driveways” through the City of Perrysburg’s Codified Ordinances (“Code”); and,

WHEREAS, this Ordinance is being updated to help clarify this portion of the Code; and,

WHEREAS, the Planning and Zoning Committee considered this legislation at its meeting on June 25, 2024 and unanimously recommended advancement to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. Codified Ordinance §1250.51 which currently reads as:

1250.51 CURB CUTS AND DRIVEWAYS.

Curb-cuts and driveways shall be located only upon the approval of the City and the appropriate County and State authorities as required by law; provided, however, such approval shall not be given where such curb-cuts and driveways shall cause an unreasonable increase in traffic hazards including, but not limited to, allowing adequate sight distance for ingress and egress.

- (a) All plans for new, modified or replacement driveways shall require a zoning permit from the city prior to the start of any construction. Applications for driveways shall indicate the location and dimensions of the drive on either a site plan or a plot plan.
- (b) All driveways shall meet the following standards:
 - (1) No permit shall be issued unless such driveways access is onto a public or private street or alley.
 - (2) Corner lots shall take their access from the street that presents the least hazard in the opinion of the Planning and Zoning Administrator.
 - (3) Culverts shall be installed in line with and at the same grade as the road ditch in the event there is no storm sewer system.
 - (4) Drives shall enter perpendicular to the existing public-street or private road.

- (5) No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten percent 10% (one (1) foot vertical rise in ten (10) feet of horizontal distance).
 - (6) The driveway shall meet the clear vision standards of this Zoning Code.
 - (7) No portion of a driveway shall be closer than 5' to a side or rear property line unless an authorized waiver (on file in the Planning and Zoning office) is provided indicating the permission from the adjoining property owner or if a waiver cannot be obtained a variance from the Board of Zoning Appeals can be sought.
 - (8) All portions of a driveway on private property shall be constructed of concrete, asphalt driveway pavers or similar dustless surface. In those instances where driveway pavers are utilized, a six inch (6") compacted depth of fine grade sand or screenings on top of six inches (6") of #411 stone shall be used for a total of twelve inches (12") of compacted base.
 - (9) Any portion of a driveway within the public right-of-way shall be constructed of six-inch plain concrete on a four-inch stone base or two-inch asphalt on a four-inch stone base. Pavers are not permitted.
 - (10) Concrete driveways shall require expansion joint to fully separate curbs and sidewalks in accordance with Ch. [1022.15](#)
 - (11) The location of new driveways shall conform to road improvement plans or corridor plans that have been adopted by the City, Wood County, or Ohio Department of Transportation.
 - (12) All driveways shall continue at full width across the private property line to a main structure or an accessory structure located on the private property.
 - (13) All driveways are required to have a plain six (6) inch thick concrete sidewalk installed through the driveway and extending one (1) foot on each side of the driveway that is physically separated from the driveway by expansion joint.
- (c) Residential Driveways. In addition to Ch. [1250.51\(b\)](#), residential driveways shall also meet the following standards:
- (1) Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street, unless waived by the City.
 - (2) Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty four (24) feet wide where it meets the curb, alley or street.
 - (3) Only one (1) access/curb-cut onto a public street shall be permitted.
 - (4) No driveway shall serve more than one (1) single family dwelling.

- (5) The total area of a driveway shall not exceed thirty-five percent (35%) of the area of the front yard located on private property.
- (d) Commercial Driveways. In addition to Ch. 1250.51(b), commercial driveways shall also meet the following standards:
 - (1) Vehicle ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than eighty (80) feet to an adjacent driveway within a commercial or industrial district.
 - (2) New driveways shall align with existing or planned driveways, where reasonable and practical. This shall only be required if the resulting alignment provides safe access and if all other requirements of this Zoning Code are met.
 - (3) No driveways providing access to nonresidential uses and structures shall cross residentially zoned property.
 - (4) Commercial driveways shall be a maximum of thirty-five (35) feet wide where it meets the curb, alley or street unless waived by the city engineer after determining additional width is necessary to navigate the turn.
- (e) Existing Non-conforming Driveways.
 - (1) A residential driveway is considered non-conforming if any of the following conditions exist:
 - A. The driveway has a width greater than twenty-four (24) feet where it meets the street or alley.
 - B. The driveway coverage area exceeds thirty-five (35) percent of the front yard.
 - C. The driveway has more than one (1) access point or curb cut to a street or alley.
 - D. The driveway is constructed of a material other than asphalt, concrete or impervious pavers.
 - E. The driveway is closer than 5' to a side or rear property line.
 - (2) If an existing non-conforming residential driveway is being replaced, the Planning and Zoning Division must perform an on-site inspection of the driveway to be replaced and document the dimensions of the current driveway prior to it being removed. Failure to allow for this on-site, pre-inspection of a non-conforming driveway shall require the new driveway to conform to all current requirements. In the event that an existing driveway is found to be in conflict with Section 1250.51(c)(1) the driveway shall not be permitted to be replaced in its existing location and must conform to all current requirements.
- (f) Inspection. The City shall inspect all finished driveway work for compliance with applicable codes.

- (g) Repair and Maintenance. Repair and maintenance of existing pavement shall be encouraged. For the purposes of these requirements repair and maintenance work shall be exempt from the permitting requirements of this code section providing that the work is limited to the following:
- (1) Seal coating of existing asphalt.
 - (2) Removal and replacement of 10% or less of the existing area of the surface.
 - (3) Leveling of an existing surface.
 - (4) Filling pot holes or repairing areas around drainage structures.
- (h) Variances. Regarding driveways, the jurisdiction of the Board of Zoning Appeals shall be limited to chapter sections; 1250.51(b)(7), 1250.51(c)(2), 1250.51(c)(3), and 1250.51(c)(5). Only these subsections may be appealed to the Board of Zoning Appeals. Any appeal shall be treated as a variance and shall be subject to the requirements of Section 1275.02(c).
(Ord. 17-2017. Passed 3-7-17.)

is hereby amended and revised to read:

1250.51 CURB CUTS AND DRIVEWAYS.

Curb-cuts and driveways shall be located only upon the approval of the City and the appropriate County and State authorities as required by law; provided, however, such approval shall not be given where such curb-cuts and driveways shall cause an unreasonable increase in traffic hazards including, but not limited to, allowing adequate sight distance for ingress and egress.

- (a) All plans for new, modified or replacement driveways shall require a zoning permit from the city prior to the start of any construction. Applications for driveways shall indicate the location and dimensions of the drive on either a site plan or a plot plan.
- (b) All driveways shall meet the following standards:
 - (1) No permit shall be issued unless such driveways access is onto a public or private street or alley.
 - (2) Corner lots shall take their access from the street that presents the least hazard in the opinion of the Planning and Zoning Administrator.
 - (3) Culverts shall be installed in line with and at the same grade as the road ditch in the event there is no storm sewer system.
 - (4) Drives shall enter perpendicular to the existing public street or private road.
 - (5) No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten percent 10% (one (1) foot vertical rise in ten (10) feet of horizontal distance).
 - (6) The driveway shall meet the clear vision standards of this Zoning Code.

- (7) No portion of a driveway shall be closer than 5' to a side or rear property line unless an authorized waiver (on file in the Planning and Zoning office) is provided indicating the permission from the adjoining property owner or if a waiver cannot be obtained a variance from the Board of Zoning Appeals can be sought.
 - (8) All portions of a driveway on private property shall be constructed of concrete, asphalt driveway pavers or similar dustless surface. In those instances where driveway pavers are utilized, a six inch (6") compacted depth of fine grade sand or screenings on top of six inches (6") of #411 stone shall be used for a total of twelve inches (12") of compacted base.
 - (9) Any portion of a driveway within the public right-of-way shall be constructed of six-inch plain concrete on a four-inch stone base or two-inch asphalt on a four-inch stone base. Pavers are not permitted.
 - (10) Concrete driveways shall require expansion joint to fully separate curbs and sidewalks in accordance with Ch. [1022.15](#)
 - (11) The location of new driveways shall conform to road improvement plans or corridor plans that have been adopted by the City, Wood County, or Ohio Department of Transportation.
 - (12) All driveways shall continue at full width across the private property line to a main structure or an accessory structure located on the private property.
 - (13) All driveways are required to have a plain six (6) inch thick concrete sidewalk installed through the driveway and extending one (1) foot on each side of the driveway that is physically separated from the driveway by expansion joint.
- (c) Residential Driveways. In addition to Ch. [1250.51\(b\)](#), residential driveways shall also meet the following standards:
- (1) Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street, unless waived by the City.
 - (2) Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty four (24) feet wide where it meets the curb, alley or street.
 - (3) Only one (1) access/curb-cut onto a public street shall be permitted.
 - (4) No driveway shall serve more than one (1) single family dwelling.
 - (5) The total area of a driveway shall not exceed thirty-five percent (35%) of the area of the front yard located on private property.
- (d) Commercial Driveways. In addition to Ch. [1250.51\(b\)](#), commercial driveways shall also meet the following standards:
- (1) Vehicle ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than eighty (80) feet to an adjacent driveway within a commercial or industrial district.

- (2) New driveways shall align with existing or planned driveways, where reasonable and practical. This shall only be required if the resulting alignment provides safe access and if all other requirements of this Zoning Code are met.
 - (3) No driveways providing access to nonresidential uses and structures shall cross residentially zoned property.
 - (4) Commercial driveways shall be a maximum of thirty-five (35) feet wide where it meets the curb, alley or street unless waived by the city engineer after determining additional width is necessary to navigate the turn.
- (e) Existing Non-conforming Driveways.
- (1) A residential driveway is considered non-conforming if any of the following conditions exist:
 - A. The driveway has a width greater than twenty-four (24) feet where it meets the street or alley.
 - B. The driveway coverage area exceeds thirty-five (35) percent of the front yard.
 - C. The driveway has more than one (1) access point or curb cut to a street or alley.
 - D. The driveway is constructed of a material other than asphalt, concrete or impervious pavers.
 - E. The driveway is closer than 5' to a side or rear property line.
 - (2) If an existing non-conforming residential driveway is being replaced, the Planning and Zoning Division must perform an on-site inspection of the driveway to be replaced and document the dimensions of the current driveway prior to it being removed. Failure to allow for this on-site, pre-inspection of a non-conforming driveway shall require the new driveway to conform to all current requirements. In the event that an existing driveway is found to be in conflict with Section 1250.51(c)(1) the driveway shall not be permitted to be replaced in its existing location and must conform to all current requirements.
- (f) Inspection. The City shall inspect all finished driveway work for compliance with applicable codes.
- (g) Repair and Maintenance. Repair and maintenance of existing pavement shall be encouraged. For the purposes of these requirements repair and maintenance work shall be exempt from the permitting requirements of this code section providing that the work is limited to the following:
- (1) Seal coating of existing asphalt.
 - (2) Removal and replacement of 10% or less of the existing area of the surface.
 - (3) Leveling of an existing surface.
 - (4) Filling pot holes or repairing areas around drainage structures.
- (h) Variances. Regarding driveways, the jurisdiction of the Board of Zoning Appeals shall be limited to chapter sections; 1250.51(b)(7), 1250.51(c)(2),

1250.51(c)(3), and 1250.51(c)(5). Only these subsections may be appealed to the Board of Zoning Appeals. Any appeal shall be treated as a variance and shall be subject to the requirements of Section 1275.02(c).

(i) **Temporary Waiver.** Regarding driveways, the City Administrator, with the concurrence of the Planning and Zoning Administrator, or their designee, and the City Engineer, or their designee, shall have limited jurisdiction to authorize a temporary waiver from the strict application of Chapter Section 1250.51(b)(13). Through this temporary waiver, the City of Perrysburg would agree to waive the sidewalk requirement for a new driveway until such time when sidewalks are installed in the subdivision or across the property. At that time of sidewalk installation, the owner(s), or their successors and assigns, shall agree to install sidewalks through the driveway at the property owner's expense to conform to the sidewalk requirements of the City.

(1) The City Administrator, with the concurrence of the Planning and Zoning Administrator, or their designee, and the City Engineer, or their designee, shall have the power to authorize a temporary waiver from the strict application of the provisions of this Zoning Code where, by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property or subdivision, the strict application of the regulations enacted would result in practical difficulties to the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Zoning Code. The City Administrator, with the concurrence of the Planning and Zoning Administrator, or their designee, and the City Engineer, or their designee, shall state the grounds upon which it justified the granting of a temporary waiver.

(2) The City Administrator, with the concurrence of the Planning and Zoning Administrator, or their designee, and the City Engineer, or their designee, shall grant such temporary waivers only if they find that at least three (3) of the following four (4) conditions [A. through D.] exist:

A. The property or subdivision in question contains exceptional topographic conditions or other extraordinary or exceptional conditions.

B. The essential character of the neighborhood would not be altered nor would adjoining properties suffer a substantial detriment as a result of the temporary waiver.

C. The temporary waiver would not adversely affect the delivery of governmental services.

D. The spirit and intent of this Zoning Code would be observed and substantial justice would be done by granting the temporary waiver.

(3) If a temporary waiver is granted, the Owner of the property, at the Owner's Sole Expense shall file a record of the temporary waiver with the Wood Couty Recorder's Office. No construction shall occur prior to the recording of the temporary waiver with the Wood County Recorder's Office and proof of said recording being submitted to the Planning and Zoning Division of the City of Perrysburg. If the Owner of the property fails to record the temporary waiver or provide proof of the recording to the City, the waiver shall be deemed invalid and the Owner shall strictly comply with all aspects of the Zoning Code. All temporary waivers shall run with the land and be binding upon all subsequent owners, their successors and assigns and shall be in place until such time when sidewalks are installed in the subdivision or across the property.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time permitted by law.

President of Council

Mayor

PASSED _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Ords 40 & 41-2024

DATE: May 30, 2024



Subject Matter/Background

The City is making a concerted effort to review the Perrysburg Codified Ordinances and provide updates and additions in order to ensure clarity within the Code.

In reviewing the Personnel Policy, the City found areas that needed to be updated or added in order to clarify the policy and provide consistency.

Ords 40-2024 (Bereavement Leave) and 41-2024 (Tuition Reimbursement) are being proposed to address the issues found by the City.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

First Reading – 6/4/2024

Second Reading – 6/18/2024

Third Reading and Vote – 7/2/2024

ORDINANCE 40-2024

AN ORDINANCE AMENDING CODIFIED ORDINANCE §266.06-3 “BEREAVEMENT LEAVE” PREVIOUSLY ADOPTED THROUGH ORDINANCE 62-2021 ON DECEMBER 7, 2021

WHEREAS, City of Perrysburg, Ohio, Codified Ordinance §266.06-3 establishes “Bereavement Leave” through the City of Perrysburg’s Codified Ordinances (“Code”) titled “Personnel Policy”; and,

WHEREAS, this Ordinance is being updated to help clarify this portion of the Code; and,

WHEREAS, the Personnel Committee considered this legislation at its meeting on May 28, 2024 and unanimously recommended advancement to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. Codified Ordinance §266.06-3 which currently reads as:

266.06-3 BEREAVEMENT LEAVE.

In case of death of an employee's child, current spouse, mother, father, brother or sister, grandmother, grandfather, grandchild or any other relative who resides in the household of the employee will be granted leave of absence from the date of death, until and including the day after funeral, not to exceed three (3) working days. Full-time employees will receive pay for their regularly scheduled work hours as applicable at the applicable straight time rate for each day of bereavement leave. Less than full-time staff members will receive the leave time off with seventy-five percent (75%) of full pay.

In case of death of a mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepmother, stepfather, or stepchild, the employee will be granted a leave of absence from the date of death until and including the day after the funeral not to exceed two (2) working days. Full-time employees will receive pay for their regularly scheduled work hours as applicable at the applicable straight time rate for each day of funeral leave, provided that the second day of such leave shall be charged as paid sick leave. Less than full-time staff members will receive the leave time off with seventy-five percent (75%) of full pay.

If a holiday occurs while an employee is on funeral leave, the employee will be paid for the funeral leave or the holiday, but not for both.

Additional funeral leave may be granted at the discretion of the Mayor or the Mayor's designee with such additional time being deducted from the employee's sick leave bank.

(Ord. 62-2021. Passed 12-7-21.)

is hereby amended and revised to read:

266.06-3 BEREAVEMENT LEAVE:

In case of death of an employee's child, current spouse, mother, father, brother, sister, grandmother, grandfather, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepchild, or any other relative who resides in the household of the employee, the Department Head, Division Head, Office Manager or their designee may, upon request grant a leave of absence from the day of death, until and including the day after the funeral not to exceed five (5) working days to employees. Full-time employees will receive pay for their regularly scheduled work hours as applicable at the applicable straight-time rate for each day of bereavement leave.

If a holiday occurs while an employee is on funeral leave, the employee will be paid for the funeral leave or the holiday, but not for both.

Depending on the individual circumstances, the Department Head, Division Head, Office Manager or their designee may allow an employee to take one (1) or more of the five (5) days of bereavement leave at a later time, past the date of the funeral, to address items related to the death (estate, etc.). The decision to grant this exception shall be at the discretion of the Department Head, Division Head, Office Manager or their designee. Additional bereavement leave may be granted at the discretion of the Department Head, Division Head, Office Manager or their designee, with such additional time being deducted from the employee's sick leave bank. Proof of relationship to the deceased may be required.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time permitted by law.

President of Council

Mayor

PASSED _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

ORDINANCE 41-2024

AN ORDINANCE ADDING CODIFIED ORDINANCE §267.03-2 “TUITION REIMBURSEMENT” TO THE CITY OF PERRYSBURG CODIFIED ORDINANCES

WHEREAS, the City is reviewing and amending certain portions of the City of Perrysburg’s Codified Ordinances (“Code”); and,

WHEREAS, in an effort to provide tuition reimbursement, the City is adding Ordinance §267.03-2 establishing “Tuition Reimbursement” to the City of Perrysburg’s Codified Ordinances (“Code”) titled “Personnel Policy”; and,

WHEREAS, the Personnel Committee considered this legislation at its meeting on May 28, 2024 and unanimously recommended advancement to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. Codified Ordinance §267.03-2 shall read:

267.03-2 TUITION REIMBURSEMENT

Full-time employees who have completed one (1) year of continuous active full-time service shall be eligible for reimbursement of up to \$2,625 per semester or \$1,750 per quarter, up to a maximum of \$5,250 per calendar year, in courses of instruction voluntarily undertaken that are approved in advance by the City Administrator or their designee and are required for completion of the classes by the college/university for degree completion that is reasonably related to the employees job duties.

All courses undertaken must be given by a recognized and accredited educational institution as approved in advance by the City Administrator or their designee. Any required course necessary to complete a degree program previously approved for tuition reimbursement shall be eligible for reimbursement, regardless of subject. The calendar year upon which the reimbursement is based is the date on which the pre-approved course begins (as opposed to the date the request for reimbursement is submitted). In addition to the remaining Sections in this Article, the tuition reimbursement program shall be subject to the following additional conditions:

- A. Course Approval: All course work shall be approved in advance by the City Administrator or their designee. The employee’s request for approval shall be in writing and shall contain the name and description of the proposed course of instruction, the sponsoring institution, the institution’s grading policy for the proposed course of instruction, the scheduled times and dates of the course, the actual tuition cost, and the amount of any financial assistance available to the employee. Unless otherwise approved by the City Administrator or their designee,

the employee shall make such request at least thirty (30) days before the start of the course of study.

- B. Attendance: Courses are to be taken on other than scheduled working hours. Furthermore, any situation which requires an employee's presence on the job (i.e., mandatory classes, training, emergency, overtime, or the like) shall take complete and final precedence over any times scheduled for courses.
- C. Financial Assistance: Financial assistance from any governmental or private agency, which does not have to be paid back (grants, scholarships, etc.), an employee receives shall be deducted from the entire amount the employee owes in total costs before calculating the employee's maximum reimbursement amount from the City for the remaining costs. Any financial assistance received by an employee shall not be counted towards the maximum eligible reimbursement amount provided to an employee.
- D. Sponsoring Institution: No reimbursement shall be provided for correspondence courses, except for correspondence courses approved in advance by the City Administrator or their designee. Furthermore, seminars and conferences shall be ineligible for tuition reimbursement. At the time of the employee's request, both the course and the sponsoring institution shall be subject to the prior approval of the City Administrator or their designee.
- E. Ineligible Fees: No reimbursement will be granted for books, paper or other supplies of any nature, or transportation, meals or any other expenses connected with any course other than the actual tuition cost for the approved course of instruction. Reimbursement will be made within a reasonable period of time after the employee provides to the City Administrator or their designee:
 - 1. an official transcript, certificate or grade report confirming successful completion of the course with a grade of "C" or better, "S" (Satisfactory) or "P" (Pass);
 - 2. a fee statement; and
 - 3. a receipt of payment or a copy of the unpaid tuition bill from the institution.

An employee shall provide this information within thirty (30) days after completing the pre-approved course.

- F. Repayment Of Tuition: If an employee retires, resigns, is discharged, or otherwise separates from City employment for any reason whatsoever, prior to the completion of two (2) years of continuous active service following the completion of any course work, the employee shall immediately repay the entire amount of the tuition reimbursement paid by the City for courses taken and completed within the previous two (2) year period. The City is authorized to automatically deduct all, or any portion of the amount owed by the employee from any monies otherwise due to the employee at the time of separation. If the City requests, employees shall sign an authorization in favor of the City reflecting this deduction.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time permitted by law.

President of Council

Mayor

PASSED _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Ords 42 & 43-2024

DATE: May 30, 2024



Subject Matter/Background

The City is making a concerted effort to review the Perrysburg Codified Ordinances and provide updates and additions in order to ensure clarity within the Code.

In updating the Personnel Policy, the City found certain portions of Code that needed to be repealed, as they are now obsolete.

Ords 42-2024 (Compensation for Advanced Study) and 43-2024 (Volunteer Firefighters) are being repealed as obsolete.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

First Reading – 6/4/2024

Second Reading – 6/18/2024

Third Reading and Vote – 7/2/2024

ORDINANCE 42-2024

AN ORDINANCE REPEALING CODIFIED ORDINANCES §267.03-1 “COMPENSATION FOR ADVANCED STUDY” OF THE CITY OF PERRYSBURG CODIFIED ORDINANCES PREVIOUSLY ENACTED BY ORDINANCE 196-91 AND PASSED ON NOVEMBER 5, 1991

WHEREAS, City of Perrysburg, Ohio, Codified Ordinances §267.03-1 establishes "Compensation for Advanced Study" for employees of the City; and,

WHEREAS, the City has reviewed this section of the Code and has determined that it is appropriate to repeal Codified Ordinance §267.03-1 as obsolete; and,

WHEREAS, the Personnel Committee considered this legislation at its meeting on May 28, 2024 and unanimously recommended advancement to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. Codified Ordinance §267.03-1, which currently reads as follows is hereby repealed:

267.03-1 COMPENSATION FOR ADVANCED STUDY.

(a) All full-time employees of the City, excluding employees for whom the position requires special courses or degrees, who have completed their probationary periods of employment with the City, shall, during their employment, be entitled to an additional annual compensation at the rate of fifty dollars (\$50.00) for each fifteen quarter credit hours, or equivalent semester hours, of course study in curricula taught in institutions above the secondary school level, if such advanced study program is:

(1) Certified by the institution of higher learning as having been satisfactorily completed;

(2) Completed in the general study areas that would enhance the employee's performance of his or her assigned duties and applicable to the employee's position; and

(3) Approved in writing by the Director of Public Service-Safety as meeting the requirements of this section prior to the enrollment of the employee.

(b) This section shall not apply to any advanced study or training paid for in full or in part by the City.

(c) All full-time employees of the City who are presently receiving compensation pursuant to subsection (a) hereof, or any similar previous ordinance of the City, shall continue to receive the amount presently being paid.

(d) 267.03-1 was formerly 266.33 of the Code.
(Ord. 106-91. Passed 11-5-91.)

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time permitted by law.

President of Council

Mayor

PASSED _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

ORDINANCE 43-2024

AN ORDINANCE REPEALING CODIFIED ORDINANCES §267.01-3 “VOLUNTEER FIRE PERSONNEL COMPENSATION” OF THE CITY OF PERRYSBURG CODIFIED ORDINANCES PREVIOUSLY ENACTED BY ORDINANCE 7-2015 AND PASSED ON FEBRUARY 3, 2015

WHEREAS, City of Perrysburg, Ohio, Codified Ordinances §267.01-3 establishes "Volunteer Fire Personnel Compensation" for the Perrysburg Fire Division; and,

WHEREAS, the City of Perrysburg no longer utilizes volunteer fire personnel and therefore it is appropriate to repeal Codified Ordinance §267.01-3 as obsolete; and,

WHEREAS, the Personnel Committee considered this legislation at its meeting on May 28, 2024 and unanimously recommended advancement to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. Codified Ordinance §267.01-3, which currently reads as follows is hereby repealed:

267.01-3 VOLUNTEER FIRE PERSONNEL COMPENSATION.

(a) Effective January 1, 2015, each volunteer in the Fire Division who responds to a fire call, emergency medical call, fire training drill or emergency medical training service drill shall receive compensation according to his or her position as follows:

- (1) Each Piker shall receive eighteen dollars and twenty-two cents (\$18.22) for the first two hours or fraction thereof, and nine dollars and eleven cents (\$9.11) for each additional hour;
- (2) Each Firefighter shall receive twenty-one dollars and ninety-four cents (\$21.94) for the first two hours or fraction thereof, and ten dollars and ninety-seven cents (\$10.97) for each additional hour;
- (3) Each firefighter First Class shall receive twenty-five dollars and eighty cents (\$25.80) for the first two hours or fraction thereof, and twelve dollars and ninety cents (\$12.90) for each additional hour;
- (4) Each Lieutenant shall receive twenty-six dollars and fifty-six cents (\$26.56) for the first two hours or fraction thereof, and thirteen dollars and twenty-eight cents (\$13.28) for each additional hour;

- (5) Each Captain shall receive twenty-seven dollars and thirty-two cents (\$27.32) for the first two hours or fraction thereof, and thirteen dollars and sixty-six cents (\$13.66) for each additional hour;
- (6) Each such volunteer who is also an Emergency Medical Technician-Basic shall receive an additional twenty-five cents (\$0.25) for each hour;
- (7) Each such volunteer who is also an Emergency Medical Technician-Intermediate shall receive an additional fifty cents (\$0.50) for each hour; and
- (8) Each such volunteer who is also an Emergency Medical Technician-Paramedic shall receive an additional seventy-five cents (\$0.75) for each hour.

(b) With respect to the compensation set forth in this section, a volunteer arriving ten or more minutes after the start of a run shall be paid at the appropriate rate in quarter hour increments. If a volunteer leaves before the termination of a run, such person shall receive the appropriate only for the actual time he or she spent on the call.

(Ord. 7-2015. Passed 2-3-15.)

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time permitted by law.

President of Council

Mayor

PASSED _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Ord 53-2024

DATE: June 27, 2024



Subject Matter/Background

The City of Perrysburg has determined it is appropriate to update 266.15-2 in order to develop the new position of Legal Assistant/Clerk of Council and remove the position of Paralegal/Executive Assistant.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to suspend the rules, waive the three readings and pass this Resolution as an emergency is recommended, in order to allow for the application process to begin.

ORDINANCE 53-2024

AN ORDINANCE AMENDING PERRYSBURG CODIFIED ORDINANCE §266.15-2; AND DECLARING AN EMERGENCY

WHEREAS, Perrysburg Codified Ordinance §266.15-2 establishes the job titles and wage ranges for Executive Staff, Senior Administrative Staff and Administrative City employees; and,

WHEREAS, the City of Perrysburg has determined it necessary to update and add certain job titles and adjust the wage ranges set forth in §266.15-2; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. Codified Ordinance §266.15-2 which currently read as:

**266.15-2 WAGE RANGES FOR EXECUTIVE STAFF, SENIOR
ADMINISTRATIVE STAFF AND ADMINISTRATIVE STAFF (including hourly
employees)**

Broad Band	Title
Band A	City Administrator
Minimum Salary \$104,000	
Maximum Salary \$166,400	
Band B	Assistant City Administrator
Minimum Salary \$83,200	City Engineer
Maximum Salary \$145,600	Director of Finance
	Director of Law
	Director of Public Safety
	Director of Public Service
	Director of Public Utilities
	Fire Chief
	Municipal Court Prosecutor
	Planning and Zoning Administrator
	Police Chief

Band C	Deputy Administrator of Planning and Zoning
Minimum Salary \$72,800	Deputy Director of Finance
Maximum Salary \$124,800	Deputy Director of Public Service
	Deputy Director of Public Utilities
	Deputy Fire Chief
	Deputy Police Chief
	GIS/Software Administrator
	Hardware/Network/Operations Administrator
	Human Resources Manager
	Income Tax Commissioner
	IT Manager
	Police Lieutenant
	Police Support Services Manager (Dispatch, Records)
	WWTP (Wastewater Treatment Program) Manager
Band D	Advanced Certified Paralegal
Minimum Salary \$52,000	Assistant Prosecutor
Maximum Salary \$104,000	GIS/Software Engineer
	Hardware/Operations Engineer
	OSH Coordinator
	Police Support Services Supervisor
	Staff Engineer
	Superintendent of Field Operations
	Tax Administrator
	Urban Forester
	Utilities Supervisor
	WWTP Assistant Manager
Band E	Administrative Assistant
Minimum Salary \$46,800	CAD Technician-Construction Inspector
Maximum Salary \$78,000	Construction Inspector
	Engineering Technician
	Executive Assistant

	GIS/Software Technician
	Hardware/Operations Technician
	HR Coordinator
	Legal Assistant
	Paralegal/Executive Assistant
	Public Information Officer
	Stormwater Program Technician
	Victim's Advocate/Administrative Assistant
	Zoning Inspector

These wage rates shall be reviewed every even year beginning in 2024.

Personnel Committee shall be notified each year of increases or reductions to employees' salaries.

Personnel Committee shall be notified of salaries and fringe benefits for new employees.

Is hereby amended and revised to read:

266.15-2 WAGE RANGES FOR EXECUTIVE STAFF, SENIOR ADMINISTRATIVE STAFF AND ADMINISTRATIVE STAFF (including hourly employees)

Broad Band	Title
Band A	City Administrator
Minimum Salary \$104,000	
Maximum Salary \$166,400	
Band B	Assistant City Administrator
Minimum Salary \$83,200	City Engineer
Maximum Salary \$145,600	Director of Finance
	Director of Law
	Director of Public Safety
	Director of Public Service
	Director of Public Utilities
	Fire Chief
	Municipal Court Prosecutor
	Planning and Zoning Administrator

	Police Chief
Band C	Deputy Administrator of Planning and Zoning
Minimum Salary \$72,800	Deputy Director of Finance
Maximum Salary \$124,800	Deputy Director of Public Service
	Deputy Director of Public Utilities
	Deputy Fire Chief
	Deputy Police Chief
	GIS/Software Administrator
	Hardware/Network/Operations Administrator
	Human Resources Manager
	Income Tax Commissioner
	IT Manager
	Police Lieutenant
	Police Support Services Manager (Dispatch, Records)
	WWTP (Wastewater Treatment Program) Manager
Band D	Advanced Certified Paralegal
Minimum Salary \$52,000	Assistant Prosecutor
Maximum Salary \$104,000	GIS/Software Engineer
	Hardware/Operations Engineer
	OSH Coordinator
	Police Support Services Supervisor
	Staff Engineer
	Superintendent of Field Operations
	Tax Administrator
	Urban Forester
	Utilities Supervisor
	WWTP Assistant Manager
Band E	Administrative Assistant

Minimum Salary \$46,800	CAD Technician-Construction Inspector
Maximum Salary \$78,000	Construction Inspector
	Engineering Technician
	Executive Assistant
	GIS/Software Technician
	Hardware/Operations Technician
	HR Coordinator
	Legal Assistant
	Legal Assistant/Clerk of Council
	Paralegal/Executive Assistant
	Public Information Officer
	Stormwater Program Technician
	Victim's Advocate/Administrative Assistant
	Zoning Inspector

These wage rates shall be reviewed every even year beginning in 2024.

Personnel Committee shall be notified each year of increases or reductions to employees' salaries.

Personnel Committee shall be notified of salaries and fringe benefits for new employees.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Perrysburg, Wood County, Ohio, and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

President of Council

Mayor

PASSED _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Ord 54-2024

DATE: June 27, 2024



Subject Matter/Background

T-Mobile USA Tower LLC, a Delaware limited liability company, which currently leases property located at 26308 Fort Meigs Road, Perrysburg, Ohio 43551, wishes to amend and extend their lease of said property. The current lease is in its last term and is set to expire on February 7, 2029.

This amendment would grant an additional six (6) renewal terms, each being for five (5) years, with a new final lease expiration date of February 7, 2059.

The Public Utilities Committee considered this legislation at its meeting on June 26, 2024 and unanimously recommended advancement to City Council.

This Ordinance authorizes the Mayor and Director of Finance to enter into an amended agreement with T-Mobile USA Tower LLC, a Delaware limited liability company, to amend and extend the lease dated January 27, 1999, for property located at 26308 Fort Meigs Road, Perrysburg, Ohio 43551,

Financial Review

There is no financial impact on the City.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to suspend the rules, waive the second and third readings and vote on this Ordinance is recommended.

ORDINANCE 54-2024

AN ORDINANCE AUTHORIZING AN AMENDMENT AND EXTENSION OF THE LEASE BETWEEN THE CITY AND T- MOBILE USA TOWER LLC, FOR PROPERTY LOCATED AT 26308 FORT MEIGS ROAD

WHEREAS, T-Mobile USA Tower LLC, a Delaware limited liability company, which currently leases property located at 26308 Fort Meigs Road, Perrysburg, Ohio 43551, wishes to amend and extend their lease of said property; and,

WHEREAS, the current lease is in its last term and is set to expire on February 7, 2029; and,

WHEREAS, this amendment would grant an additional six (6) renewal terms, each being for five (5) years, with a new final lease expiration date of February 7, 2059; and,

WHEREAS, the Public Utilities Committee considered this legislation at its meeting on June 26, 2024 and unanimously recommended advancement to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. The Mayor and Director of Finance are authorized to enter into an amended agreement with T-Mobile USA Tower LLC, a Delaware limited liability company, to amend and extend the lease dated January 27, 1999, for property located at 26308 Fort Meigs Road, Perrysburg, Ohio 43551, as represented in the Lease Amendment attached hereto as Exhibit A.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time permitted by law.

President of Council

Mayor

PASSED _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR



AGREEMENT TO AMEND LEASE

In consideration of the mutual promises set forth in this Agreement (“Agreement”), the undersigned lessor (“Lessor”) agrees to amend the Lease, defined below by and between Lessor and T-Mobile USA Tower LLC, a Delaware limited liability company, by CCTMO LLC, a Delaware limited liability company, its Attorney in Fact (“Lessee”) on the terms and conditions set forth herein (“Transaction”).

Lessor: <i>City of Perrysburg</i> BU: 828792	Site Address: 26308 Fort Meigs Rd. Perrysburg, OH 43551 Wood County
Lease Details (“Lease”): <i>Standard Lease Agreement dated January 27, 1999, between Lessor and Lessee for all or a portion of the Lessor’s real property located at the above site address (“Premises”).</i>	
Amendment Terms:	• <i>Section 4 of the Standard Lease Agreement provides for an initial term of five (5) years and five (5) additional terms of five (5) years each (each a “Renewal Term”), with a final Lease expiration date of February 7, 2029. The Lease will be amended by adding six (6) Renewal Term(s) of five (5) years each. Upon execution of the Lease Amendment, the new final Lease expiration date will be February 7, 2059.</i> • <i>\$20,000.00 Signing Bonus</i>

Lessor understands that closing of the Transaction is subject to Lessee’s discretionary due diligence review and final underwriting approval. Lessor has executed this Agreement as a material inducement to Lessee for its willingness to incur costs associated with its due diligence review and underwriting approval procedures. Lessor represents that it will proceed with the Transaction, negotiate in good faith and fully cooperate with Lessee to close the Transaction on the terms set forth in this Agreement. Lessor acknowledges that Lessee has relied upon the foregoing representations by agreeing to evaluate the Transaction and incur any applicable underwriting and/or due diligence costs in connection with such evaluation. As further consideration to Lessee for its agreement to evaluate the Transaction, until the Transaction is closed Lessor will not, whether directly or indirectly, sell, lease or otherwise transfer or encumber all or any portion of the Premises subject to the Transaction or any interest therein, or solicit or engage in discussions or negotiations with any third party related to the transfer of any rights or interests in the Premises to any third party other than Lessee. Notwithstanding any language herein to the contrary, Lessee may terminate this Agreement at any time prior to closing, in its discretion, without damages or liability, by providing written notice to Lessor. Upon termination, neither party shall have any further obligation or liability to the other.

ACKNOWLEDGED AND AGREED this _____ day of _____, 2024.

LESSOR: City of Perrysburg

Signature: _____

Print Name: Thomas Mackin

Title: Mayor

LESSOR: City of Perrysburg

Signature: _____

Print Name: Amber Rathbur

Title: Director of Finance

LESSEE: T-Mobile USA Tower LLC,
a Delaware limited liability company

By: CCTMO LLC,
a Delaware limited liability company,
its Attorney in Fact

Signature: _____

Print Name: _____

Title: _____

SCHEDULE I**Signing Bonus**

The Lease Amendment shall include a provision stating that Lessee will pay to Lessor a one-time amount of Twenty Thousand Dollars (\$20,000.00) for the full execution of the Lease Amendment (and any applicable memorandum of lease and/or amendment) within sixty (60) days of the full execution of the Lease Amendment (“Conditional Lease Amendment Signing Bonus”). In the event that the Lease Amendment (and any applicable memorandum of lease and/or amendment) is not fully executed by both Lessor and Lessee for any reason, Lessee shall have no obligation to pay the Conditional Lease Amendment Signing Bonus to Lessor.

Lessor Initials: _____**Lessor Initials:** _____**Lessee Initials:** _____

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Resolution 70-2024

DATE: June 11, 2024



Subject Matter/Background

On February 20, 2024 the City of Perrysburg passed Resolution 18-2024 authoring Mayor and Director of Finance to enter into an Agreement with the Edge Group to provide the professional services necessary for the final design of the Downtown Streetscape project in an amount not to exceed Three Hundred Forty-One Thousand Five Hundred Dollars and Zero Cents (\$341,500.00). That agreement initially included only the 100 and 200 blocks of Louisiana Ave. in the scope of the downtown project. The inclusion of the 300 block of Louisiana in the scope of the project would allow for a fully cohesive, inclusive, and accessible downtown area.

The inclusion of the 300 block of Louisiana increases the cost of professional services necessary for the design of the Downtown Streetscape project by One Hundred Twenty-Five Thousand Nine Hundred Fifty Dollars and Zero Cents (\$125,950.00), bringing the total cost to Four Hundred Sixty-Seven Thousand Four Hundred Fifty Dollars and Zero Cents (\$467,450.00).

This Resolution authorizes the Mayor and Director of Finance to enter into an amended Agreement at a total cost not to exceed Four Hundred Sixty-Seven Thousand Four Hundred Fifty Dollars and Zero Cents (\$467,450.00)

Financial Review

Account: 4403-11755-55999

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

First Reading – 6/18/2024

Second Reading – 7/2/2024 - If City Council is in agreement, a motion to suspend the rules, waive the third reading and pass this Resolution as an emergency is recommended, in order to ensure timely completion of the project.

RESOLUTION 70-2024

**A RESOLUTION AMENDING RESOLUTION 18-2024 AND
AUTHORIZING AN AMENDED AGREEMENT WITH THE EDGE
GROUP, INC. FOR PROFESSIONAL SERVICES TO CREATE A
FINAL DESIGN OF IMPROVEMENTS FOR THE DOWNTOWN
STREETSCAPE PROJECT IN AN AMOUNT NOT TO EXCEED
FOUR HUNDRED SIXTY-SEVEN THOUSAND FOUR HUNDRED
FIFTY DOLLARS AND ZERO CENTS (\$467,450.00); AND
DECLARING AN EMERGENCY**

WHEREAS, on February 20, 2024 the City of Perrysburg passed Resolution 18-2024 authoring Mayor and Director of Finance to enter into an Agreement with the Edge Group to provide the professional services necessary for the final design of the Downtown Streetscape project in an amount not to exceed Three Hundred Forty-One Thousand Five Hundred Dollars and Zero Cents (\$341,500.00); and,

WHEREAS, that agreement initially included only the 100 and 200 blocks of Louisiana Ave. in the scope of the downtown project; and,

WHEREAS, the inclusion of the 300 block of Louisiana in the scope of the project would allow for a fully cohesive, inclusive, and accessible downtown area; and,

WHEREAS, the inclusion of the 300 block of Louisiana increases the cost of professional services necessary for the design of the Downtown Streetscape project by One Hundred Twenty-Five Thousand Nine Hundred Fifty Dollars and Zero Cents (\$125,950.00), bringing the total cost to Four Hundred Sixty-Seven Thousand Four Hundred Fifty Dollars and Zero Cents (\$467,450.00); and,

WHEREAS, it is deemed necessary to amend the Resolution to allow for the extended scope of the project and account for the additional costs associated with the agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY
OF PERRYSBURG, WOOD COUNTY, OHIO:**

SECTION 1. The Mayor and Director of Finance are authorized to enter into an amended Agreement with the Edge Group, which increases the cost of professional services necessary for the design of the Downtown Streetscape project by One Hundred Twenty-Five Thousand Nine Hundred Fifty Dollars and Zero Cents (\$125,950.00), at a total cost not to exceed Four Hundred Sixty-Seven Thousand Four

Hundred Fifty Dollars and Zero Cents (\$467,450.00), as represented in Exhibit A attached hereto.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Perrysburg, Wood County, Ohio, as the design should be done in a timely manner, and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

President of Council

Mayor

PASSED: _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

May 29, 2024

Mr. Brian A. Thomas, PE, PS, CPESC, CFM
City Engineer
City of Perrysburg
127 West Fifth Street
Perrysburg, Ohio 43551

RE: Professional Landscape Architecture Services for Downtown Streetscape Improvements
Final Design and Engineering – 300 Block of Louisiana Avenue

Dear Mr. Thomas:

EDGE is pleased to submit this proposal for a contract amendment to include streetscape improvements for the 300 Block of Louisiana Avenue (between 3rd Street and Indiana Avenue). This amendment includes the same scope of work as previously identified in our original scope of services for the Downtown Streetscape Improvements Final Design and Engineering. It is our understanding that with the inclusion of this block, the implementation/phasing strategy will be to prepare final design and engineering of the 300 Block for implementation during the 2025 construction season, and the original two blocks will be implemented in the 2026 construction season.

As a part of these services, The EDGE Group will provide three (3) copies of all intermediate documents and one (1) reproducible, original of final construction documents.

For the above described service, The EDGE Group proposes the following fee structure, which includes reimbursable expenses. Please find attached our standard Terms and Conditions, which are a part of this proposal.

Design Development through Construction Documentation

Fixed Fee Amount.....\$116,500.00

Bidding

Fixed Fee Amount.....\$3,150.00

Engineering During Construction

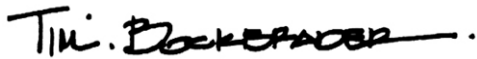
Hourly, Estimated Total.....\$6,300.00

Assumptions

1. Soils investigation services including structural pavement design are to be provided at the City's expense at the outset of project design.
2. Not included in these services is design or documentation of sanitary sewers plans and profiles, gas services, water services and communications utilities.

The EDGE Group acknowledges your approval of this proposal 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.

A handwritten signature in black ink, reading "Tim. Bockbrader" followed by a horizontal line and a period.

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

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Res 74-2024

DATE: June 27, 2024



Subject Matter/Background

Wood County is in the process of applying for a Toledo Metropolitan Area Council of Governments (TMACOG) Surface Transportation Block Grant Program (STBG) for the resurfacing of certain portions of Roachton Road and the portions of these roads located within the City of Perrysburg, Ohio, are also in need of repair and resurfacing. The County and City agree and understand that it is more efficient, reasonable, and appropriate to resurface these roads as a single project, rather than as two (2) separate projects through two (2) separate political entities.

If the grant is approved, the County and City agree that it is appropriate to perform the resurfacing of certain portions of Roachton Road and for each to share the cost of that work in proportion to the amount of the roadway that sits within their respective borders.

If Wood County's TMACOG STBG application is approved, this Resolution authorizes the Mayor and Director of Finance to enter into an Agreement with Wood County in an amount not to exceed Three Hundred Fifteen Thousand Ninety-One Dollars and Fifteen Cents (\$315,091.15), as represented in Exhibit A attached hereto.

Financial Review

There is no immediate financial impact on the City, as the funding would not be needed until the 2028 state fiscal year.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to suspend the rules, waive the three readings and vote on this Resolution is recommended.

RESOLUTION 74-2024

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF PERRYSBURG AND WOOD COUNTY FOR THE RESURFACING OF THE CITY'S PORTION OF CERTAIN PARTS OF ROACHTON ROAD IN AN AMOUNT NOT TO EXCEED THREE HUNDRED FIFTEEN THOUSAND NINETY-ONE DOLLARS AND FIFTEEN CENTS (\$315,091.15)

WHEREAS, Wood County is in the process of applying for a Toledo Metropolitan Area Council of Governments (TMACOG) Surface Transportation Block Grant Program (STBG) for the resurfacing of certain portions of Roachton Road; and,

WHEREAS, the portions of these roads located within the City of Perrysburg, Ohio, are also in need of repair and resurfacing; and,

WHEREAS, the County and City agree and understand that it is more efficient, reasonable, and appropriate to resurface these roads as a single project, rather than as two (2) separate projects through two (2) separate political entities; and,

WHEREAS, if the grant is approved, the County and City agree that it is appropriate to perform the resurfacing of certain portions of Roachton Road and for each to share the cost of that work in proportion to the amount of the roadway that sits within their respective borders; and,

WHEREAS, the breakdown of the estimated construction cost and cost sharing are in the attached Exhibit A; and,

WHEREAS, the Service Committee, at its meeting held June 26, 2024, unanimously approved advancement of this Agreement to City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY
OF PERRYSBURG, WOOD COUNTY, OHIO:**

SECTION 1. If Wood County's TMACOG STBG application is approved, the Mayor and Director of Finance are authorized to enter into an Agreement with Wood County in an amount not to exceed Three Hundred Fifteen Thousand Ninety-One Dollars and Fifteen Cents (\$315,091.15), as represented in Exhibit A attached hereto.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Resolution were adopted in an open

meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Resolution shall be in full force and effect at the earliest time permitted by law.

President of Council

Mayor

PASSED: _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR

Exhibit A

Proposed Project
Limits

Roachton Road Rehabilitation
Preliminary Engineer's Estimate
June 23, 2024

ITEM NO.	DESCRIPTION	UNIT	UNIT COST	Quantity	Estimated Cost
253	Full-Depth Pavement Repair- 4 inch	SY	\$30.00	4,867.36	\$146,020.93
254	Pavement Planing - 1.5"	SY	\$2.25	48,673.64	\$109,515.70
407	Tack Coat	GA	\$2.75	2,677.05	\$7,361.89
411	Stabilized Crushed Aggregate	CY	\$80.00	373.63	\$29,890.37
441	Asphalt Concrete Surface Course, Type 1, 449 (1.5")	CY	\$200.00	2,028.07	\$405,613.70
608	4" Sidewalk & Curb Ramps	SF	\$11.00	2,800.00	\$30,800.00
608	Detectable Warning	EA	\$500.00	20.00	\$10,000.00
609	Curb and Gutter Remove and Replace	LF	\$60.00	435.00	\$26,100.00
614	Maintenance of Traffic	LS	\$20,000.00	1.00	\$20,000.00
624	Mobilization	LS	\$20,000.00	1.00	\$20,000.00
638	Water Valve Adjust to Grade	EA	\$500.00	7.00	\$3,500.00
642	Railroad Symbol	EA	\$500.00	1.00	\$500.00
642	Arrow on Pavement	EA	\$100.00	30.00	\$3,000.00
642	Bullnose	SF	\$5.00	120.00	\$600.00
642	Stop Bar	LF	\$5.00	256.00	\$1,280.00
642	Crosswalk	LF	\$5.00	906.00	\$4,530.00
642	Channelization Line	LF	\$1.50	2,450.00	\$3,675.00
642	Transverse Line	LF	\$3.00	1,277.50	\$3,832.50
642	Yield Line	LF	\$20.00	72.00	\$1,440.00
642	Dotted Line	LF	\$2.00	1,455.00	\$2,910.00
642	Yellow Centerline	Mi	\$1,000.00	3.71	\$3,705.47
642	Edge Line	Mi	\$750.00	3.82	\$2,865.91
642	Dashed White Lane Line	Mi	\$500.00	1.33	\$666.86
642	Bicycle Symbol	EA	\$2,550.00	2.00	\$5,100.00
642	Word on Pavement "Xing"	EA	\$500.00	2.00	\$1,000.00
642	Word on Pavement "School"	EA	\$500.00	2.00	\$1,000.00
642	Word on Pavement "Yield"	EA	\$500.00	4.00	\$2,000.00
659	Topsoil, Seed & Mulch	SY	\$9.00	250.00	\$2,250.00
832	Temporary Sediment and Erosion	LS	\$15,000.00	1.00	\$15,000.00
SPEC	Manhole Adjust to Grade	EA	\$1,600.00	10.00	\$16,000.00
SPEC	Replace Catch Basin Casting	EA	\$1,600.00	20.00	\$32,000.00
SPEC	Monument Box Adjust to Grade	EA	\$1,000.00	15.00	\$15,000.00
SPEC	Reclamite Asphalt Surface Preservation	SY	\$1.50	48,673.64	\$73,010.47

Subtotal = \$1,000,168.80

10% Contingency = \$100,016.88

Inflation (10%) = \$100,016.88

Engineer's Estimate = \$1,200,202.56

Roachton Road Rehabilitation Funding Breakdown June 23, 2024		
	Project Breakdown	
	Engineer's Estimate	\$1,200,202.56
	Grant Request	\$500,000.00
	Local Share Required	\$700,202.56
	Local Share Breakdown	
	Total Local Share Required	\$700,202.56
	County's Portion of Local Share (55%)	\$385,111.41
	City's Portion of Local Share (45%)	\$315,091.15

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Res 75-2024

DATE: June 27, 2024



Subject Matter/Background

The Toledo Metropolitan Area Council of Governments (TMACOG) Surface Transportation Block Grant Program (STBG) provides funding for projects that include road improvement projects such as the resurfacing of East South Boundary Street from Louisiana Avenue (SR 199) to Sandusky Street (SR 20).

This Resolution authorizes the City Engineer to take all actions necessary to apply for a TMACOG STBG Grant for the purpose resurfacing of East South Boundary Street from Louisiana Avenue (SR 199) to Sandusky Street (SR 20).

The total cost of the project is estimated to be Eight Hundred Ninety-Nine Thousand Six Hundred Ninety-Eight Dollars and Zero Cents (\$899,698.00) with STBG funding Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) of the cost. If awarded the funds, the City commits to pay the local portion of the actual cost, estimated to be Three Hundred Ninety-Nine Thousand Six Hundred Ninety-Eight Dollars and Zero Cents (\$399,698.00). The City further agrees that, to the extent it wants anything outside the scope of work involved in the proposed resurfacing of East South Boundary Street from Louisiana Avenue (SR 199) to Sandusky Street (SR 20), it will be required to fund the full amount of any such additional work, and it agrees to pay One Hundred Percent (100%) for all such non-participating costs associated to project development and construction activities.

Financial Review

There is no immediate financial impact on the City, as the funding would not be needed until the 2028 state fiscal year.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to suspend the rules, waive the three readings and pass this Resolution as an emergency is recommended, in order to ensure timely completion of the grant application process.

RESOLUTION 75-2024

A RESOLUTION AUTHORIZING THE CITY ENGINEER TO PURSUE A TMACOG SURFACE TRANSPORTATION BLOCK GRANT (STBG) FOR THE RESURFACING OF EAST SOUTH BOUNDARY STREET FROM LOUISIANA AVENUE (SR 199) TO SANDUSKY STREET (SR 20); AND DECLARING AN EMERGENCY

WHEREAS, the Toledo Metropolitan Area Council of Governments (TMACOG) offers grants to communities in Northwest Ohio for the purpose of operational improvements through construction or resurfacing roadways in the area; and,

WHEREAS, the TMACOG Surface Transportation Block Grant Program (STBG) provides funding for projects that include road improvement projects such as the resurfacing of East South Boundary Street from Louisiana Avenue (SR 199) to Sandusky Street (SR 20); and,

WHEREAS, the City may be eligible for funding through the TMACOG STBG program to fund this improvement; and,

WHEREAS, the TMACOG funding schedule for projects requires the City to submit its application prior to July 19, 2024, with the funding based on the application disbursed to the City in the year 2028 or later; and,

WHEREAS, the City agrees herein to share in the project costs as a condition to accepting the grant if awarded; and,

WHEREAS, the Service Committee of Council considered this request at their June 26, 2024 meeting and unanimously recommended its advancement to City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. The City Engineer is authorized to take all actions necessary to apply for a TMACOG STBG Grant for the purpose resurfacing of East South Boundary Street from Louisiana Avenue (SR 199) to Sandusky Street (SR 20).

SECTION 2. The total cost of the project is estimated to be Eight Hundred Ninety-Nine Thousand Six Hundred Ninety-Eight Dollars and Zero Cents (\$899,698.00) with STBG funding Five Hundred Thousand Dollars and Zero Cents

(\$500,000.00) of the cost. If awarded the funds, the City commits to pay the local portion of the actual cost, estimated to be Three Hundred Ninety-Nine Thousand Six Hundred Ninety-Eight Dollars and Zero Cents (\$399,698.00). The City further agrees that, to the extent it wants anything outside the scope of work involved in the proposed resurfacing of East South Boundary Street from Louisiana Avenue (SR 199) to Sandusky Street (SR 20), it will be required to fund the full amount of any such additional work, and it agrees to pay One Hundred Percent (100%) for all such non-participating costs associated to project development and construction activities.

SECTION 3. If the application is approved for funding the Mayor and Director of Finance are hereby empowered on behalf of the City and Council to enter into any contracts or agreements necessary to complete the above-described project.

SECTION 4. It is found and determined that all formal actions of Council concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 5. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Perrysburg, Wood County, Ohio, in order to permit the City to meet applicable deadlines for the grant program, and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

President of Council

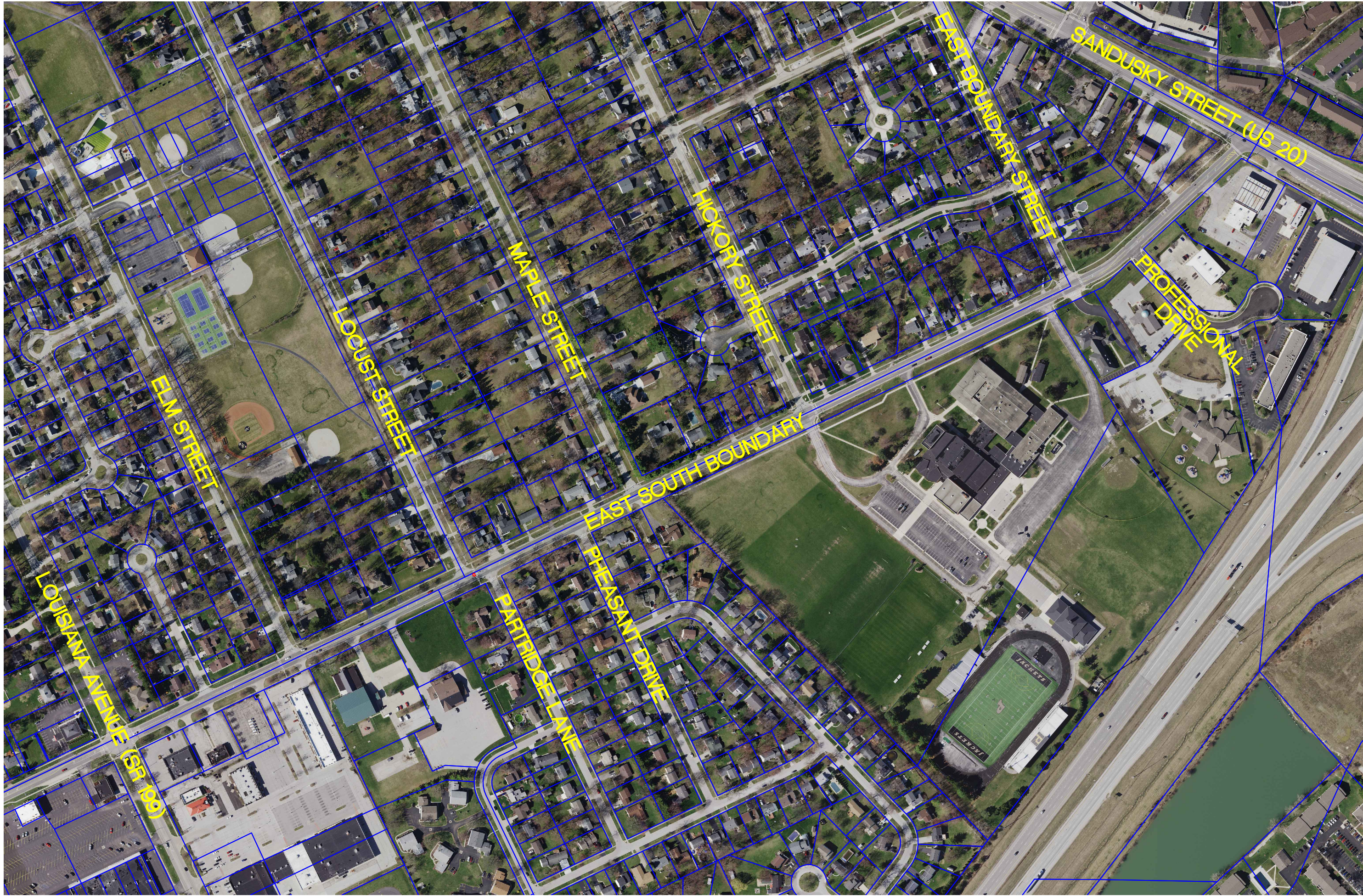
Mayor

PASSED _____

ATTEST: _____

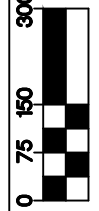
APPROVED: _____

Timothy W. Effler
LAW DIRECTOR



1	Rev #	Description	Date	Drawn
1				BAT
				Checked
				BAT

EAST SOUTH BOUNDARY
REHABILITATION



TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Res 76-2024

DATE: June 27, 2024



Subject Matter/Background

The City of Perrysburg, is seeking to make signal improvements at the E Indiana Avenue/Elm Street and E Indiana Avenue/E Boundary Street intersections. The City's Engineer requested and received prequalification statements from several engineering firms for such work.

DGL Consulting Engineers, LLC, submitted a prequalification statement for the project and has the necessary personnel, equipment, expertise, and experience to develop the plans to replace the existing traffic signals and total cost of the project is expected to be Fifty-Eight Thousand Eight Hundred Dollars and Zero Cents (\$58,800.00).

This Resolution authorizes the Mayor and Director of Finance to enter into an agreement with DGL Consulting Engineers, LLC, for signal improvements at the E Indiana Avenue/Elm Street and E Indiana Avenue/E Boundary Street intersections, at a price not to exceed Fifty-Eight Thousand Eight Hundred Dollars and Zero Cents (\$58,800.00).

Financial Review

Account: 4403-11755-55999

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to suspend the rules, waive the three readings and pass this Resolution as an emergency is recommended, in order to ensure timely completion of the project.

RESOLUTION 76-2024

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT WITH DGL CONSULTING ENGINEERS, LLC, FOR ENGINEERING SERVICES AT A COST NOT TO EXCEED FIFTY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS AND ZERO CENTS (\$58,800.00); AND DECLARING AND EMERGENCY

WHEREAS, the City of Perrysburg, is seeking to make signal improvements at the E Indiana Avenue/Elm Street and E Indiana Avenue/E Boundary Street intersections; and,

WHEREAS, the City's Engineer requested and received prequalification statements from several engineering firms for such work; and,

WHEREAS, DGL Consulting Engineers, LLC, submitted a prequalification statement for the project and has the necessary personnel, equipment, expertise, and experience to develop the plans to replace the existing traffic signals; and,

WHEREAS, the total cost of the project is expected to be Fifty-Eight Thousand Eight Hundred Dollars and Zero Cents (\$58,800.00); and,

WHEREAS, at its June 26, 2024 meeting the Service Committee unanimously recommended approval of the agreement; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. The Mayor and Director of Finance are authorized to enter into an agreement with DGL Consulting Engineers, LLC, for signal improvements at the E Indiana Avenue/Elm Street and E Indiana Avenue/E Boundary Street intersections, at a price not to exceed Fifty-Eight Thousand Eight Hundred Dollars and Zero Cents (\$58,800.00), attached hereto and incorporated herein as Exhibit A.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public

in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Perrysburg, Wood County, Ohio, in order to ensure timely completion of the project, and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

President of Council

Mayor

PASSED: _____

ATTEST: _____

APPROVED: _____

Timothy W. Effler
LAW DIRECTOR



**PROVIDING
CIVIL ENGINEERING
SOLUTIONS SINCE 1926**

TRANSPORTATION

TRAFFIC / SAFETY

FACILITY / SITE
DEVELOPMENT

SURVEY

CONSTRUCTION
SERVICES

May 22, 2024

Brian Thomas, PE, PS, CPESC, CFM
City Engineer
City of Perrysburg
127 W. Fifth St
Perrysburg, OH 43551

Re: Signal Improvements – E Indiana Ave/Elm St & E Indiana Ave/E Boundary St

Dear Mr. Thomas:

Please accept this proposal as DGL Consulting Engineers' (DGL) response to your request for signal improvements at E Indiana Avenue/Elm Street and E Indiana Avenue/E Boundary Street intersections. The signals at the listed intersections are at the end of their service life. Detailed Scope Information can be found within the attached document.

DGL has provided traffic engineering services to City of Perrysburg for several projects, including the Louisiana Avenue/South Boundary Street and Indiana Avenue/Locust Street signal improvement project as well as traffic analysis.

Thank you for the opportunity to participate in your proposal process. We look forward to continuing working with you. Please contact me directly should you have any questions related to the material included herein.

Sincerely,
DGL Consulting Engineers, LLC

Corrinne Lochtefeld, PE, PTOE, PTP, RSP₁
Principal, Project Manager

T: 419.535.1015 Ext. 236 | C: 330.203.9293 | E: clochtefeld@dgl-ltd.com
3455 Briarfield Blvd, Suite E | Maumee, Ohio 43537

Cc: Laurie Adams – DGL

24184

Maumee, Ohio
419.535.1015

Dublin, Ohio
614.356.7150

Independence, Ohio
440.387.4113

Port Clinton, Ohio
419.635.7541

Wauseon, Ohio
419.330.1360

dgl.ltd.com

An Agreement for the Provision of Limited Professional Services

DGL Consulting Engineers, LLC (DGL) 3455 Briarfield Blvd., Suite E Maumee, Ohio 43537 P: 419.535.1015		Client: City of Perrysburg 127 W. Fifth St Perrysburg, OH 43551	
Project Name Signal Improvements – E Indiana Ave/Elm St & E Indiana Ave/E Boundary St		Project No. 24184	
Location			
Scope of Services <i>See Scope of Services Attachment for definitions</i>			
Fee Arrangement <i>See Scope of Services Attachment for additional information</i>			
Survey & ROW Plans (2 intersections)		\$16,300.00	
Traffic Signal Design (2 Signals)		\$42,500.00	
Total		\$58,800.00	
Retainer Amounts		\$00.00 due with signed contract.	
<i>Note: DGL can accept credit card payments with an additional 3% service fee.</i>			
Special Conditions			
Offered by: DGL Consulting Engineers, LLC 		Accepted by: City of Perrysburg	
Signature Corrinne Lochtefeld, PE, PTOE, PTP, RSP1 Principal, Project Manager		Signature Date	
Printed Name / Title		Printed Name / Title <i>Signature indicates the authority to bind the company to the terms herein</i>	

The Terms and Conditions at the end of this price proposal are part of this Agreement.

Scope of Services

1a. Project Background

The signalized intersections at E Indiana Avenue/Elm Street and E Indiana Avenue/E Boundary Street have reached the end of their service life. Upgrading the current signals to meet current standards as well as changing the span wire signal at E Boundary Street to mast arms and include pedestrian signals. Some sidewalk and curb ramp work may be required at each intersection.

1b. Services Requested / Scope of Work

Work shall include the following items:

- Topographic survey
- Detailed construction plans
- Right of way and property resolution
- Coordination with City and Utility Companies
- Submittals at 30% and 95% for review
- Submittal of Plans and final cost estimates at 100%

City Provided Services

- Provide existing utility plans.
- Provide existing roadway and signal drawings.
- Proposed right-of-way as required.
- Additional information and design support as needed.
- Bidding documents.
- Meetings – DGL will meet with the city to discuss the plans. One Teams or in person meeting is included.

1c. Schedule

DGL is available to start this work immediately upon your authorization and offer the following milestones. This can be adjusted as needed to accommodate funding, right of way acquisition or design needs.

- May 31, 2024: Authorization
- June 21, 2024: Survey Complete
- July 19, 2024: Submit 30% Plans
- August 23, 2024: City Review Complete
- October 18, 2024: Submit 95% Plans + ROW Plans
- November 15, 2024: City Review Complete
- December 6, 2024: Submit Final Plans

DGL CONSULTING ENGINEERS, LLC (DGL) TERMS & CONDITIONS

Fee

The total fee, except stated lump sum, shall be understood to be an estimate, based upon Scope of Service, and shall not be exceeded by more than ten percent, without written approval of the Client. Where the fee arrangement is to be on an hourly basis, the rates shall be those that prevail at the time services are rendered. Reimbursable expenses will include a mark-up of 1.10%. Any change in scope will be discussed prior to additional services being rendered.

Billings/Payments

Invoices for services and reimbursable expenses shall be submitted, at DGL's option, either upon completion of the services or on a monthly basis. Invoices shall be payable within 30 days after the invoice date. A service charge of 1.5% (or the maximum legal rate) per month will be applied to the unpaid balance after 30 days from the invoice date. DGL shall have the right to suspend/terminate services if payment is not received within 60 days after the invoice date and DGL shall have no liability for any resultant delays or damages incurred by Client as a result of such suspension/termination. Retainers shall be credited on the final invoice. The Client agrees to pay all costs of collection, including reasonable attorney's fees.

Standard of Care

In providing services under this agreement, DGL will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. DGL will perform its services as expeditiously as is consistent with professional skill and care and the orderly progress of DGL's part of the Project. Regardless of any other term or condition of this Agreement, DGL 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.

Consequential Damages

Notwithstanding any other provision to the contrary, and to the fullest extent permitted by law, neither the Client nor DGL shall be liable to the other for any incidental, indirect or consequential damages arising out of or connected in any way to the Project or this Agreement. This mutual waiver of consequential damages shall include, but not be limited to, loss of use, loss of profit, loss of business or income or any other consequential damages that either party may have incurred from any cause of action whatsoever.

Hidden Conditions (Optional, use if existing structure or project)

A condition is hidden if concealed by existing finishes or structure or is not capable of investigation by reasonable visual observation. If DGL has reason to believe that a condition may exist, the Client shall authorize and pay for all costs associated with the investigation of such a condition. If (1) the Client fails to authorize such investigation after such notification, or (2) DGL has no reason to believe that such a condition exists, DGL shall not be responsible for the existing conditions or any resulting damages or losses resulting therefrom.

Hazardous Materials/Mold

DGL shall have no responsibility for the discovery, presence, handling, removal, disposal or exposure of persons to hazardous materials of any form including mold. DGL shall have no responsibility for an existing or constructed building that may, as a result of post-construction, use, maintenance, operation or occupation, contain or be caused to contain mold substances which can present health hazards and result in bodily injury, property damage and/or necessary remedial measures and costs.

Indemnifications

The Client agrees, to the fullest extent permitted by law, to indemnify and hold DGL and its subconsultants harmless from and against any and all damage, losses or cost (including reasonable attorneys' 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. DGL further agrees, subject to Risk Allocation below, to indemnify the Client for damages to the extent arising from its own negligent errors acts or omissions.

Risk Allocation (Fill in the amount)

In recognition of the relative risks and benefits of the Project to both the Client and DGL, the Client agrees, to the fullest extent permitted by law, to limit DGL's total liability to the Client or anyone making claims through the client, for any and all damages or claim expenses (including attorney's fees) arising out of this Agreement, from any and all causes, to the total amount of \$____,000 or the amount of DGL's fee, whichever is greater.

Termination of Services

This agreement may be terminated upon 10 days written notice by either party should the other fail to perform their obligations hereunder. In the event of termination, the Client shall pay DGL for all services rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.

Betterment

If a required item or component of the Project is omitted from DGL's documents, DGL shall not be responsible for paying the cost required to add such item or component to the extent that such item or component would have been included or required in DGL's original documents. In no event will DGL be responsible for any costs or expense that provides betterment or upgrades or enhances the value of the Project.

Ownership of Documents

All documents produced by DGL under this agreement, including electronic files, shall remain the property of DGL and may not be used by this Client for any other purpose without the written consent of DGL. Any such use or reuse shall be at the sole risk of Client who shall defend, indemnify and hold DGL and its subconsultants harmless from any and all claims and/or damages arising therefrom. Electronic files are not contract documents and cannot be relied upon as identical to contract documents because of changes or errors induced by translation, transmission, or alterations while under the control of others. Use of information contained in the electronic files is at the user's sole risk and without liability to DGL and its subconsultants.

Defects in Service

The Client shall promptly report to DGL any defects or suspected defects in DGL's services. The Client further agrees to impose a similar notification requirement on all contractors in its Client/Contractor contract and shall require all subcontracts at any level to contain a like agreement. Failure by the Client and the Client's contractors or subcontractors to notify DGL shall relieve DGL of the costs of remedying the defects above the sum such remedy would have cost had prompt notification been given when such defects were first discovered.

Construction Activities

DGL shall not be responsible for the acts or omissions of any person performing any construction Work or for instructions given by the Client or its representatives to any one performing any construction Work, nor for construction means and methods or job-site safety.

Dispute Resolution

Any claim or dispute between the Client and DGL shall be submitted to non-binding mediation, subject to the parties agreeing to a mediator. If the Parties cannot agree upon a mediator the claim or dispute shall be submitted to the American Arbitration Association (AAA) for mediation in accordance with the Construction Arbitration and Mediation Rules of the AAA then in effect.

Relationship of the Parties

All services provided by DGL are for the sole use and benefit of the Client. Nothing in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Client or DGL.

Entire of Agreement

This Agreement constitutes the entire agreement between the parties and these Terms & Conditions may only be amended by written agreement by both Parties. Should any portion of this Agreement is found to be illegal or enforceable, such portion shall be deleted and the balance shall remain in effect.

Applicable Law

The law applicable to this Agreement is the state of the Project location.