Public Hearing 6:05pm
Public Hearing 6:15pm
Public Hearing 6:20pm

CITY OF
PERRYSBURG

CITY OF PERRYSBURG
CITY COUNCIL
AGENDA
March 4, 2025

1. Call to Order - 6:30 PM
2. Roll Call
3. Pledge of Allegiance
4. Minutes of Council Meeting of February 18, 2025
5. Special Reports
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# 7-2025

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

2nd Reading, no vote required

Resolution# 15-2025

RESOLUTION DECLARING THE NECESSITY OF A REPLACEMENT LEVY IN EXCESS OF THE TEN MILL LIMITATION PURSUANT TO O.R.C. §5705.19(V) FOR THE PURPOSE OF PROVIDING FOR THE COLLECTION AND DISPOSAL OF GARBAGE OR REFUSE

2nd Reading, no vote required

Resolution# 16-2025

A RESOLUTION DECLARING IT NECESSARY TO PROVIDE FOR THE REMOVAL AND SPECIAL TREATMENT OF SHADE TREES AND CONTROLLING THE BLIGHT AND DISEASE OF SAME AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN

AND ALONG THE STREETS AND WITHIN PUBLIC RIGHTS-OF-WAY OF THE CITY OF PERRYSBURG

2nd Reading, no vote required

Resolution# 17-2025

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CERTAIN PUBLIC PLACES IN THE CITY BY LIGHTING

2nd Reading, no vote required

Ordinance# 12-2025

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $4,000,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION OF AN EXISTING OFFICE BUILDING LOCATED IN THE CITY AT 28442 E. RIVER ROAD, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND ACQUIRING REAL PROPERTY AND INTERESTS THEREIN IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY.

1st Reading, no vote required

b. Safety

Resolution# 22-2025

A RESOLUTION REQUESTING THE OHIO DEPARTMENT OF TRANSPORTATION TO ESTABLISH SPEED LIMITS ON ECKEL JUNCTION ROAD WITHIN THE CITY OF PERRYSBURG; AND DECLARING AN EMERGENCY

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

Resolution# 23-2025

A RESOLUTION DECLARING CERTAIN POLICE EQUIPMENT NO LONGER NEEDED FOR PUBLIC USE OR UNFIT FOR PUBLIC SERVICE; 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# 9-2025

AN ORDINANCE AMENDING CODIFIED ORDINANCE §1215.02(110.01) “MEDICAL MARIJUANA”

2nd Reading, no vote required

Ordinance# 10-2025

AN ORDINANCE AMENDING CODIFIED ORDINANCE §1225.08 “LAND USE AND BASE ZONING DISTRICT TABLE”

2nd Reading, no vote required

Ordinance# 11-2025

AN ORDINANCE ADDING CODIFIED ORDINANCE §1235.04(AAA) “MEDICAL MARIJUANA AND/OR ADULT USE CANNABIS” TO THE CITY OF PERRYSBURG ZONING CODE

2nd Reading, no vote required

e. **Personnel**

f. **Public Utilities**

Resolution# 24-2025

A RESOLUTION DECLARING CERTAIN WASTEWATER TREATMENT PLANT EQUIPMENT CURRENTLY USED BY THE DEPARTMENT OF PUBLIC UTILITIES 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

Resolution# 25-2025

A RESOLUTION AUTHORIZING AN AGREEMENT WITH PVS TECHNOLOGIES, INC. FOR THE PURCHASE OF FERROUS CHLORIDE FOR THE WASTEWATER TREATMENT PLANT (WWTP) AT A PRICE OF SEVENTY-FIVE CENTS ($0.75) PER GALLON; AND DECLARING AN EMERGENCY

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

Resolution# 28-2025

A RESOLUTION IN SUPPORT OF STATE ISSUE 2 RENEWAL OF THE STATE CAPITAL IMPROVEMENT PROGRAM ON THE MAY 6, 2025 STATEWIDE BALLOT

1st Reading, no vote required

g. **Service**

Resolution# 26-2025

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A TMACOG TRANSPORTATION ALTERNATES PROGRAM (TAP) GRANT FOR THE CONSTRUCTION OF A MULTIUSE PATH; AND DECLARING AN EMERGENCY

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

Resolution# 27-2025

A RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH SIGNAL SERVICE INC. IN AN AMOUNT NOT TO EXCEED SIXTY-ONE THOUSAND

NINE HUNDRED THIRTY-NINE DOLLARS AND ZERO CENTS ($61,939.00) FOR THE PURCHASE OF TRAFFIC SIGNAL POLES/MAST ARMS AND RELATED EQUIPMENT FOR THE DOWNTOWN STREETSCAPE PROJECT; AND DECLARING AN EMERGENCY

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

10. Other Business
    a. Executive Session - To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance.
11. Adjournment

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Ordinance 7-2025

DATE: February 18, 2025

Subject Matter/Background

The City enacted Codified Ordinance 896 entitled "Hotel Tax" pertaining to the taxation of the Hotel/Transient Accommodations industry. The City currently has a 3% Hotel Tax under Section 5739.08(B). The City believes that it would be in the best interest of the City to establish an additional tax under 5739.08(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 and for the advancement of safety and economic development services throughout the community.

Through this Ordinance, Council is amending Codified Ordinance 896 to allow for the addition of a three percent (3%) excise tax on transactions by which lodging by a hotel/motel is furnished to transient guests, pursuant to Section 5739.08(A) of the Ohio Revised Code

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

First Reading – 2/18/2025

Second Reading – 3/4/2025

Third Reading and Vote – 3/18/2025

ORDINANCE 7-2025

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

WHEREAS, City of Perrysburg, Ohio, enacted Codified Ordinance 896 entitled "Hotel Tax" pertaining to the taxation of the Hotel/Transient Accommodations industry; and,

WHEREAS, Section 5739 of the Ohio Revised Code grants municipal corporations the authority to levy lodging excise tax; and,

WHEREAS, Section 5739.08(A) of the Ohio Revised Code permits a municipal corporation to levy an excise tax not to exceed three percent (3%) on transactions by which lodging by a hotel/motel is furnished to transient guests; and,

WHEREAS, it would be in the best interest of the City of Perrysburg, Ohio to establish such an additional tax 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 safety and economic development services throughout the community; and,

WHEREAS, it is appropriate to amend Codified Ordinance 896 to allow for the addition of a three percent (3%) excise tax on transactions by which lodging by a hotel/motel is furnished to transient guests, pursuant to Section 5739.08(A) of the Ohio Revised Code.

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) 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.

(d) 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.

(e) 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.

Is hereby amended and revised to read:

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, pursuant to ORC 5739.08(B); and furthermore, effective May 1, 2025, an additional excise tax of three percent (3%) is hereby levied on transactions by which lodging by a hotel or transient accommodations is or is to be furnished to transient guests pursuant to ORC 5739.08(A).

(b) Although the above levies are separate and distinct for the purposes of determining distribution, the combined amount of six percent (6%) is hereby referred to as the "Hotel Tax."

(c) The tax applies and is collectable at the time the lodging is furnished regardless of the time when the price is paid.

(d) 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.

(e) All revenues levied and collected pursuant to the provisions of this chapter shall, upon deposit, be re-appropriated and distributed as follows:

   (1) One Hundred percent (100%) of the excise tax collected pursuant to ORC 5739.08(A) shall be deposited in the City's General Fund to be used for any lawful purpose.

   (2) Fifty percent (50%) of the excise tax collected pursuant to ORC 5739.08(B) 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.

(3) The remaining fifty percent (50%) of the excise tax collected pursuant to ORC 5739.08(B) shall be deposited in the City's General Fund to be used for any lawful purpose.

(f) 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.

(g) 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.

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President of Council

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Mayor

PASSED: ____________________________

ATTEST: ____________________________

APPROVED: _________________________

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Resolution 15-2025

DATE: February 18, 2025

Subject Matter/Background

A Resolution for a replacement 1.0 mill levy to constitute a tax outside the otherwise applicable ten-mill statutory limitation, for the purpose of providing for the collection and disposal of garbage, recyclables, and other refuse; at a rate not exceeding 1.0 mills for each one dollar of valuation, which amounts to $0.10 for each one hundred dollars of valuation for two (2) years. Such a levy would be placed upon the tax lists of the current tax year, commencing in 2025 and terminating in 2027, with collection first in 2026, in compliance with O.R.C. § 5705.19(V), if a majority of the electors voting thereon vote in favor thereof.

This resolution was approved by the Finance Committee 3-0 to forward to City Council.

Financial Review

There is no funding needed for this resolution.

Legal Review

This resolution has been reviewed and is appropriately before you.

Recommendation

First Reading – 2/18/2025

Second Reading – 3/4/2025

Third Reading and Vote – 3/18-2025

RESOLUTION 15-2025

RESOLUTION DECLARING THE NECESSITY OF A REPLACEMENT LEVY IN EXCESS OF THE TEN MILL LIMITATION PURSUANT TO O.R.C. §5705.19(V) FOR THE PURPOSE OF PROVIDING FOR THE COLLECTION AND DISPOSAL OF GARBAGE OR REFUSE

WHEREAS, the City of Perrysburg, Ohio provides for the collection and disposal of garbage or refuse for certain non-commercial residential properties within the City, and the revenue necessary to provide for such collection and disposal comes from tax millage; and,

WHEREAS, the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate is insufficient to provide adequately for this collection and disposal of garbage or refuse; and,

WHEREAS, the revenue necessary to provide for the collection and disposal of garbage or refuse is provided by a 1.0 mill levy pursuant to O.R.C. § 5705.19(V), which has been in place since November 7, 2023, but is subject to expire and is subject to renewal at the next general election.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, TWO-THIRD (2/3) OF ALL MEMBERS ELECTED THERETO CONCURRING:

SECTION 1. It is necessary pursuant to Ohio Rev. Code §5705.19(V) to levy a tax in excess of the ten mill limitation for the benefit of the City of Perrysburg and its citizens, and specifically for the purpose of co1lecting and disposal of garbage or refuse.

SECTION 2. The proposed tax levy is a replacement of an existing levy of 1.0 mill outside of the ten mill limitation, which was approved by voters on November 7, 2023, and which constitutes a tax of 1.0 mill for each dollar of valuation and amounts to One Dollar ($1.00) for each One Thousand Dollars ($1,000.00) of valuation.

SECTION 3. The proposed tax levy, if approved, shall remain in effect for two (2) years, commencing in 2025 with collection first in 2026.

SECTION 4. The question of replacing the levy shall be submitted to the electors of the City of Perrysburg, Wood County, Ohio, at the general election to be held at the usual voting places within the City on the November 4, 2025.

SECTION 5. This replacement levy, if a majority of the electors voting thereon vote in favor thereof, shall be extended on the tax list of the City of Perrysburg, Wood County, Ohio.

SECTION 6. The Director of Finance for the City of Perrysburg, Wood County, Ohio, shall be and is directed to certify a copy of this Resolution to the Board of Election for Wood County, Ohio, as provided by law, and to notify the Board of Elections to cause notice of election on the question of renewing the levy to be given as required by law.

SECTION 7. 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 8. This Resolution shall be in full force and effect at the earliest time permitted by law.

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President of Council

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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: Resolution 16-2025

DATE: February 18, 2025

Subject Matter/Background

Ordinance 43-86 established one district for the purpose of removing or specially treating shade trees therein; for the purpose of controlling the blight and disease of same and for planting, maintaining, treating and removing shade trees in and along the streets and public rights-of-way of the City during the year 1986 and the years thereafter. City Council has determined that the value of the properties in this district are and will be enhanced and improved by this work.

The City's Director of Public Service and Director of Finance have determined that the appropriate annual assessment for such needs shall be .1 mills with an anticipated revenue collection to be Seventy Thousand Dollars ($70,000.00).

Financial Review

There is no funding needed for this Resolution.

Legal Review

This Resolution has been reviewed and is appropriately before you.

Recommendation

First Reading – 2/18/2025

Second Reading – 3/4/2025

Third Reading and Vote – 3/18-2025

RESOLUTION 16-2025

A RESOLUTION DECLARING IT NECESSARY TO PROVIDE FOR THE REMOVAL AND SPECIAL TREATMENT OF SHADE TREES AND CONTROLLING THE BLIGHT AND DISEASE OF SAME AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS AND WITHIN PUBLIC RIGHTS-OF-WAY OF THE CITY OF PERRYSBURG

WHEREAS, through Ordinance 43-86, City Council for the City of Perrysburg, Ohio, established one district for the purpose of removing or specially treating shade trees therein; for the purpose of controlling the blight and disease of same and for planting, maintaining, treating and removing shade trees in and along the streets and public rights-of-way of the City during the year 1986 and the years thereafter; and,

WHEREAS, City Council has determined that the value of the properties in this district are and will be enhanced and improved by this work, and

WHEREAS, pursuant to Ordinance 43-86, City Council provided that part of the cost and expense connected with said work in said district shall be levied and assessed by a percentage of the tax value of the property assessed, and

WHEREAS, the City's Director of Public Service and Director of Finance have determined that the appropriate annual assessment for such needs shall be .1 mills with an anticipated revenue collection to be Seventy Thousand Dollars ($70,000.00).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, THREE-FOURTHS (3/4) OF ALL MEMBERS ELECTED THERETO CONCURRING:

SECTION 1. It is necessary pursuant to Ohio Rev. Code §727.01 to pay the cost and expense of the removal or special treatment of certain shade trees for the purpose of controlling the blight and disease and for planting, maintaining, trimming and removing of other shade trees in and along the streets and within the public rights-of-way of the City.

SECTION 2. This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefited by the improvement. This Council further finds and determines that the public places to be improved are so situated in relation to each other that, in order to complete the improvement thereof in the most practical and economical manner, they should be improved at the same time, with the same kind of materials and in the same manner and, therefore, they shall be treated as a single improvement and included in the same legislation.

SECTION 3. Upon the filing of the estimated assessment, the Director of Finance is directed to cause notice of the passage of this Resolution and of the filing of the estimated assessment to be served on the owners of all lots and lands to be assessed, as provided by law.

SECTION 4. The properties to be assessed shall be all the lots bounding and abutting upon such improvement between and including the termini of the improvement and lots that specially benefit from this improvement found within the special district created by Ordinance 43-86.

SECTION 5. The special assessments to be levied in 2025 to pay a portion of the costs of the improvement shall be collected and paid in 2026; provided that the owner of any property assessed may pay the total special assessment for that period within 30 days after passage of the assessing ordinance.

SECTION 6. The City does not presently intend to issue securities in anticipation of the levy and the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of the entire cost of the improvement, after application of the special assessments, shall be paid from other funds available to the City for that purpose.

SECTION 7. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 8. This Resolution shall be in full force and effect at the earliest time permitted by law.

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President of Council

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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:	Resolution 17-2025
DATE:	February 18, 2025

Subject Matter/Background

The City has provided for the lighting of streets, alleys, ways, and other public places in the City and has financed this lighting by special assessments which are levied on all of the lots and lands in the City (except those owned by the United States Government) and which are based on a percentage of the tax valuation of the property assessed.

The City's Director of Public Service and Director of Finance have determined that the appropriate annual assessment for such needs shall be .3 mills with an anticipated revenue collection to be Two Hundred Ten Thousand Dollars ($210,000.00).

Financial Review

There is no funding needed for this Resolution.

Legal Review

This Resolution has been reviewed and is appropriately before you.

Recommendation

First Reading – 2/18/2025

Second Reading – 3/4/2025

Third Reading and Vote – 3/18-2025

RESOLUTION 17-2025

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CERTAIN PUBLIC PLACES IN THE CITY BY LIGHTING

WHEREAS, the Council of the City of Perrysburg, Wood County, Ohio, has provided for the lighting of streets, alleys, ways, and other public places in the City and has financed this lighting by special assessments which are levied on all of the lots and lands in the City (except those owned by the United States Government) and which are based on a percentage of the tax valuation of the property assessed; and,

WHEREAS, it is deemed reasonable, appropriate, and advisable in 2025 to provide lighting in public places throughout the City, to provide the electricity necessary to do so, and to continue financing this through special assessments; and,

WHEREAS, the City's Director of Public Service and Director of Finance have determined that the appropriate annual assessment for such needs shall be .3 mills with an anticipated revenue collection to be Two Hundred Ten Thousand Dollars ($210,000.00).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, THREE-FOURTHS (3/4) OF ALL MEMBERS ELECTED THERETO CONCURRING:

SECTION 1. It is necessary pursuant to Ohio Rev. Code §727.01 to improve the City public places by providing lighting for streets, alleys, ways and other public places (the "improvement").

SECTION 2. This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefited by the improvement. This Council further finds and determines that the public places to be improved are so situated in relation to each other that, in order to complete the improvement thereof in the most practical and economical manner, they should be improved at the same time, with the same kind of materials and in the same manner and, therefore, they shall be treated as a single improvement and included in the same legislation.

SECTION 3. Upon the filing of the estimated assessment, the Director of Finance is directed to cause notice of the passage of the Resolution and the filing of the estimated assessment to be served on the owners of all lots and lands to be assessed, as provided by law.

SECTION 4. The properties to be assessed shall be all the lots bounding and abutting upon such improvement between and including the termini of the improvement and lots that specially benefit from this improvement.

SECTION 5. The special assessments to be levied to pay a portion of the costs of the improvement in the years 2025 and 2026 shall be collected and paid each year in two (2) equal semi-annual installments, provided that the owner of any property assessed may at their option pay the amount of such assessment in cash within thirty (30) days after the passage of the assessing ordinance.

SECTION 6. The City does not presently intend to issue securities in anticipation of the levy and the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of the entire cost of the improvement, after application of the special assessments, shall be paid from other funds available to the City for that purpose.

SECTION 7. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 8. This Resolution shall be in full force and effect at the earliest time permitted by law.

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President of Council

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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 12-2025

DATE: February 28, 2025

Subject Matter/Background

Pursuant to Ordinance 12-2024, passed on February 20, 2024, notes in anticipation of bonds in the principal amount of $4,000,000, dated May 2, 2024, were issued for the purpose of purchasing 28442 E. River Rd., to mature on May 2, 2025.

Through Ordinance 12-2025, Council finds and determines that the City should retire the Outstanding Notes with the proceeds of new Notes and other funds available to the City for the purpose of paying the costs of the acquisition of an existing office building located in the city at 28442 E. River Road.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

1st Reading – March 4, 2025

2nd Reading and Vote – March 18, 2024

If City Council is in agreement, on March 18, 2025, a motion to suspend the rules, waive the three readings and pass this legislation as an emergency is appropriate.

ORDINANCE 12-2025

PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $4,000,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION OF AN EXISTING OFFICE BUILDING LOCATED IN THE CITY AT 28442 E. RIVER ROAD, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND ACQUIRING REAL PROPERTY AND INTERESTS THEREIN IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 12-2024 passed on February 20, 2024, notes in anticipation of bonds in the principal amount of $4,000,000, dated May 2, 2024 (the "Outstanding Notes"), were issued for the purpose described in Section 1, to mature on May 2, 2025; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, this Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 1, the estimated maximum maturity of the Bonds described in Section 1 and the maximum maturity of the Notes described in Section 3 to be issued in anticipation of the Bonds; and

WHEREAS, the Director of Finance has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is thirty (30) years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is May 2, 2044;

NOW, THEREFORE, BE IT ORDAINED by the Council of The City of Perrysburg, Wood County, Ohio, that:

Section 1. Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of this City in the maximum principal amount of $4,000,000 (the "Bonds") for the purpose of paying the costs of the acquisition of an existing office building located in the City at 28442 E. River Road, together with all necessary appurtenances thereto, and acquiring real property and interests therein in connection therewith (the "Improvement").

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2026, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2026. The first principal payment of the Bonds is estimated to be December 1, 2026.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the maximum principal amount of $4,000,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum principal amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "Certificate of Award") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, provided that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 7.00% per year (computed on the basis of a 360day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the "Paying Agent"). The Director of Finance is authorized, to the extent necessary or appropriate, to enter into an agreement with the Paying Agent in connection with the services to be provided by the Paying Agent after determining that the signing thereof will not endanger the funds or securities of the City.

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations of $5,000 (and may be issued in denominations in such amounts in excess thereof as requested by the Original Purchaser and approved by the Director of Finance) and with numbers as requested by the Original Purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than 97% of par plus accrued interest (if any) at private sale to the original purchaser designated by the Director of Finance in the Certificate of Award (the “Original Purchaser”) in accordance with law and the provisions of this Ordinance and the Certificate of Award. The Director of Finance shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price.

The Mayor, the City Administrator, the Director of Finance, the Law Director, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. Any actions heretofore taken by the Mayor, the City Administrator, the Director of Finance, the Law Director, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes received by the City (or withheld by the Original Purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the Original Purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Certificate of Award for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure – Official Statement. The Mayor and the Director of Finance are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Notes in substantially the form as is now on file with the Clerk of Council, (ii) determine, and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Notes, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Director of Finance, the filing of an application for (i) a rating on the Notes by one or more nationally recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the

Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid or reimbursed pursuant to the Certificate of Award, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Director of Finance is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Director of Finance determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Notes, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Mayor and the Director of Finance are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Finance shall consult with and obtain legal advice from, as appropriate, the Law Director and bond or other qualified independent special counsel selected by the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Notes, to the extent not paid or reimbursed by the Original Purchaser and/or the Paying Agent pursuant to the Certificate of Award, is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Provision for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the tenmill limitation imposed by the Charter of the City, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 11. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 12. Certification and Delivery of Ordinance and Certificate of Award. The Director of Finance is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Wood County, Ohio.

Section 13. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. To the extent they are not paid or reimbursed pursuant to the Certificate of Award, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. Municipal Advisor. The services of Sudsina & Associates, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are not paid or reimbursed pursuant to the Certificate of Award, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 17. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 18. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

____
President of Council

____
Mayor

PASSED: February ___, 2025

ATTEST: ______________________

APPROVED: February ___, 2025

SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Perrysburg, Ohio:

As fiscal officer of the City of Perrysburg, Ohio, and supplementing the fiscal officer's certificate of February 16, 2024, I certify in connection with your proposed issue of notes in the maximum principal amount of $4,000,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds"), for the purpose of paying the costs of the acquisition of an existing office building located in the City at 28442 E. River Road, together with all necessary appurtenances thereto, and acquiring real property and interests therein in connection therewith (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is thirty (30) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is May 2, 2044.

Dated: February 27, 2025

Amber Rathburn
Director of Finance
City of Perrysburg, Ohio

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Res 22-2025

DATE: March 4, 2025

Subject Matter/Background

Eckel Junction Road between Carronade Drive and Thompson Road, which spans across both the City of Perrysburg and Perrysburg Township, currently experiences multiple statutory speed limits due to its division between these two jurisdictions. The section of the road within the City of Perrysburg is subject to a speed limit of thirty-five (35) miles per hour, while the portion within Perrysburg Township has a higher statutory speed limit of fifty-five (55) miles per hour. Section 4511.21 of the Ohio Revised Code grants local authorities the authority to establish prima facie speed limits different from those specified in the Code, with the approval of the Ohio Department of Transportation (ODOT), provided such limits do not exceed 50 mph.

In response to concerns about the varying speed limits along Eckel Junction Road, Perrysburg Township requested a traffic study by ODOT to assess a consistent and safe speed limit for the entire stretch of road. The results of the study indicated that the calculated 85th percentile speed for both the City and Township portions of the road was forty-five (45) miles per hour, which differs from the existing statutory speed limits. Considering these findings, both the City and the Township have formally requested that the Ohio Department of Transportation approve a speed limit of forty-five (45) miles per hour for all portions of Eckel Junction Road under their respective jurisdictions, to promote safety and consistency for motorists

Financial Review

No cost to the City at this time.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to waive the three readings and pass the legislation as an emergency measure would be appropriate to allow for the speed change to occur as soon as possible.

RESOLUTION 22-2025

A RESOLUTION REQUESTING THE OHIO DEPARTMENT OF TRANSPORTATION TO ESTABLISH SPEED LIMITS ON ECKEL JUNCTION ROAD WITHIN THE CITY OF PERRYSBURG; AND DECLARING AN EMERGENCY

WHEREAS, Eckel Junction Road has multiple statutory speed limits, due to portions of the road being under the jurisdiction of the City of Perrysburg and portions of the road being under the jurisdiction of Perrysburg Township; and,

WHEREAS, the statutory speed limit for the section of the road within the City of Perrysburg is thirty-five (35) miles per hour and the statutory speed limit for the section of the road within Perrysburg Township is fifty-five (55) miles per hour; and,

WHEREAS, Section 4511.21 of the Ohio Revised Code permits local authorities to authorize prima facie speed limits different than those contained in the said Section, subject to the declaration of the Director of the Ohio Department of Transportation, provided that the same does not exceed 50 mph; and

WHEREAS, in an effort to provide a consistent speed limit for Eckel Junction Road, the City and the Township requested that a traffic study be completed by the Ohio Department of Transportation to determine a safe and reasonable speed limit for the roadway; and,

WHEREAS, based upon the traffic study, the calculated average speed, or 85th percentile, for both the City and the Township portions of Eckel Junction Road is forty-five (45) miles per hour, which is at a variance with the statutory speed limit; and,

WHEREAS, the Township has requested that forty-five (45) miles per hour be declared the safe and reasonable speed limit for the portions of Eckel Junction Road within Perrysburg Township; and,

WHEREAS, the City is requesting that forty-five (45) miles per hour be declared the safe and reasonable speed limit for the portions of Eckel Junction Road within the City of Perrysburg; and,

WHEREAS, the Safety Committee reviewed this request at its meeting on February 24, 2025 and voted 3-0 to advance the legislation to City Council.

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

SECTION 1. That the Director of the Ohio Department of Transportation be and is requested to establish the following speed limit:

Street	Speed Limit
Eckel Junction Road	45mph

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 implement the establishment of a safe and reasonable speed limit as expeditiously 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

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Resolution 23-2025

DATE: March 4, 2025

Subject Matter/Background

This Resolution authorizes the donation of equipment previously used by the Police Division and no longer needed for municipal purposes to the Owens Community College Police Academy. The value of the donated property is less than $1,000.00.

Financial Review

There is no financial impact on the City.

Recommendation

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

RESOLUTION 23-2025

A RESOLUTION DECLARING CERTAIN POLICE EQUIPMENT NO LONGER NEEDED FOR PUBLIC USE OR UNFIT FOR PUBLIC SERVICE; 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 City is no longer in need of forty-five (45) Armament Systems and Procedures (ASP) Batons and forty-five (45) ASP Baton Holders used previously by the Police Division; and,

WHEREAS, these items will be donated to Owens Community College Police Academy; and,

WHEREAS, this legislation went before the Safety Committee on February 24, 2025 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. This Council hereby authorizes the Mayor and Director of Finance to arrange for the donation of forty-five (45) Armament Systems and Procedures (ASP) Batons and forty-five (45) ASP Baton Holders no longer deemed necessary for public use.

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, 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: Patrick Jones

Date: 02/11/2025

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):

45 ASP Batons and holders

Description of property (vehicle)

Kelly Blue Book Value $ (Attach KBB Printout)

Year: Make: Model:

Vehicle #: Color: VIN:

Mileage:

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 Donation to Owens College Police Academy

Approved: ____ ____

Mayor Date Director of Finance Date

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Ords 9-2025, 10-2025, 11-2025

DATE: February 18, 2025

Subject Matter/Background

Ohio voters approved State Issue 2 on November 7, 2023 adopting proposed legislation authorizing the cultivation, sale and use of cannabis products for recreational purposes. Pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation approved by Ohio voters was incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and became effective on December 7, 2023 with no further action required by the Ohio General Assembly (the "Act").
City Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses.
Pursuant to Section 3780.25 of the Ohio Revised Code, Perrysburg City Council may adopt an Ordinance, by majority vote, to prohibit, or limit the number of adult use cannabis operators within the City.
Proposed Codified Ordinance §1235.04(aaa), and the supplemental Ordinances, establish "Medical Marijuana and/or Adult Use Cannabis" under Special Approval Uses through the City of Perrysburg's Codified Ordinances ("Code").

Financial Review
There is no financial impact to this legislation.

Legal Review
This legislation has been reviewed and is appropriately before you.

Recommendation
First Reading – 2/18/2025

Second Reading – 3/4/2025

Third Reading and Vote – 3/18/2025

ORDINANCE 9-2024

AN ORDINANCE AMENDING CODIFIED ORDINANCE
§1215.02(110.01) "MEDICAL MARIJUANA"

WHEREAS, City of Perrysburg, Ohio, Codified Ordinance §1215.02(110.01) establishes the definition for "Medical Marijuana" through the City of Perrysburg's Codified Ordinances ("Code"); and,

WHEREAS, this Ordinance is being updated to amend the definition of "Medical Marijuana" and to add Adult Use Cannabis; and,

WHEREAS, at their November 7, 2024 meeting, the Planning Commission recommended approval of the proposed Code amendment; and,

WHEREAS, a Public Hearing was held on December 19, 2024 and, at their February 3, 2025 meeting, the Planning and Zoning Committee considered this legislation 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 §1215.02(110.01) which currently reads as:

1215.02(110.01) "Medical Marijuana" has the same meaning as provided in Section 3796.01(A)(2) of the Ohio Revised Code which is marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose.

is hereby amended and revised to read:

1215.02 (110.01) Medical Marijuana and/or Adult Use Cannabis: See "Definitions" Section of Chapter 1235.04(aaa), "Medical Marijuana and/or Adult Use Cannabis".

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 10-2024

AN ORDINANCE AMENDING CODIFIED ORDINANCE §1225.08
"LAND USE AND BASE ZONING DISTRICT TABLE"

WHEREAS, City of Perrysburg, Ohio, Codified Ordinance §1220.08 establishes the land use and base zoning district tables through the City of Perrysburg's Codified Ordinances ("Code"); and,

WHEREAS, this Ordinance is being updated to allow for the introduction of "Marijuana - Medical Marijuana and/or Adult Use Cannabis - Dispensary" into the table; and,

WHEREAS, at their November 7, 2024 meeting, the Planning Commission recommended approval of the proposed Code amendment; and,

WHEREAS, a Public Hearing was held on December 19, 2024 and, at their February 3, 2025 meeting, the Planning and Zoning Committee considered this legislation 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 §1220.08 which currently reads as:

1225.08 LAND USE AND BASE ZONING DISTRICT TABLE.

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Agricultural	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Farm Markets and Stands	P							S	S	S									
Kennels	P												S	S					
Plant Cultivation	P															P	P		P
Specialized Animal Raising	P																		
Chicken Keeping	P	P	P	P	P														

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Residential	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
One Family Dwelling	P	P	P	P	P	P	P		P										
Two-Family Dwelling						P	P		P										

Multiple Family Dwellings							P												
Apartments Above 1st Floor									P			S							
Bed & Breakfast		S	S	S	S	S			S										
Assisted Living Units							P												S
Mobile Homes (1235.04w)																			

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Commercial	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Agriculture, Construction, Semi-Truck Sales/Service	S												P	P					
Animal Services (outdoor)								S	S	S	P								
Animal Services (indoor)								P	P	P	P								
Automotive Oil & Lube Service Facilities										P	P				P				
Automotive Repair - General											S		P	P					
Automotive Repair - Light											P				P				
Automotive Sales or Lease for New and Used Vehicles - Outdoors											S		S	S	S				
Auto Wash											S				S				
Carry-Outs/Other Business, Alcoholic Beverages									S	S	S				S				
Commercial Recreational Facilities									S	S	P		P		P				
Commercial Schools									P	P	P	P			P				

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Commercial	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Commercial semi-truck sales/service													P	P					
Drive-in commercial uses											P	S			S				
Entertainment and spectator sport facilities									P	P	P				P	S			S
Grocery Stores									P	P	P				P				
Gym/Fitness Facility (<5,000 GSF)								P	P	P	P	P		S	S				

Gym/Fitness Facility (>5,000 GSF)										P	P			S	S				
Massage Establishment									S					S	S				
Medical Marijuana																			
Motels and hotels										P	P				P				
Neighborhood business less than 10,000 SF								P	P	P	P	S			P				
Office and Banks								P	P	P	P	P			P				
Personal Services								P	P	P	P	S			P				
Printing									P	P	P	P	P	P	P				
Recreational vehicles/equipment outdoor sales													S	S					
Restaurant carry-out only									P	P	P				P				

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Commercial	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Restaurant drive-in										S	P				P				
Restaurant fast food									S	P	P				P				
Restaurant outdoor café									S	P[2]	S				P				
Restaurant full service									P	P	P		S		P				
Retail business: less than 60,000 GSF									P	P	P				P				
Retail business: more than 60,000 GSF										S	S				S				
Sale and storage of building materials	S										S		P	P	S				
Self-service storage											S		P	P	P				
Service station									S	S	P				P				
Sexually oriented business													S	S					
Shopping center										P	P								
Hospitality Facilities									S		S				P				
Rooming House		S	S	S	S	S	S		S										
Transient Habitation									S		S				P				
Repair Services, Consumer								P	P	P	P	P			P				
Nursery/green house	S[1]										P		P	P					

1 Excluding retail sales of any type on premises.

2 With the exception of those commercial centers zoned C-3 that are adjacent to residential properties. In those situations, Chapter 1235 - Special Approval use, specifically, Chapter 1235.04(mm) shall apply.

3 Only within an Urban Village Overlay District (UVO).

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Office	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Medical Offices								S	P	P	P	P			P				S
Medical Urgent Care Facilities											P		P	P	P				S

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Institutional	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Cemetery	S	S	S	S													S		S
Child Day Care Centers		S	S	S	S	S	S	S	S	S	S	S	S		S				S
Club, Lodges, Fraternal and Civic Assembly										P	P				P				S
College and Universities																			S
Convalescent and Nursing Homes							S												S
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		S	P	P
Hospital															P				S
Institutional Use													S	S	P			P	S
Mortuaries/Funeral Homes								S	S	S	S				P				
Non-Commercial Recreation Facilities	S	S	S	S	S	S	S						S	S	S	S		P	
Parks and Recreation Facilities	S	S	S	S	S	S	S	S	S			S			S	S		P	
Part-Time Child Day Care Centers		S	S	S	S	S	S	S	S	S	S	S	S		P				S
Postal Service															P				S
Public and Private Schools								S		S	S								S
Public Service Facility	S	S	S	S	S	S	S	S	S	S	P		P	P	P			P	S
Public/Private Utility	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P			P	S
Wireless Telecommunication Facility	S										S		S	S	S			S	S

	Ag	Residential	Commercial	Office Service	Industrial	Special	Institutional

Industrial	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Auto & Metal Salvage, Junk Yards														S					
Excavation of Sand, Gravel, Clay, Stone and Topsoil	S													S					
Food Processing													P	P	P				
Laboratories													P	P	S			P	
Manufacturing, Sale/Storage Building Materials													P	P					
Manufacturing: General														P					
Manufacturing: Light													P	P	P				
Oil & Gas Wells													S	S					S
Outside Storage	S												S	S	**			P	S
Publishing													P	P	P				
Research & Testing													P	P	P			P	
Transport & Trucking													S	S				P	
Warehousing													P	P	P			P	
Wholesale Business											P		P	P	P				
Wind Generator (Turbine)	S	S4											S	S					S

4 Minimum lot size is 30,000 square feet.

** Outside storage is prohibited, unless specifically permitted and maintained in accordance with the established ARC Site Development Standards.

is hereby amended and revised to read:

1225.08 LAND USE AND BASE ZONING DISTRICT TABLE.

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Agricultural	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Farm Markets and Stands	P							S	S	S									
Kennels	P												S	S					
Plant Cultivation	P															P	P		P
Specialized Animal Raising	P																		
Chicken Keeping	P	P	P	P	P														

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Residential	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
One Family Dwelling	P	P	P	P	P	P	P		P										

Two-Family Dwelling						P	P		P										
Multiple Family Dwellings							P												
Apartments Above 1st Floor									P			S							
Bed & Breakfast		S	S	S	S	S			S										
Assisted Living Units							P												S
Mobile Homes (1235.04w)																			

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Commercial	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PB P	P	S-1	X	INS
Agriculture, Construction, Semi-Truck Sales/Service	S												P	P					
Animal Services (outdoor)								S	S	S	P								
Animal Services (indoor)								P	P	P	P								
Automotive Oil & Lube Service Facilities										P	P				P				
Automotive Repair - General											S		P	P					
Automotive Repair - Light											P				P				
Automotive Sales or Lease for New and Used Vehicles - Outdoors											S		S	S	S				
Auto Wash											S				S				
Carry-Outs/Other Business, Alcoholic Beverages									S	S	S				S				
Commercial Recreational Facilities									S	S	P		P		P				
Commercial Schools									P	P	P	P			P				

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Commercial	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PB P	P	S-1	X	INS
Commercial semi-truck sales/service													P	P					
Drive-in commercial uses											P	S			S				
Entertainment and spectator sport facilities									P	P	P				P	S			S
Grocery Stores									P	P	P				P				
Gym/Fitness Facility (<5,000 GSF)								P	P	P	P	P		S	S				
Gym/Fitness Facility (>5,000 GSF)										P	P			S	S				

Massage Establishment									S					S	S				
Marijuana - Medical Marijuana and/or Adult Use Cannabis - Dispensary									S	S	S								
Motels and hotels										P	P				P				
Neighborhood business less than 10,000 SF								P	P	P	P	S			P				
Office and Banks								P	P	P	P	P			P				
Personal Services								P	P	P	P	S			P				
Printing									P	P	P	P	P	P	P				
Recreational vehicles/equipment outdoor sales													S	S					
Restaurant carry-out only									P	P	P				P				

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Commercial	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Restaurant drive-in										S	P				P				
Restaurant fast food									S	P	P				P				
Restaurant outdoor café									S	P2	S				P				
Restaurant full service									P	P	P		S		P				
Retail business: less than 60,000 GSF									P	P	P				P				
Retail business: more than 60,000 GSF										S	S				S				
Sale and storage of building materials	S										S		P	P	S				
Self-service storage											S		P	P	P				
Service station									S	S	P				P				
Sexually oriented business													S	S					
Shopping center										P	P								
Hospitality Facilities									S		S				P				
Rooming House		S	S	S	S	S	S		S										
Transient Habitation									S		S				P				
Repair Services, Consumer								P	P	P	P	P			P				
Nursery/green house	S1										P		P	P					

1 Excluding retail sales of any type on premises.

2 With the exception of those commercial centers zoned C-3 that are adjacent to residential properties. In those situations, Chapter 1235 - Special Approval use, specifically, Chapter 1235.04(mm) shall apply.

3 Only within an Urban Village Overlay District (UVO).

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Office	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Medical Offices								S	P	P	P	P			P				S
Medical Urgent Care Facilities											P		P	P	P				S

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Institutional	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Cemetery	S	S	S	S													S		S
Child Day Care Centers		S	S	S	S	S	S	S	S	S	S	S	S		S				S
Club, Lodges, Fraternal and Civic Assembly										P	P				P				S
College and Universities																			S
Convalescent and Nursing Homes							S												S
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		S	P	P
Hospital															P				S
Institutional Use													S	S	P			P	S
Mortuaries/Funeral Homes								S	S	S	S				P				
Non-Commercial Recreation Facilities	S	S	S	S	S	S	S						S	S	S	S		P	
Parks and Recreation Facilities	S	S	S	S	S	S	S	S	S			S			S	S		P	
Part-Time Child Day Care Centers		S	S	S	S	S	S	S	S	S	S	S	S		P				S
Postal Service															P				S
Public and Private Schools								S		S	S								S
Public Service Facility	S	S	S	S	S	S	S	S	S	S	P		P	P	P			P	S
Public/Private Utility	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P			P	S
Wireless Telecommunication Facility	S										S		S	S	S			S	S

	Ag	Residential						Commercial				Office Service	Industrial		Special				Institutional
Industrial	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	X	INS
Auto & Metal Salvage, Junk Yards														S					
Excavation of Sand, Gravel, Clay, Stone and Topsoil	S													S					

Food Processing													P	P	P				
Laboratories													P	P	S			P	
Manufacturing, Sale/Storage Building Materials													P	P					
Manufacturing: General														P					
Manufacturing: Light													P	P	P				
Oil & Gas Wells													S	S					S
Outside Storage	S												S	S	**			P	S
Publishing													P	P	P				
Research & Testing													P	P	P			P	
Transport & Trucking													S	S				P	
Warehousing													P	P	P			P	
Wholesale Business											P		P	P	P				
Wind Generator (Turbine)	S	S4											S	S					S

4 Minimum lot size is 30,000 square feet.

** Outside storage is prohibited, unless specifically permitted and maintained in accordance with the established ARC Site Development Standards.

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 11-2024

AN ORDINANCE ADDING CODIFIED ORDINANCE §1235.04(aaa) "MEDICAL MARIJUANA AND/OR ADULT USE CANNABIS" TO THE CITY OF PERRYSBURG ZONING CODE

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 adopting proposed legislation authorizing the cultivation, sale and use of cannabis products for recreational purposes; and,

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation approved by Ohio voters was incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and became effective on December 7, 2023 with no further action required by the Ohio General Assembly (the "Act"); and,

WHEREAS, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses; and,

WHEREAS, pursuant to Section 3780.25 of the Ohio Revised Code, Perrysburg City Council may adopt an Ordinance, by majority vote, to prohibit, or limit the number of adult use cannabis operators within the City; and

WHEREAS, City of Perrysburg, Ohio, Codified Ordinance §1235.04(aaa) establishes "Medical Marijuana and/or Adult Use Cannabis" under Special Approval Uses through the City of Perrysburg's Codified Ordinances ("Code"); and,

WHEREAS, at their November 7, 2024 meeting, the Planning Commission recommended approval of the proposed Zoning Code addition; and,

WHEREAS, a Public Hearing was held on December 19, 2024 and, at their February 3, 2025 meeting, the Planning and Zoning Committee considered this legislation 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 §1235.04(aaa) shall read:

1235.04(aaa) <u>Medical Marijuana and/or Adult Use Cannabis</u>

(1) PURPOSE.

A. The purposes of this Section are to establish limitations on medical marijuana and adult use cannabis operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of adult use cannabis dispensaries within the City, all in order to promote the health, safety, and welfare of the Citizens of the City.

(2) INTENT.

A. It is the intent of this section to provide appropriate locations and reasonable restrictions for the cultivation and transfer of cannabis allowed by the Ohio Medical Marijuana Control Program and the Ohio Adult Use Cannabis Control Program. This is a unique land use with ramifications not addressed by more traditional zoning district and home occupation regulations. Although some specific uses of cannabis are allowed by the Ohio Medical Marijuana Control Program and the Ohio Adult Use Cannabis Control Program, cannabis continues to be classified as a Schedule 1 controlled substance under Federal law making it unlawful under Federal law to use, manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense cannabis.

B. It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to cannabis to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.

(3) DEFINITIONS:

A. The following words and phrases shall have the following definitions when used in this section.

1. Words and phrases contained in the Ohio Medical Marijuana Contral Program ("OMMCP"), HB523 and the Ohio Adult Use Cannabis Control Program ("OAUCCP"), R.C. Chapter 3780 as enacted by the People of the State of Ohio. This subsection contains some words and phrases that are defined in the OMMCP and the OAUCCP. As used in this section, they have the same meaning as provided in the OMMCP and the OAUCCP, except that if at any time the definition of a word or phrase set forth below conflicts with the definition in the OMMCP and the

OAUCCP, then the definition in the OMMCP and the OAUCCP shall apply. These words and phrases are as follows:

a. "Adult use cannabis" or "cannabis" or "marijuana" means "Marihuana" as defined in Ohio R.C. Chapter 3719.
b. "Medical marijuana" means that term as defined in Ohio R.C. 3796.01.
c. "Primary caregiver" means a person who is at least twenty-one years old and who has agreed to assist with a patient's medical use of marijuana and who has never been convicted of a felony involving illegal drugs.
d. "Qualifying patient" means a person who has been diagnosed by a physician as having a qualifying medical condition.

2. Other words and phrases. The words and phrases in this subsection, as used in this section, shall have the following meanings:
   a. "Medical and/or adult use cannabis dispensary" means a building or part of a building where employees operate with the intent to transfer cannabis between employees and qualifying patients under the OMMCP or eligible adult consumers under the OAUCCP.
   b. "Medical and/or adult use cannabis research and testing facility" means a building or part of a building where a qualified agency conducts research and testing as permitted by the OMMCP and/or the OAUCCP.
   c. "Ohio Medical Marijuana Control Program and OMMCP" mean HB523 of the 131st Ohio General Assembly.
   d. "Ohio Adult Use Cannabis Control Program (OAUCCP)" means R.C. Chapter 3780 as created and approved by the People of the State of Ohio.
   e. For all other definitions of terms associated with the "Ohio Adult Use Cannabis Control Program"' or "OAUCCP", reference R.C. § 3780.01 "'Definitions".

(4) PROHIBITION ON CERTAIN MEDICAL AND/OR ADULT USE CANNABIS OPERATIONS.

A. No person shall operate a medical and/or adult use cannabis cultivator or processor in the City. Any person who violates this section shall be guilty of a misdemeanor of the first degree.

(5) LOCATIONS OF MEDICAL AND/OR ADULT USE CANNABIS DISPENSARIES.

A. No more than two (2) medical and/or adult use cannabis dispensaries may be located in the City, in accordance with the following restrictions:

1. Medical and/or adult use cannabis dispensaries shall only be located in a district classified pursuant to Part Twelve - Planning and Zoning Code.

B. Buildings used for medical and/or adult use cannabis dispensaries shall require a special approval use in accordance with the process described in this Chapter of the Planning and Zoning Code. Should an approved medical cannabis dispensary desire to add adult use cannabis sales or transition exclusively to adult use cannabis sales, said dispensary shall go through the special approval use process to seek approval for the special approval use to be amended to allow for adult use cannabis sales.

C. No medical and/or adult use cannabis dispensary shall be located within 500 feet of a parcel on which a school, church, public library, public playground, or public park is located.

D. No medical and/or adult use cannabis dispensary shall be located within one (1) mile of another legally operating medical and/or adult use cannabis dispensary.

(6) MEDICAL AND/OR ADULT USE CANNABIS DISPENSARY REGULATIONS:

A. No person may operate or cause to be operated a medical and/or adult use cannabis dispensary without complying with the following requirements:

1. The medical and/or adult use cannabis dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the state.

2. No person under the age of 21 who is not a medical marijuana patient is permitted to access a dispensary's retail area. Dispensaries must have procedures in place to verify identification to prevent unauthorized access.

   a. Dispensaries must ensure all members of the public present valid, government-issued photographic identification containing the individual's date of birth prior to entering the designated retail area.

   b. A registered dispensary employee must review the individual's identification and ensure the individual is at least 21 years of age or older.

   c. Medical marijuana patients and caregivers may continue accessing the dispensary pursuant to O.A.C. 3796.
   d. Registered patients who are under the age of 21 may enter the premises if they present valid patient identification and government-issued photographic identification or one of the other forms of identification provided here.
   e. Registered patients under the age of 18 are to be accompanied by their registered caregiver.
   f. A registered dispensary employee must ensure the patient presents valid patient identification.
3. No smoking, inhalation, or consumption of cannabis shall take place on the premises.
4. Drive-Through Windows and Facilities Prohibited. Medical and/or adult use cannabis dispensaries shall not be permitted to have any accessory drive-through facilities or provide drive-through or "curbside" delivery service.
   a. A medical and/or adult use cannabis dispensary may be permitted to have a drive thru if such drive thru is required by the Ohio Revised Code or by a rule or regulation set by a State of Ohio regulatory department or agency. Said drive thru will still be reviewed as part of the special approval use review process to ensure it appropriately fits the property where the dispensary is to be located. Shall a medical and/or adult use cannabis dispensary desire to add a drive thru after receiving a special approval use and Use Permit, said dispensary shall go through the special approval use process to ensure the drive thru is designed in a safe and secure manner and have the special approval use be amended as needed to accommodate said drive thru.
5. All activities of a medical and/or adult use cannabis dispensary shall be conducted indoors, with the exception of transactions that occur through a drive thru, if a drive thru is required for the State of Ohio to license the dispensary.
6. No equipment or process shall be used in any medical and/or adult use cannabis dispensary which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.

7. Signage: All signage shall be in compliance with the Zoning Code. The following signage standards are applicable to medical and/or adult use cannabis dispensaries:
    a. Exterior signs, other than those required by the State of Ohio or by Zoning Code, on the building shall not cover the windows of the medical and/or adult use cannabis dispensary.
    b. Exterior signs shall be posted on the outside of the dispensary and shall only contain the name of the business.
    c. Neon signs, LED signs, and/or electronic message boards are not permitted in connection with any medical and/or adult use cannabis business establishment.
    d. Signage shall not contain any language or imagery oriented toward youth.
    e. The special approval use authorizing the medical and/or adult use cannabis dispensary shall include a signage plan depicting the allowed exterior signs for the dispensary.
8. Security and Video Surveillance. Each medical and/or adult use cannabis dispensary must install and maintain in good working order security, video surveillance, and inventory protection and control systems:
    a. Medical and/or adult use dispensaries must adhere to the security and surveillance requirements, standards set forth by the State of Ohio.
    b. Medical and/or adult use cannabis dispensaries must have a Security Plan containing written policies and procedures for security, surveillance, and control to prevent diversion, theft, or loss, meeting the requirements set forth by the State of Ohio and approved by the Chief of Police, prior to approval for a special approval use.
        i. In the event a dispensary is made aware of any investigations or legal proceedings where a video recording may contain relevant information, they must retain an unaltered copy of the recording until the investigation is closed, or the investigating authority notifies that it is no longer necessary to retain the recording.
9. Lighting. All interior, exterior and site lighting for medical and/or adult use cannabis dispensaries must be installed and

maintained in good working order and of sufficient intensity for security cameras and the safety of customers and employees.

a. The premises of every adult use cannabis dispensary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms.

10. The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

11. The use of any vending machine which allows access to adult use cannabis is prohibited. For purposes of this subsection (a)(11), a vending machine is any device which allows access to medical marijuana and/or adult use cannabis without a human intermediary.

B. Medical and/or adult use cannabis dispensaries shall comply with all other regulations of the zoning district in which the medical and/or adult use cannabis dispensary or medical and/or adult use cannabis cultivation facility is located, except when they are in conflict, in which case this section shall prevail.

C. Medical and/or adult use cannabis dispensaries are required to obtain a Use Permit from the Office of Planning and Zoning.

D. Medical cannabis dispensaries shall be operated in compliance with the OMMCP. Adult use cannabis dispensaries shall be operated in compliance with the OAUCCP. Shall a facility serve as a medical and adult use dispensary, said facility shall operate in a manner that complies with both the OMMCP and the OAUCCP.

(7) CULTIVATION OR OTHER MEDICAL AND/OR ADULT USE OF CANNABIS AS A MEDICAL AND/OR ADULT USE CANNABIS HOME OCCUPATION IN RESIDENTIAL DWELLINGS.

A. In a residential dwelling in any zoning district, cannabis cultivation and/or dispensary shall not be permitted as a home-based business. This section does not prohibit an individual from engaging in home grow activities authorized as part of the OAUCCP and as permitted and defined in R.C. § 3780.29.

(8) LOCATION AND REGULATION OF MEDICAL AND/OR ADULT USE CANNABIS RESEARCH AND TESTING FACILITIES.

A. Medical and/or adult use cannabis research and testing facilities shall be designated as “Laboratories” and shall follow all of the rules and regulations set forth in this Chapter and through the Ohio Revised Code.

B. Medical and/or adult use cannabis research and testing facilities "Laboratories" shall be permitted or subject to a special approval use.
C. Retail sales are not permitted.
D. Medical and/or adult use cannabis research and testing facilities shall comply with all other regulations of the zoning district in which the medical and/or adult use cannabis research and testing facility is located, except when they are in conflict, in which case this section shall prevail.

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 24-2025

DATE: March 4, 2025

Subject Matter/Background

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.

The Department of Public Utilities is no longer in need of certain property, the values of which have 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; and,

Financial Review

There is no financial impact to 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 legislation as an emergency is appropriate. An Emergency is requested as this property should be auctioned off as soon as possible.

RESOLUTION 24-2025

A RESOLUTION DECLARING CERTAIN WASTEWATER TREATMENT PLANT EQUIPMENT CURRENTLY USED BY THE DEPARTMENT OF PUBLIC UTILITIES 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 Department of Public Utilities is no longer in need of one (1) used Vaughn Chopper Pump Model PE3L6CS, the value of which has been determined to be over One Thousand Dollars; and,

WHEREAS, the Department of Public Utilities is no longer in need of two (2) new Arktite AP Plug, Cat# AP404610, and two (2) used plugs, which shall be sold as a lot. The value of which has been determined to be over One Thousand Dollars; and,

WHEREAS, the Department of Public Utilities is no longer in need of one (1) used Reliance 75 HP Duty Master A/C Motor 1MAF19440 GU, and one (1) used 3 phase Induction Motor BO106FLF202H, which shall be sold as a lot. The value of which has been determined to be over One Thousand Dollars; and,

WHEREAS, the Department of Public Utilities is no longer in need of one (1) refurbished Universal RAI Blower, 45 U-RAI with Roots ID 8656-109-20, 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 Public Utilities Committee on February 26, 2025 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 above listed Wastewater Treatment Plant equipment, currently used by the Department of Public Utilities, by public auction as such equipment 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 equipment 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: Matt Hess

Date: 12/17/2024

Please mark one:

☐X 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):

Used Vaughn Chopper Pump Model PE3L6CS, 7.5 HP, 7.30 Impeller, Dia, 100 GPM. Operational when last used.

Description of property (vehicle)

Kelly Blue Book Value $ (Attach KBB Printout)

Year: Make: Model:

Vehicle #: Color: VIN:

Mileage:

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

☐X Sell → **Employee Name - Point of Contact for Auction Listing:** ______________________________

☐ Destroy ☐ Scrap ☐ Other __________________________

Approved: ______________________________________ ______________________________________

Mayor Date Director of Finance Date

City of Perrysburg - Declaration of Surplus Property Form

To: Mayor and Director of Finance

From: Matt Hess

Date: 02/11/2025

Please mark one:

☒ I have determined the following described City property, which was purchased through the ~~General~~ Sewer 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):

2 new- Arktite AP Plug, Cat # AP404610, never used, 400 amp/600 VAC/250 VDC. 2 used plugs also included. As is. These shall be sold as a lot.

Description of property (vehicle)

Kelly Blue Book Value $ (Attach KBB Printout)

Year: Make: Model:

Vehicle #: Color: VIN:

Mileage:

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

☒ Sell → **Employee Name - Point of Contact for Auction Listing:** Matt Hess

☐ Destroy ☐ Scrap ☐ Other ____________________

Approved: ______________________________ ______________________________

Mayor Date Director of Finance Date

City of Perrysburg - Declaration of Surplus Property Form

To: Mayor and Director of Finance From: Matt Hess

Date: 02/11/2025

Please mark one:

☒ I have determined the following described City property, which was purchased through the ~~General~~ Sewer 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):

1-Reliance 75 HP Duty Master A/C Motor1MAF19440 GU, used only 10 hours and 1-3 phase Induction Motor BO106FLF202H, 230/460 volt, unsure of operating condition. As is. These shall be sold as a lot.

Description of property (vehicle)

Kelly Blue Book Value $ (Attach KBB Printout)

Year: Make: Model:

Vehicle #: Color: VIN:

Mileage:

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

☒ Sell → **Employee Name - Point of Contact for Auction Listing:** Mat t Hess

☐ Destroy ☐ Scrap ☐ Other ____________________

Approved: ______________________________ ______________________________

Mayor Date Director of Finance Date

City of Perrysburg - Declaration of Surplus Property Form

To: Mayor and Director of Finance From: Matt Hess

Date: 02/11/2025

Please mark one:

☒ I have determined the following described City property, which was purchased through the ~~General~~ Sewer 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):

Universal RAI Blower, 45 U-RAI with Roots ID 8656-109-20. Refurbished. As is.

Description of property (vehicle)

Kelly Blue Book Value $ (Attach KBB Printout)

Year: Make: Model:

Vehicle #: Color: VIN:

Mileage:

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

☒ Sell → **Employee Name - Point of Contact for Auction Listing:** Matt Hess

☐ Destroy ☐ Scrap ☐ Other ____________________

Approved: ______________________________ ______________________________

Mayor Date Director of Finance Date

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Resolution 25-2025

DATE: March 4, 2025

Subject Matter/Background

The City of Perrysburg is in need of Liquid Ferrous Chloride at the Wastewater Treatment Plant. The City went out for bids for companies to provide the WWTP with Liquid Ferrous Chloride. Two companies provided pricing PVS Technologies and Kamira Water Solutions, Inc. PVS was the lowest and best bid.

PVS	$0.75 per gallon
Kamira	$0.784 per gallon

This Resolution authorizes the Mayor and Director of Finance to enter into an Agreement with PVS Technologies, Inc. for the purchase of Ferrous Chloride at a price of Seventy-Five Cents ($0.75) per gallon

Financial Review

Account Number: 5332-61815-54111

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

If City Council is in agreement, a motion to waive the rules, waive the three readings, and pass the legislation as an emergency measure is appropriate. To allow for the bidding process to be completed in a timely manner.

RESOLUTION 25-2025

A RESOLUTION AUTHORIZING AN AGREEMENT WITH PVS TECHNOLOGIES, INC. FOR THE PURCHASE OF FERROUS CHLORIDE FOR THE WASTEWATER TREATMENT PLANT (WWTP) AT A PRICE OF SEVENTY-FIVE CENTS ($0.75) PER GALLON; AND DECLARING AN EMERGENCY

WHEREAS, the City of Perrysburg, Ohio, is in need of liquid ferrous chloride for the WWTP; and

WHEREAS, the City considered two separate quotes for the ferrous chloride, and PVS Technologies, Inc. had the lowest and best quote; and

WHEREAS, PVS Technologies, Inc. has agreed to supply and deliver ferrous chloride at a rate of Seventy-Five Cents ($0.75) per gallon; and

WHEREAS, the Public Utilities Committee considered the legislation at its February 26, 2025, meeting and unanimously recommended its advancement to the City Council.

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

SECTION 1. City Council hereby authorizes the Mayor and Director of Finance to enter into an Agreement with PVS Technologies, Inc. for the purchase of Ferrous Chloride at a price of Seventy-Five Cents ($0.75) per gallon, as represented in 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, to allow for the timely receipt of the necessary chemicals, 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

PVS CHEMICALS
10900 HARPER AVE
DETROIT, MI 48213

January 28th, 2025

Department of Public Utilities
Attn: Mickey Shank
1 West Boundary Street
Perrysburg, Ohio 43551
e. mshank@perrysburgoh.gov

Dear Mickey,

Thank you for the opportunity to quote your Ferrous Chloride requirement. PVS Technologies is pleased offer the following quote:

Product: Liquid Ferrous Chloride

Delivery Quantity: 4,300 gallons / 50,000 wet lbs. minimum

Price: $0.75/gallon; Delivered

Terms: Net 30 Days

Effective Date: 3/1/2025-12/31/2025

Location: 1 West Boundary, Perrysburg, OH 43551

PVS Technologies is a member of the Responsible Care initiative. Please note that prior to any shipment an approved site assessment will need to be on file.

We look forward working with you. Please let me know if you have any questions or require any additional information. I can be reached on my cell at (313) 903-3397 or via email at dmaier@pvschemicals.com .

Sincerely,

Danica Maier

Danica Maier
Account Manager, PVS Technologies, Inc.

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Res 28-2025

DATE: February 28, 2025

Subject Matter/Background

Renewal of State Issue 2 will allow the continuation of the State Capital Improvement Program (SCIP) which is administered by the Ohio Public Works Commission (OPWC). This program was first established in 1987 and over the years, the City of Perrysburg has submitted several grant applications to this program. Here is some general information on this program:

Throughout the duration of this program, the City of Perrysburg has successfully secured grants for 24 distinct projects, amounting to a total of $5,071,259.70. The receipt of over $5,000,000 in grant funding demonstrates the significance of this program. Therefore, it is imperative that the City of Perrysburg supports the approval of State Issue 2 to ensure the continued availability of future grant opportunities.

Legal Review

This legislation has been reviewed and is appropriately before you.

Recommendation

1st Reading – March 4, 2025

2nd Reading – March 18, 2025

3rd Reading and Vote – April 1, 2025

RESOLUTION 28-2025

A RESOLUTION IN SUPPORT OF STATE ISSUE 2
RENEWAL OF THE STATE CAPITAL IMPROVEMENT PROGRAM
ON THE MAY 6, 2025 STATEWIDE BALLOT

WHEREAS, the State Capital Improvement Program (SCIP) is a state-local government partnership program that funds local infrastructure projects in communities across Ohio; and,

WHEREAS, the program has, for nearly 40 years, provided over $7 billion for improvements to keep Ohio's roads and bridges safe and in good condition for residents, first responders, and all motorists traveling on Ohio roadways, and to improve local wastewater treatment, water supply, and stormwater infrastructure in all 88 Ohio counties; and,

WHEREAS, the SCIP provides essential grants, loans, and loan assistance to local governments; and,

WHEREAS, the renewal of the SCIP will not raise taxes for Ohioans and the renewal is critical to prevent a gap in infrastructure investment, as the current authorization is set to sunset July 1, 2025; and,

WHEREAS, funding for the State Capital Improvement Program relies on an amendment to Ohio's Constitution about every ten years, and has been overwhelmingly approved by voters three times since its creation in 1987; and,

WHEREAS, the City of Perrysburg has benefitted from SCIP, receiving $5,071,259.70 in grant funds for 24 road infrastructure projects, which have significantly improved the quality of life and safety for City residents; and,

WHEREAS, infrastructure investment encourages economic development, creates and maintains business, contributes to public health and safety, creates construction jobs and helps keep Ohio competitive.

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

SECTION 1. That the City of Perrysburg supports State Issue 2 and urges a YES vote on Issue 2 on May 6, 2025.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

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: ______________________________

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Resolution 26-2025

DATE: March 4, 2025

Subject Matter/Background

The City of Perrysburg applied for grant funds through the TMACOG TAP program to fund its Multiuse Path along West Boundary Street from the end of the existing Multiuse Path to the diverging diamond to Louisiana Avenue.

The total cost for the Project is estimated to be One Million One Hundred Twenty-Nine Thousand Dollars and Zero Cents ($1,129,000.00).

The City has been awarded the grant funds, which will cover eighty percent (80%) of the eligible costs of the Project, up to a maximum of Seven Hundred Eighty-Eight Thousand Seven Hundred Twenty-Two Dollars and Zero Cents ($788,722.00).

This Resolution authorizes the Mayor and Director of Finance to take all actions necessary to accept the grant funds, including but not limited to entering into an agreement(s) on behalf of 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 three readings rule and pass this Resolution as an emergency measure would be appropriate in order to ensure timely acceptance of the grant.

RESOLUTION 26-2025

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A TMACOG TRANSPORTATION ALTERNATES PROGRAM (TAP) GRANT FOR THE CONSTRUCTION OF A MULTIUSE PATH; AND DECLARING AN EMERGENCY

WHEREAS, the federal surface transportation law Fixing America's Surface Transportation Act (FAST ACT) provides funding for Transportation Alternatives (TA) activities as a set-aside of funds from the Surface Transportation Block Grant Program (STBGP); and

WHEREAS, the Ohio Department of Transportation (ODOT) gives the Toledo Metropolitan Area Council of Governments (TMACOG) responsibility for selecting projects for TA funding. These projects become part of TMACOG's four-year Transportation Improvement Program (TIP); and

WHEREAS, the City of Perrysburg applied for said grant funds through the TMACOG TAP program to fund its Multiuse Path along West Boundary Street from the end of the existing Multiuse Path to the diverging diamond to Louisiana Avenue (approximately 6,740 feet) (Project); and,

WHEREAS, the total cost for the Project is estimated to be One Million One Hundred Twenty-Nine Thousand Dollars and Zero Cents ($1,129,000.00); and,

WHEREAS, the City has been awarded the grant, which will cover eighty percent (80%) of the eligible costs of the Project, up to a maximum of Seven Hundred Eighty-Eight Thousand Seven Hundred Twenty-Two Dollars and Zero Cents ($788,722.00); and,

WHEREAS, the Service Committee, at its meeting held February 26, 2025, unanimously approved advancement of this Resolution to City Council.

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

SECTION 1. That Council hereby authorizes the Mayor and Director of Finance to accept funds from the State of Ohio, through ODOT, in an amount up to eighty percent (80%) of the eligible costs of the Project, not to exceed Seven Hundred Eighty-Eight Thousand Seven Hundred Twenty-Two Dollars and Zero Cents ($788,722.00).

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, to ensure timely acceptance of the grant, 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

CFDA 20.205

LPA FEDERAL LOCAL-LET PROJECT AGREEMENT

THIS AGREEMENT is made by and between the State of Ohio, Department of Transportation, (ODOT), 1980 West Broad Street, Columbus, Ohio 43223 and **the City of Perrysburg, 201 West Indiana Avenue, Perrysburg, Ohio 43551** (LPA).

1. PURPOSE

1.1 The National Transportation Act has made available certain Federal funding for use by local public agencies. The Federal Highway Administration (FHWA) designated ODOT as the agency in Ohio to administer FHWA's Federal funding programs.

1.2 Section 5501.03 (D) of the **Ohio Revised Code** (ORC) provides that ODOT may coordinate its activities and enter into contracts with other appropriate public authorities to administer the design, qualification of bidders, competitive bid letting, construction, inspection, and acceptance of any projects administered by ODOT, provided the administration of such projects is performed in accordance with all applicable Federal and State laws and regulations with oversight by ODOT.

1.3 The **project to construct a new multi-use path along West Boundary St (SR-25) from terminus of an existing path north of IR-475 interchange to terminus of another existing path at Indiana Ave** (PROJECT) is a transportation activity eligible to receive Federal funding, and which is further defined in the PROJECT scope.

1.4 The purpose of this Agreement is to set forth requirements associated with the Federal funds available for the PROJECT and to establish the responsibilities for the local administration of the PROJECT.

2. LEGAL REFERENCES AND COMPLIANCE

2.1 This Agreement is authorized and/or governed by the following statutes and/or policies, which are incorporated, by reference, in their entirety:

A. FEDERAL

- 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 23 CFR 1.33 – Conflicts of Interest
- 23 CFR Part 172 – Procurement, Management and "Administration of Engineering and Design Related Service"
- 23 CFR 630.106 – Authorization to Proceed
- 23 CFR 636.116 – What Organizational Conflict of Interest Requirements Apply to Design-Build Projects?
- 23 CFR Part 645 –Utilities
- 48 CFR Part 31 – Contract Cost Principles and Procedures
- 49 CFR Part 26 –Participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Financial Assistance Programs
- 23 USC § 112 – Letting of Contracts
- 40 USC §§ 1101-1104 – "Selection of Architects and Engineers"

- Federal Funding Accountability and Transparency Act (FFATA)

B. STATE

- ORC 102.03
- ORC 153.65 -153.71
- ORC 5501.03(D)
- ORC 2921.42 and 2921.43
- Ohio Administrative Code 4733-35-05

C. ODOT

- ODOT's Manual for Administration of Contracts for Professional Services
- ODOT's Specifications for Consulting Services – 2016 Edition
- ODOT's Consultant Prequalification Requirements and Procedures
- ODOT's Construction and Material Specifications Manual
- ODOT's Construction Administration Manual of Procedures
- ODOT's Local-let Manual of Procedures

2.2 The LPA shall comply with all applicable Federal and State laws, regulations, executive orders, and applicable ODOT manuals and guidelines. This obligation is in addition to compliance with any law, regulation, or executive order specifically referenced in this Agreement.

2.3 The LPA shall have on file a completed and approved Local-let Participation Requirement Review Form (FORM) before the first required submission of the Project's Stage Plan Set. Failure to comply will result in the delay of the Federal Authorization for Construction, until the FORM has been completed and approved. Failure to submit a completed FORM will result in the PROJECT reverting to ODOT-let and the LPA will be prohibited from participating in the Local-let Program until the Form is completed and approved by ODOT.

3. FUNDING

3.1 The total cost for the PROJECT is estimated to be $1,129,000 as set forth in Attachment 1. ODOT shall provide to the LPA 80% percent of the eligible costs, up to a maximum of $788,722 in Federal funds. This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the actual construction of the improvements and construction engineering/inspection activities of the PROJECT.

3.2 The LPA shall provide all other financial resources necessary to fully complete the PROJECT, including all 100%Locally funded work, and all cost overruns and contractor claims in excess of the maximum(s) indicated in 3.1 above.

4. PROJECT DEVELOPMENT AND DESIGN

4.1 The LPA and ODOT agree that the LPA is qualified to administer this PROJECT and is in full compliance with all LPA participation requirements.

4.2 The LPA and ODOT agree that the LPA has received funding approval for the PROJECT from the applicable ODOT Program Manager having responsibility for monitoring such projects using the Federal funds involved.

4.3 The LPA shall design and construct the PROJECT in accordance with a recognized set of written design standards. The recognized set of written design standards may be either the LPA's formally written local design standards that have been **reviewed and accepted** by ODOT **or** ODOT's Design Manuals and the appropriate AASHTO publication. Notwithstanding the foregoing, for projects that contain a high crash rate or areas of crash concentrations, ODOT may require the LPA to use a design based on ODOT's L&D Manual. The LPA shall be responsible for ensuring that any standards used for the PROJECT are current and/or updated. The LPA shall be responsible for informing the District LPA Manager of any changes.

4.4 The LPA shall designate a Project Design Engineer, who is a registered professional engineer to serve as the LPA's principal representative for attending to project responsibilities. If the Project Design Engineer is not an employee of the LPA, the LPA must engage the services of a pre-qualified ODOT consultant, who has been chosen using a Qualification-Based Selection (QBS) process, as required pursuant to ORC 153.65 through 153.71. The pre-qualified list is available on the ODOT website at: www.dot.state.oh.us/DIVISIONS/Engineering/CONSULTANT .

4.5 If Federal funds are used for a phase of project development and the LPA executes an agreement with a consultant prior to the receipt of the "Authorization" notification from ODOT, ODOT may terminate this Agreement and cease all Federal funding commitments.

4.6 ODOT reserves the right to move this PROJECT into a future sale year if the LPA does not adhere to the established PROJECT schedule, regardless of any funding commitments.

5. ENVIRONMENTAL RESPONSIBILITIES

5.1 In the administration of this PROJECT, the LPA shall be responsible for conducting any required public involvement events, for preparing all required documents, reports and other supporting materials needed for addressing applicable environmental assessment, for clearance responsibilities for the PROJECT pursuant to the National Environmental Policy Act (NEPA) and related regulations, including but not limited to the requirements of the National Historic Preservation Act, and for securing all necessary permits.

5.2 If the LPA does not have the qualified staff to perform any or all of the respective environmental responsibilities, the LPA shall hire an ODOT Pre-Qualified Consultant through a QBS process. The pre-qualified list is available on the ODOT web page at ODOT's Office of Contracts. If the LPA hires a pre-qualified consultant, the LPA shall be responsible for monitoring the consultant's activities and ensuring that the consultant is following all Federal and State laws, regulations, policies, and guidelines.

5.3 ODOT shall be responsible for the review of all environmental documents and reports and shall complete all needed coordination activities with State and Federal regulatory agencies toward securing environmental clearance.

5.4 The LPA shall be responsible for assuring compliance with all commitments made as part of the PROJECT's environmental clearance and/or permit requirements during the construction of the PROJECT.

5.5 The LPA shall require its consultant(s), selected to prepare a final environmental document pursuant to the requirements of NEPA, to execute a copy of a disclosure statement specifying that the consultant(s) has no financial or other interest in the outcome of the PROJECT.

5.6 The LPA shall submit a Notice of Intent to the Ohio EPA to obtain coverage under the National Pollution Discharge Elimination System (NPDES) Construction General Permit for all projects where the combined Contractor and Project Earth Disturbing Activity (EDA) are one (1) acre or more. If the LPA chooses not to use ODOT's L&D Vol. 2 on Local-let LPA projects, they may use an alternative post-construction Best Management Practice(BMP)criterion with Ohio EPA approval.

6. RIGHT-OF-WAY(R/W)/ UTILITIES/ RAILROAD COORDINATION

6.1 All R/W Acquisition activities shall be performed by the LPA in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646) as amended by 49 CFR Part 24 (Uniform Act), any related Federal regulations issued by the FHWA, and any rules, policies, and procedures issued by ODOT.

6.2 If existing and newly acquired R/W is required for this PROJECT, the LPA shall certify that all R/W has been acquired in conformity with Federal and State laws, regulations, policies, and guidelines. Per ODOT's Office of Real Estate, any LPA staff who perform real estate functions shall be prequalified. If the LPA does not have the qualified staff to perform any or all of the respective R/W functions, the LPA shall hire an ODOT Pre-qualified Consultant through a QBS process. The LPA shall not hire the same consultant to perform both the appraisal and appraisal review functions. Appraisal review shall be performed by an independent staff or fee reviewer and shall be hired directly by the LPA.

6.3 If the LPA hires a pre-qualified consultant, the LPA shall be responsible for monitoring the consultant's activities and ensuring that the consultant is following all Federal and State laws, regulations, policies, and procedures.

6.4 All relocation assistance activities shall be performed by the LPA in conformity with Federal and State laws, including the Uniform Act, and any related Federal regulations issued by the FHWA, and any rules, policies, and procedures issued by ODOT. The LPA shall not hire a consultant to perform both the relocation and relocation review functions, nor shall the LPA hire a sub-consultant for Relocation and another sub-consultant for Relocation Review. Relocation Review shall be performed by an independent staff person or independent fee reviewer and shall be hired directly by the LPA.

6.5 The LPA shall provide the ODOT District Office with its LPA Certification of Right of Way Control Letter, certifying that all R/W property rights necessary for the PROJECT are under the LPA's control, that all R/W has been cleared of encroachments, and that utility facilities have been appropriately relocated or accounted for so as not to interfere with project construction activities. ODOT shall make use of the LPA's Certification of Right of Way Control Letter, as well as evaluate the LPA's and/or consultant's performance of the project real estate activities under Titles II and III of the Uniform Act, and, as appropriate, certify compliance to the FHWA. The LPA shall be liable to repay to ODOT all Federal funds disbursed to it under this Agreement if the certification of the LPA is found to be in error or otherwise invalid.

6.6 In the administration of this PROJECT, the LPA agrees to follow all procedures described in the ODOT Utilities Manual and 23 CFR Part 645. When applicable, the LPA shall enter into a Utility Relocation Agreement with each utility prior to the letting of construction.

6.7 The LPA shall submit all subsequent modifications to the design of the PROJECT and/or any disposal of property rights acquired as part of the PROJECT to ODOT and FHWA for approval. Consistent with Sections 6.1 and 6.4 of this Agreement, the LPA shall assure that, if any property acquired for this PROJECT is subsequently sold for less than fair market value, all Title VI requirements are included in the instrument which transfers the property. Consistent with sections 6.1 and 6.4 of this Agreement, the LPA shall assure that if the LPA grants a permit or license for the property acquired for this PROJECT that the license or permit require the licensee or permit holder to adhere to all Title VI requirements.

6.8 Unless by prior written agreement, the LPA shall be responsible for any necessary railroad coordination and agreements. The LPA shall comply with the provisions of Title 23 of the Code of Federal Regulations and applicable chapters of the ORC regarding all activities relating to Railroad-Highway projects.

6.9 No reimbursable construction costs shall be incurred by the LPA prior to the receipt of the "Authorization to Advertise" notification from ODOT. If such costs are incurred, ODOT may terminate this Agreement and cease all Federal funding commitments.

7. ADVERTISING, SALE, AND AWARD

7.1 The LPA **shall not** advertise for bids prior to the receipt of the "Authorization to Advertise" notification from ODOT. Should advertising or work commence prior to the receipt of the "Authorization to Advertise" notification, ODOT shall immediately terminate this Agreement and cease all Federal funding commitments.

7.2 Any use of sole source or proprietary bid items must be approved by the applicable ODOT district. All sole source or proprietary bid items should be brought to the attention of the LPA Manager as soon as possible so as not to cause a delay in the plan package submission process. Bid items for traffic signal and highway lighting projects must be in conformance with ODOT's Traffic Engineering Manual.

7.3 Once the LPA receives Federal authorization to advertise, the LPA may begin advertising activities. Whenever local advertisement requirements differ from Federal advertisement requirements, the Federal requirements shall prevail. The period between the first legal advertising date and the bid opening date shall be a minimum of 21 calendar days. The LPA shall submit to ODOT any addendum to be issued during the advertisement period that changes estimates or materials. ODOT shall review and approve such addendum for project eligibility. All addenda shall be distributed to all potential bidders prior to opening bids and letting the contracts.

7.4 The LPA must incorporate ODOT's LPA Bid Template in its entirety in project bid documents. The template includes Form FHWA-1273, Required Contract Provisions, a set of contract provisions and proposal notices that are required by regulations promulgated by the FHWA and other Federal agencies, which must be included in all contracts as well as appropriate subcontracts and purchase orders.

7.5 The LPA shall require the contractor to be enrolled in, and maintain good standing in, the Ohio Bureau of Workers' Compensation Drug-Free Safety Program (DFSP), or a similar program approved by the Bureau of Workers' Compensation, and the LPA must require the same of any of its subcontractors.

7.6 Only ODOT pre-qualified contractors are eligible to submit bids for this PROJECT. Pre-qualification status must be in effect/current **at the time of award**. For work types that ODOT does not pre-qualify, the LPA must still select a qualified contractor. Subcontractors are not subject to the pre-qualification requirement, unless otherwise directed by the LPA in the bidding documents. In accordance with FHWA Form 1273, Section VII and 23 CFR 635.116, the prime contractor must perform no less than 30%of the total original contract price. The 30%-prime contractor requirement does not apply to design-build contracts.

7.7 In accordance with ORC 153.54, et. seq., the LPA shall require that the selected contractor provide a performance and payment bond in an amount equal to at least 100% of its contract price as security for the faithful performance of its contract. ODOT shall be named an obligee on any bond. If the LPA has 100%locally funded work product within this Agreement, the LPA must allocate the correct percent of the performance and payment bond cost to the 100% locally funded work product.

7.8 Before awarding a contract to the selected contractor, the LPA shall verify that the contractor is not subject to a finding for recovery under ORC 9.24, that the contractor has taken the appropriate remedial steps required under ORC 9.24, or that the contractor otherwise qualifies under the exceptions to this section. Findings for recovery can be viewed on the Auditor of State's website at https://ohioauditor.gov/findings.html . If the LPA fails to so verify, ODOT may immediately terminate this Agreement and release all Federal funding commitments.

7.9 Before awarding a contract to the selected contractor, the LPA shall verify that the contractor is an active registrant on the Federal System for Award Management (SAM). Pursuant to 48 CFR 9.404, contractors that have an active exclusion on SAM are excluded from receiving Federal contracts, certain subcontracts, and certain Federal financial and nonfinancial assistance and benefits. If the LPA fails to so verify, ODOT may immediately terminate this Agreement and release all Federal funding commitments.

7.10 Per ORC 9.75(B), the LPA is prohibited from imposing any geographical hiring preference on any bidder in the LPA's bid documents or on any successful contractor in the LPA's award or contract for the construction of the PROJECT.

7.11 After analyzing all bids for completeness, accuracy, and responsiveness, per ORC 153.12, the LPA shall approve the award of the contract in accordance with laws and policies governing the LPA within 60 days after bid opening. Within 45 days of that approval, the LPA shall submit to ODOT notification of the project award by submitting a bid tabulation, a copy of the ordinance or resolution, and direct payment information as required in Attachment 2 of this Agreement, if applicable.

8. CONSTRUCTION CONTRACT ADMINISTRATION

8.1 The LPA shall provide and maintain competent and adequate project management covering the supervision and inspection of the development and construction of the PROJECT. The LPA shall bear the responsibility of ensuring that construction conforms to the approved plans, surveys, profiles, cross sections, and material specifications. If a consultant is used for engineering and/or inspection activities, the LPA must use a QBS process as required pursuant to ORC 153.65 through 153.71. Any construction contract administration or engineering costs incurred by the LPA or their consultant prior to the construction contract award date will not be eligible for reimbursement under this Agreement.

8.2 The LPA must maintain a project daily diary that is up-to-date and contains the following information: all work performed, list of equipment utilized, project personnel and hours worked, pay quantities, daily weather conditions, special notes and instructions to the contractor, and any unusual events occurring on or adjacent to the PROJECT. Additionally, the LPA is responsible for documenting measurements, calculations, material quality, quantity, and basis for payment; change orders, claims, testing and results, traffic, inspections, plan changes, prevailing wage, EEO and DBE, if applicable. The LPA is responsible for ensuring all materials incorporated into the PROJECT comply with ODOT's Construction and Material Specifications and meet the requirements of Appendix J in the LATP Manual of Procedures.

8.3 The LPA shall certify both the quantity and quality of material used, the quality of the work performed, and the amount of construction engineering cost, when applicable, incurred by the LPA for the eligible work on the PROJECT, as well as at the completion of construction. The LPA shall certify that the construction is in accordance with the approved plans, surveys, profiles, cross sections and material specifications or approved amendments thereto.

8.4 The Federal-aid Highway Program operates on a reimbursement basis, which requires that costs actually be incurred and paid before a request is made for reimbursement. The LPA shall review and/or approve all invoices prior to payment and prior to requesting reimbursement from ODOT for work performed on the PROJECT. If the LPA is requesting reimbursement, it must provide documentation of payment for the project costs requested. The LPA shall ensure the accuracy of any invoice in both amount and in relation to the progress made on the PROJECT. The LPA must submit to ODOT a written request for either current payment or reimbursement of the Federal/State share of the expenses involved, attaching copies of all source documentation associated with pending invoices or paid costs. To assure prompt payment, the measurement of quantities and the recording for payment should be performed daily as the items of work are completed and accepted.

8.5 ODOT shall pay, or reimburse, the LPA or, at the request of the LPA and with concurrence of ODOT, pay directly to the LPA's construction contractor ("Contractor"), the eligible items of expense in accordance with the cost-sharing provisions of this Agreement. If the LPA requests to have the Contractor paid directly, Attachment 2 to this Agreement shall be completed and submitted with the project bid tabulations, and the Contractor shall be required to establish Electronic Funds Transfer with the State of Ohio (STATE). ODOT shall pay the Contractor or reimburse the LPA within 30 days of receipt of the approved Contractor's invoice from the LPA.

8.6 The LPA shall notify ODOT of the filing of any mechanic's liens against the LPA's Contractor within three (3) business days of receipt of notice of the mechanic's lien. Failure to so notify ODOT or failure to process a mechanic's lien in accordance with the provisions of ORC Chapter 1311 may result in the termination of this Agreement. Upon the receipt of notice of a mechanic's lien, ODOT reserves the right to (1) withhold an amount of money equal to the amount of the mechanic's lien that may be due and owing to either the LPA or the Contractor; (2) terminate direct payment to the affected Contractor; or (3) take both actions, until such time as the mechanic's lien is resolved.

8.7 Payment or reimbursement to the LPA shall be submitted to:

Brian Thomas P.E., City Engineer
City of Perrysburg
201 West Indiana Avenue
Perrysburg, Ohio 43551

8.8 If, for any reason, the LPA contemplates suspending or terminating the contract of the Contractor, it shall first seek ODOT's written approval. Failure to timely notify ODOT of any contemplated suspension or termination, or failure to obtain written approval from ODOT prior to suspension or termination, may result in ODOT terminating this Agreement and ceasing all Federal funding commitments.

8.9 If ODOT approves any suspension or termination of the contract, ODOT reserves the right to amend its funding commitment in paragraph 3.1 and, if necessary, unilaterally modify any other term of this Agreement in order to preserve its Federal mandate. Upon request, the LPA agrees to assign all rights, title, and interests in its contract with the Contractor to ODOT to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

8.10 Any LPA right, claim, interest, and/or right of action, whether contingent or vested, arising out of, or related to any contract entered into by the LPA for the work to be performed by the Contractor on this PROJECT (the Claim(s)), may be subrogated to ODOT, and ODOT shall have all of the LPA's rights in/to the Claim(s) and against any other person(s) or entity(ies) against which such subrogation rights may be enforced. The LPA shall immediately notify ODOT in writing of any Claim(s). The LPA further authorizes ODOT to sue, compromise, or settle any such Claim(s). It is the intent of the parties that ODOT be fully substituted for the LPA and subrogated to all the LPA's rights to recover under such Claim(s). The LPA agrees to cooperate with reasonable requests from ODOT for assistance in pursuing any action on the subrogated Claim(s) including requests for information and/or documents and/or to testify.

8.11 After completion of the PROJECT, and in accordance with 23 USC 116 and applicable provisions of the ORC, the LPA shall maintain the PROJECT to design standards and provide adequate maintenance activities for the PROJECT, unless otherwise agreed to by ODOT. The PROJECT must remain under public ownership and authority for 20 years unless otherwise agreed to by ODOT. If the PROJECT is not being adequately maintained, ODOT shall notify the LPA of any deficiencies, and if the maintenance deficiencies are not corrected within a reasonable amount of time, ODOT may determine that the LPA is no longer eligible for future participation in any federally funded programs.

8.12 The LPA must provide the final invoices, and final report (Appendix P located in the Construction Chapter of the LPA Manual) along with all necessary closeout documentation within six (6) months of the physical completion date of the PROJECT. All costs must be submitted within six (6) months of the established completion date. Failure to submit final invoices along with the necessary closeout documentation within the six (6)-month period may result in closeout of the PROJECT and loss of eligibility of any remaining Federal and or State funds.

8.13 The LPA shall be responsible for verifying that a C92 GoFormz has been completed by the prime contractor for each subcontractor and material supplier working on the PROJECT, prior to starting work. This requirement will be routinely monitored by the District Construction Monitor to ensure compliance.

8.14 The LPA shall be responsible for monitoring all DBE Subcontractors on the project to ensure they are performing a Commercially Useful Function (CUF) as directed in the LATP Manual of Procedures.

8.15 The LPA shall be responsible for monitoring payments made by prime contractors and Subcontractors to ensure compliance with the Prompt Payment requirements outlined in Construction and Materials Specifications (C&MS) 107.21.

9. <u>CERTIFICATION AND RECAPTURE OF FUNDS</u>

9.1 This Agreement is subject to the determination by ODOT that sufficient funds have been appropriated by the Ohio General Assembly to the STATE for the purpose of this Agreement and to the certification of funds by the Office of Budget and Management, as required by ORC 126.07. If ODOT determines that sufficient funds have not been appropriated for the purpose of this Agreement or if the Office of Budget and Management fails to certify the availability of funds, this Agreement or any renewal thereof will terminate on the date funding expires.

9.2 Unless otherwise directed by ODOT, if for any reason the PROJECT is not completed in its entirety or to a degree acceptable to ODOT and FHWA, the LPA shall repay to ODOT an amount equal to the total funds ODOT disbursed on behalf of the PROJECT. In turn, ODOT shall reimburse FHWA an amount equal to the total sum of Federal dollars it has received for the PROJECT. If the LPA has not repaid ODOT in full an amount equal to the total funds ODOT disbursed on behalf of the PROJECT, any funds recovered from the performance and payment bond as required under section 7.7 shall be used to offset the Federal dollars reimbursed to FHWA.

10. <u>NONDISCRIMINATION</u>

10.1 In carrying out this Agreement, the LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex (including pregnancy, gender identity and sexual orientation), national origin, ancestry, age, disability as that term is defined in the American with Disabilities Act, military status (past, present, or future), or genetic information. The LPA shall ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex (including pregnancy, gender identity and sexual orientation), national origin, ancestry, age, disability, military status, or genetic information. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer;

recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

10.2 The LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, and in all solicitations or advertisements for employees placed by it, state that all qualified applicants shall receive consideration for employment without regard to race, religion, color, sex (including pregnancy, gender identity and sexual orientation), national origin, ancestry, age, disability, military status, or genetic information. The LPA shall incorporate this nondiscrimination requirement within all of its contracts for any of the work on the PROJECT (other than subcontracts for standard commercial supplies or raw materials) and shall require all of its contractors to incorporate such requirements in all subcontracts for any part of such project work.

10.3 The LPA shall not discriminate on the basis of race, color, national origin, or sex in the award of contracts and subcontracts financed in whole or in part with Federal funds provided in conjunction with this Agreement and in the fulfillment of DBE-related requirements set forth by ODOT. The LPA shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of contracts and subcontracts financed in whole or in part with Federal funds provided in conjunction with this Agreement. ODOT's DBE Program, as required by 49 CFR Part 26 and as approved by the United States Department of Transportation ("U.S. DOT"), is incorporated by reference in this agreement. The fulfillment of DBE-related requirements by the LPA is a legal obligation and failure to do so shall be treated as a violation of this Agreement.

10.4 During the performance of this contract, the LPA, for itself, its assignees and successors in interest agrees as follows:

(a) **Compliance with Regulations:** The LPA will comply with the regulations relative to nondiscrimination in Federally assisted programs of the U.S. DOT, 49 CFR Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

In addition, the LPA will comply with the provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, FHWA Guidance, and any other Federal, State, and/or local laws, rules and/or regulations (hereinafter referred to as "ADA/504").

(b) **Nondiscrimination:** The LPA, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex (including pregnancy, gender identification and sexual orientation), age, disability, low-income status or limited English proficiency in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The LPA will not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations, as well as the ADA/504 regulations.

(c) **Solicitations for Contractors or Subcontractors, including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the LPA for work to be performed under a contract or subcontract, including procurements of materials or leases of equipment, each potential contractor, subcontractor, or supplier will be notified by the LPA of the LPA's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex (including pregnancy, gender identification and sexual orientation), age, disability, low-income status or limited English proficiency.

(d) **Information and Reports:** The LPA will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the STATE or FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the LPA is in the exclusive possession of another who fails or refuses to furnish this information, the LPA will so certify to the STATE or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

(e) **Sanctions for Noncompliance:** In the event of the LPA's noncompliance with the nondiscrimination provisions of this contract, the STATE will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:

(1) withholding of payments to the LPA under the contract until the LPA complies, and/or
(2) cancellation, termination, or suspension of the contract, in whole or in part.

(f) **Incorporation of Provisions:** The LPA will include the provisions of paragraphs 10.4 (a) through (e) above in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The LPA will take such action with respect to any contractor or subcontractor procurement as the STATE or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event the LPA becomes involved in, or is threatened with, litigation with a contractor, subcontractor, or supplier as a result of such direction, the LPA may request the STATE to enter into such litigation to protect the interests of the STATE, and, in addition, the LPA may request the United States to enter into such litigation to protect the interests of the United States.

11. <u>DATA, PATENTS AND COPYRIGHTS - PUBLIC USE</u>

11.1 The LPA shall ensure that any designs, specifications, processes, devices, or other intellectual properties specifically devised for the PROJECT by its consultant(s) and/or contractor(s) performing work become the property of the LPA, and that when requested, such designs, specifications, processes, devices or other intellectual properties shall become available to ODOT and FHWA with an unrestricted right to reproduce, distribute, modify, maintain, and use. The LPA's consultant(s) and/or contractor(s) shall not seek or obtain copyrights, patents, or other forms of proprietary protection for such designs, specifications, processes, devices, or other intellectual properties, and in providing them to the PROJECT, shall relinquish any such protections should they exist.

11.2 The LPA shall not allow its consultant(s) and/or contractor(s) to utilize within the development of the PROJECT any copyrighted, patented or similarly protected design, specification, process, device or other intellectual property unless the consultant(s) and/or contractor(s) has provided for such use by suitable legal agreement with the owner of such copyright, patent, or similar protection. Consultant(s) and/or contractor(s) making use of such protected items for the PROJECT shall indemnify and save harmless the LPA and any affected third party from any and all claims of infringement on such protections, including any costs, expenses, and damages which it may be obliged to pay by reason of infringement, at any time during the prosecution or after the completion of work on the PROJECT.

11.3 In the case of patented pavements or wearing courses where royalties, licensing and proprietary service charges, exacted or to be exacted by the patentees, are published and certified agreements are filed with the LPA, guaranteeing to prospective bidders free unrestricted use of all such proprietary rights and trademarked goods upon payment of such published charges, such patented pavements or wearing courses may be specifically designated in the proposal and competition secured upon the item exclusive of the patent or proprietary charges.

12. TERMINATION; DEFAULT AND BREACH OF CONTRACT

12.1 Neglect or failure of the LPA to comply with any of the terms, conditions, or provisions of this Agreement, including misrepresentation of fact, may be an event of default, unless such neglect or failure are the result of natural disasters, strikes, lockouts, acts of public enemies, insurrections, riots, epidemics, civil disturbances, explosions, orders of any kind of governments of the United States or STATE or any of their departments or political subdivisions, or any other cause not reasonably within the LPA's control. If a default has occurred, ODOT may terminate this Agreement with 30 days written notice, except that if ODOT determines that the default can be remedied, then ODOT and the LPA shall proceed in accordance with sections 12.2 through 12.4 of this Agreement.

12.2 If notified by ODOT in writing that it is in violation of any of the terms, conditions, or provisions of this Agreement, and a default has occurred and ODOT determines that the default can be remedied, the LPA shall have 30 days from the date of such notification to remedy the default or, if the remedy will take in excess of 30 days to complete, the LPA shall have 30 days from the date of notification to satisfactorily commence a remedy of the causes preventing its compliance and curing the default situation. Expiration of the 30 days and failure by the LPA to remedy, or to satisfactorily commence the remedy of, the default whether payment of funds has been fully or partially made, shall result in ODOT, at its discretion, declining to make any further payments to the LPA, or in the termination of this Agreement by ODOT. If this Agreement is terminated, the LPA may be liable to repay to ODOT all of the Federal funds disbursed to it under this Agreement.

12.3 The LPA, upon receiving a notice of termination from ODOT for default, shall cease work on the terminated activities covered under this Agreement. If so requested by ODOT, the LPA shall assign to ODOT all its rights, title, and interest to any contracts it has with any consultants or contractors. Otherwise, the LPA shall terminate all contracts and other agreements it has entered into relating to such covered activities, take all necessary and appropriate steps to limit disbursements and minimize any remaining costs. At the request of ODOT, the LPA may be required to furnish a report describing the status of PROJECT activities as of the date of its receipt of notice of termination, including results accomplished and other matters as ODOT may require.

12.4 No remedy herein conferred upon or reserved by ODOT is intended to be exclusive of any other available remedy, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right or option accruing to ODOT upon any default by the LPA shall impair any such right or option or shall be construed to be a waiver thereof, but any such right or option may be exercised from time to time and as often as may be deemed expedient by ODOT.

12.5 This Agreement and the obligation of the parties herein may be terminated by either party with 30 days written notice to the other party. Upon receipt of any notice of termination, the LPA shall immediately cease all work, terminate all subcontracts relating to such terminated activities, take all necessary or appropriate steps to limit disbursements and minimize costs, and furnish all data results, reports, and other materials describing all work under this contract, including without limitation, results accomplished, conclusions resulting therefrom, and such other matters as ODOT may require.

12.6 In the event of termination by either party for convenience, the LPA shall be entitled to compensation, upon submission of a proper invoice, for the work performed prior to receipt of notice of termination, less any funds previously paid by or on behalf of ODOT. ODOT shall not be liable for any further claims, and the claims submitted by the LPA shall not exceed the total amount of consideration stated in this Agreement. In the event of termination, any payments made by ODOT in which services have not been rendered by the LPA shall be returned to ODOT.

13. THIRD PARTIES AND RESPONSIBILITIES FOR CLAIMS

13.1 Nothing in this Agreement shall be construed as conferring any legal rights, privileges, or immunities, or imposing any legal duties or obligations, on any person or persons other than the parties named in this Agreement, whether such rights, privileges, immunities, duties, or obligations be regarded as contractual, equitable, or beneficial in nature as to such other person or persons. Nothing in this Agreement shall be construed as creating any legal relations between the Director and any person performing services or supplying any equipment, materials, goods, or supplies for the PROJECT sufficient to impose upon the Director any of the obligations specified in ORC 126.30.

13.2 The LPA hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the actionable negligence of its officers, employees or agents in the performance of the LPA's obligations made or agreed to herein.

14. NOTICE

14.1 Notice under this Agreement shall be directed as follows:

If to the LPA: If to ODOT:

Brian Thomas P.E., City Engineer	Matthew Sommerfeld P.E., LPA Manager
City of Perrysburg	ODOT District 2
201 West Indiana Avenue	317 East Poe Road
Perrysburg, Ohio 43551	Bowling Green, Ohio 43402
bthomas@ci.perrysburg.oh.us	Matthew.Sommerfeld@dot.ohio.gov

15. GENERAL PROVISIONS

15.1 *Recovery of LPA's allocable project Direct Labor, Fringe Benefits, and/or Indirect Costs*:

To be eligible to recover any costs associated with the LPA's internal labor forces allocable to this PROJECT, the LPA shall make an appropriate selection below: [*LPA official must initial the option selected.*]

☐

1. No cost recovery of LPA's project direct labor, fringe benefits, or overhead costs.

(A) The LPA ***does not*** currently maintain an ODOT approved Federally compliant time-tracking system[1], ***and***

(B) The LPA ***does not*** intend to have a Federally compliant time-tracking system developed, implemented, and approved by ODOT prior to the period of performance of this PROJECT, ***and/or***

(C) The LPA ***does not*** intend to pursue recovery of these project direct labor, fringe benefits, or overhead costs during the period of performance of this PROJECT Agreement.

1 A "federally compliant time-tracking system" is supported by a system of internal controls and record-keeping that accurately reflects the work performed; which provides reasonable assurance that the time being charged is accurate, allowable, and properly allocated; is incorporated in official records such as payroll records; reasonably reflects the employee's total activity; provides a time or percentage breakdown on all activities, both Federally funded and non-Federally funded for the employee and complies with the LPA's pre-established accounting practices and procedures.

☒ **2. Direct labor plus indirect costs calculated using the Federal 10% De Minimis Indirect Cost Rate.** [2]

(A) The LPA currently maintains, or intends to develop and implement prior to the period of performance of this PROJECT, an ODOT approved Federally compliant time-tracking system, ***and***

(B) The LPA ***does not*** currently have, and ***does not*** intend to negotiate, an ODOT approved fringe benefits rate prior to the period of performance of this PROJECT.

☐ **3. Direct labor, plus fringe benefits costs calculated using the LPA's ODOT approved Fringe Benefits Rate, plus indirect costs calculated using the Federal 10% De Minimis Indirect Cost Rate.** [3]

(A) The LPA currently maintains, or intends to develop and implement prior to the period of performance of this PROJECT, an ODOT approved Federally compliant time-tracking system, ***and***

(B) The LPA currently has, or intends to negotiate, an ODOT approved fringe benefits rate prior to the period of performance of this PROJECT.

☐ **4. Direct labor, plus fringe benefits costs calculated using the LPA's ODOT approved Fringe Benefits Rate, plus indirect costs calculated using the LPA's ODOT approved Indirect Cost Rate.** [4]

(A) The LPA currently maintains, or intends to develop and implement prior to the period of performance of this PROJECT, an ODOT approved Federally compliant time-tracking system, ***and***

(B) The LPA currently has, or intends to negotiate, an ODOT approved fringe benefits rate prior to the period of performance of this PROJECT, ***and***

(C) Instead of using the Federal 10% De Minimis Indirect Cost Rate, the LPA currently has, or intends to negotiate, an ODOT approved indirect cost rate prior to the period of performance of this PROJECT.

For any allocable project labor costs to be eligible for reimbursement with Federal and/or State funds, the LPA must maintain compliance with all timekeeping requirements specified in 2 CFR Part 200 and the ODOT LPA Cost Recovery Guidance, including ODOT Questions and Answers

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2 [Also be sure to read footnote # 1] The De Minimis Indirect Cost Rate is 10 %of modified total direct costs (MTDC) per 2 CFR 200.414. The definition of MTDC is provided in the regulation at 2 CFR 200.68. Any questions regarding the calculation of MTDC for a specific project should be directed to the Office of Local Programs. Further, regardless of whether the LPA subrecipient negotiates overhead rates with ODOT or uses the 10% de minimis rate, LPAs are required to maintain Federally-compliant time-tracking systems. Accordingly, LPAs are permitted to bill for labor costs, and then potentially associated fringe/indirect costs, only if the labor costs are accumulated, tracked, and allocated in accordance with compliant systems. Before an LPA is eligible to invoice ODOT for and recover the 10% de minimis indirect cost rate on any project, the LPA's time-tracking system and methods for tracking other project costs must be reviewed and approved by the ODOT Office of External Audits. A non-Federal entity that elects to charge the de minimis rate must meet the requirements in 2 CFR 200 Appendix VII Section D, Part 1, paragraph b.

3 [Also be sure to read footnotes # 1 and 2] The fringe benefits rate billed to this project must be determined in accordance with the Rate Agreement periodically negotiated with and approved by the ODOT Office of External Audits. The fiscal period when the LPA's direct labor costs are paid will be matched with the ODOT approved rate for that fiscal year to determine which rate is applicable. Accordingly, the fringe benefits rate applicable to different fiscal years throughout the period of performance of the project may fluctuate to match changes to the ODOT approved rate.

4 [Also be sure to read footnote # 1] The fringe benefits and indirect cost rates billed to this project must be determined in accordance with the Rate Agreement periodically negotiated with and approved by the Office of External Audits. The fiscal period when the LPA's direct labor costs are paid will be matched with the ODOT approved rates for that fiscal year to determine which rates are applicable. Accordingly, the rates applicable to different fiscal years throughout the period of performance of the project may fluctuate to match changes to the ODOT approved rates.

and related supplementary guidance, as applicable. Additionally, if the LPA elects to recover fringe and/or indirect costs, the LPA shall maintain compliance with Appendix VII of 2 CFR Part 200 and the LATP Manual of Procedures.

15.2 If the LPA decides to change its indirect cost recovery option, the change shall not become effective until this Agreement is amended pursuant to section 15.12 below to reflect the indirect cost recovery option utilized by the LPA on the PROJECT.

15.3 *Financial Reporting and Audit Requirements*: One or more phases of this Agreement include a sub award of Federal funds to the LPA. Accordingly, the LPA must comply with the financial reporting and audit requirements of 2 CFR Part 200.

All non-Federal entities, including ODOT's LPA sub-recipients, that have aggregate Federal awards expenditures from all sources of $750,000 or more in the non-Federal entity's fiscal year must have a Single Audit, or program-specific audit, conducted for that year in accordance with the provisions of 2 CFR Part 200.

Federal and State funds expended to or on behalf of a subrecipient must be recorded in the accounting records of the LPA subrecipient. The LPA is responsible for tracking all project payments throughout the life of the PROJECT in order to ensure an accurate Schedule of Expenditures of Federal Awards (SEFA) is prepared annually for all *Applicable Federal Funds*. *Applicable Federal Funds* are those that are identified with the various project phases of this Agreement as a subaward. *Applicable Federal Funds* include not only those LPA project expenditures that ODOT subsequently reimburses with Federal funds, but also those Federal funds project expenditures that are disbursed directly by ODOT upon the request of the LPA.

The LPA must separately identify each ODOT PID and/or Project and the corresponding expenditures on its SEFA. LPAs are responsible for ensuring expenditures related to this PROJECT are reported when the activity related to the Federal award occurs. Further, the LPA may make this determination consistent with 2 CFR 200.502 and its established accounting method to determine expenditures including accrual, modified accrual or cash basis.

When project expenditures are not accurately reported on the SEFA, the LPA may be required to make corrections to and republish the SEFA to ensure Federal funds are accurately reported in the correct fiscal year. An ODOT request for the restatement of a previously published SEFA will be coordinated with the Ohio Auditor of State.

15.4 *Record Retention*: The LPA, when requested at reasonable times and in a reasonable manner, shall make available to the agents, officers, and auditors of ODOT and the United States government, its records and financial statements as necessary relating to the LPA's obligations under this Agreement. All such books, documents, and records shall be kept for a period of at least three (3) years after FHWA approves the LPA's final Federal voucher for reimbursement of project expenses. In the event that an audit-related dispute should arise during this retention period, any such books, documents, and records that are related to the disputed matter shall be preserved for the term of that dispute. The LPA shall require that all contracts and other agreements it enters into for the performance of the PROJECT contain the following specific language:

> As the LPA, ODOT or the United States government may legitimately request from time to time, the contractor agrees to make available for inspection and/or reproduction by the LPA, ODOT or United States government, all records, books, and documents of every kind and description that relate to this Agreement.

Nothing contained in this Agreement shall in any way modify the LPA's legal duties and obligations to maintain and/or retain its records under Ohio public records laws.

15.5 *Ohio Ethics and Conflict of Interest Laws*: LPA agrees that they are currently in compliance and will continue to adhere to the requirements of Ohio Ethics and Conflict of Interest laws as provided by ORC 102.03, 102.04, 2921.42 and 2921.43 and 23 CFR 1.33.

15.6 *State Property Drug-Free Workplace Compliance*: In accordance with applicable State and Federal laws, rules, and policy, the LPA shall make a good faith effort to ensure that its employees and its contractors will not purchase, transfer, use, or possess alcohol or a controlled substance while working on State property.

15.7 *Trade:* Pursuant to the federal Export Administration Act and ORC 9.76(B), the LPA and any contractor(s) or sub-contractor(s) shall warrant that they are not boycotting any jurisdiction with whom the United States and the STATE can enjoy open trade, including Israel, and will not do so during the term of this Agreement.

The STATE does not acquire supplies or services that cannot be imported lawfully into the United States. The LPA certifies that it, its contractor(s), subcontractor(s), and any agent of the contractor(s) or its subcontractor(s), acquire any supplies or services in accordance with all trade control laws, regulations or orders of the United States, including the prohibited source regulations set forth in subpart 25.7, Prohibited Sources, of the Federal Acquisition Regulation and any sanctions administered or enforced by the U.S. Department of Treasury's Office of Foreign Assets Control. A list of those sanctions by country can be found at https://www.treasury.gov/resource- center/sanctions/Programs/Pages/Programs.aspx. These sanctions generally preclude acquiring any supplies or services that originate from sources within, or that were located in or transported from or through Cuba, Iran, Libya, North Korea, Syria, or the Crimea region of Ukraine.

15.8 *Lobbying*: Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, PL 104-65 (2 U.S.C. §1601, et seq.). LPA agrees that it will not use any funds for Lobbying, 49 CFR Part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S. C. 1352. Each tier shall comply with Federal statutory provisions or the extent applicable prohibiting the use of Federal assistance funds for activities designed to influence congress to a State legislature on legislation or appropriations, except through proper official channels. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier, up to the recipient.

15.9 *Debarment.* LPA represents and warrants that it is not debarred from consideration for contract awards by the Director of the Department of Administrative Services, pursuant to either ORC 153.02 or 125.25 or by the Federal Government pursuant to 2 CFR Part 1200 and 2 CFR Part 180.

15.10 *Governing Law*: This Agreement and any claims arising out of this Agreement shall be governed by the laws of the STATE. Any provision of this Agreement prohibited by the laws of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this Agreement, or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that ODOT is a party to any litigation arising out of or relating in any way to this Agreement or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.

15.11 *Assignment*: Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.

15.12 *Merger and Modification*: This Agreement and its attachments constitute the entire Agreement between the parties. All prior discussions and understandings between the parties are superseded by this Agreement. Unless otherwise noted herein, this Agreement shall not be altered, modified, or amended except by a written agreement signed by both parties hereto.

15.13 *Severability*: If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or the ability to enforce the remainder of this Agreement. All provisions of this Agreement shall be deemed severable.

15.14 *Signatures*: Any person executing this Agreement in a representative capacity hereby represents that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

15.15 *Facsimile Signatures:* Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile or electronic signature on any other party delivered in such a manner as if such signature were an original.

The parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

LPA: City of Perrysburg	**STATE OF OHIO** **OHIO DEPARTMENT OF TRANSPORTATION**
By:	By:
Title:	Pamela Boratyn Director
Date:	Date:

Attachment 1

PROJECT BUDGET – SOURCES AND USES OF FUNDS

SOURCES / USES	LPA FUNDS			FHWA FUNDS			STATE FUNDS			TOTAL
	Amount	%	SAC	Amount	%	SAC	Amount	%	SAC	
PRELIMINARY DEVELOPMENT										
FINAL DESIGN, CONSTRUCTION PLANS & SPECIFICATIONS										
ACQUISITION OF RIGHT OF WAY & UTILITY RELOCATION										
PROJECT CONSTRUCTION COSTS	$197,180	20%	LNTP	$788,722	80%	4TC7				$985,902
	$73,098	100%	LNTP							$73,098
INSPECTION	$70,000	100%	LNTP							$70,000
TOTALS	$340,277			$788,722						$1,129,000

WOO SR 25 21.28 W
BOUNDARY MUP
COUNTY-ROUTE-SECTION

117684
PID NUMBER

41951
AGREEMENT NUMBER

GVSWA2FTRLX1
SAM UNIQUE ENTITY ID

Attachment 2

DIRECT PAYMENT OF CONTRACTOR

At the direction of the LPA and upon approval of ODOT, payments for work performed under the terms of the Agreement by the LPA's contractor shall be paid directly to the contractor in the pro-rata share of Federal/State participation. The invoice package shall be prepared by the LPA as previously defined in this Agreement and shall indicate that the payment is to be made to the contractor. In addition, the invoice must state the contractor's name, mailing address and OAKS Vendor ID. Separate invoices shall be submitted for payments that are to be made to the contractor and those that are to be made to the LPA.

When ODOT uses Federal funds to make payment to the contractor, all such payments are considered to be expenditures of Federal funds received and also expended by the LPA (sub recipient). Accordingly, the LPA is responsible for tracking the receipts and payments and reporting the payments Federal (Receipts) Expenditures on the Schedule of Expenditures of Federal Awards (SEFA). An LPA that fails to report these funds accurately and timely may be required to restate the SEFA to comply with Federal reporting requirements.

We_________________________request that all payments for the Federal/State share of the construction costs of this Agreement performed by ____________________be paid directly to __________________.

LPA Name:	**Error! Reference source not found.**
Oaks Vendor ID:	
Mailing Address:	
LPA signature:	

Contractor Name:	
Oaks Vendor ID:	
Mailing Address:	
ODOT Approval signature:	

TO: Mayor Mackin
President Fuller
Members of City Council

FROM: Timothy W. Effler, Law Director

RE: Resolution 27-2025

DATE: March 4, 2025

Subject Matter/Background

The City of Perrysburg is in need of traffic signal poles/mast arms and related equipment compatible with the design for the Downtown Streetscape Project.
This Resolution authorizes the Mayor and Director of Finance to enter into an agreement with Signal Service Inc. for the purchase of traffic signal poles/mast arms and related equipment at a price of Sixty-One Thousand Nine Hundred Thirty-Nine Dollars and Zero Cents ($61,939.00).
Service Committee Chair Kerry Wellstein agreed to present this resolution directly to City Council to ensure timely purchase and delivery of the equipment, as there is a long lead time for the delivery.

Financial Review

Account Number: 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 waive the rules, waive the three readings, and pass the legislation as an emergency measure is appropriate. To allow for the construction to begin in a timely manner.

RESOLUTION 27-2025

A RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH SIGNAL SERVICE INC. IN AN AMOUNT NOT TO EXCEED SIXTY-ONE THOUSAND NINE HUNDRED THIRTY-NINE DOLLARS AND ZERO CENTS ($61,939.00) FOR THE PURCHASE OF TRAFFIC SIGNAL POLES/MAST ARMS AND RELATED EQUIPMENT FOR THE DOWNTOWN STREETSCAPE PROJECT; AND DECLARING AN EMERGENCY

WHEREAS, the City of Perrysburg is in need of traffic signal poles/mast arms and related equipment for the Downtown Streetscape Project; and,

WHEREAS, the traffic signal poles/mast heads procured must be compatible with the design for the Downtown Streetscape Project; and,

WHEREAS, the compatible traffic signal poles/mast heads are sole source items only available through Signal Service Inc.; and,

WHEREAS, the total price for these traffic signal poles/mast arms and related equipment is Sixty-One Thousand Nine Hundred Thirty-Nine Dollars and Zero Cents ($61,939.00).

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 enter into a Purchase Agreement with Signal Service Inc. the purchase of traffic signal poles/mast arms and related equipment in an amount not to exceed Sixty-One Thousand Nine Hundred Thirty-Nine Dollars and Zero Cents ($61,939.00), as outlined in the quote 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, to allow for the timely purchase of the requisite equipment, 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

QUOTATION

QUOTE #0338-25BB.1

SIGNAL SERVICE INC.

1020 Andrew Drive
WEST CHESTER, PA 19380
Phone: (610) 429-8073
Inside PA: 1-800-851-0606
FAX: (610) 429-8076

DISTRIBUTORS OF TRAFFIC SIGNAL PRODUCTS
ENGINEERING - DESIGN - TECHNICAL SERVICE

Date: MARCH 3, 2025

To: CITY OF PERRYSBURG

Attn: MR. BRIAN A THOMAS, P.E.

For: **PERRYSBURG DOWNTOWN STREETSCAPE PHASE 1**

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
A	2	6' bracket arm S curve with deco horz rod	$667.00	**$1,334.00**
B	1	9' bracket arm S curve with deco horz rod	$954.00	$954.00
C	1	15' bracket arm S curve with deco horz rod	$1,217.00	$1,217.00
D	1	Deco combo TC-81.22 design 2, curved 21' mast arm assy, Renaissance AC2 deco base.	$11,646.00	$11,646.00
E	1	Deco combo TC-81.22 design 2, curved 24' mast arm assy, Renaissance AC2 deco base.	$11,646.00	$11,646.00
F	1	Deco combo TC-81.22 design 2, curved 27' mast arm assy, Renaissance AC2 deco base.	$11,646.00	$11,646.00
G	1	Deco combo TC-81.22 design 4, curved 33' mast arm assy, Renaissance AC2 deco base.	$17,248.00	$17,248.00
H	4	Deco 8' pedestal pole, Renaissance AC2 deco base	$1,562.00	$6,248.00
		TOTALS		**$61,939.00**

PRICING INCLUDES ANCHOR BOLTS.
ALL POLES ARE GALV & POWDER COAT FINISH PAINT SEMI GLOSS BLACK 5 YEAR WARRANTY.
PRICING INCLUDES SHIPPING.
LEAD TIME IS 24-26 WEEKS AFTER APPROVAL & RELEASE.

PRICING IS SUPPLY ONLY, DOES NOT INCLUDE INCIDENTAL MATERIALS AND EQUPMENT REQUIRED FOR INSTALLATION.

PRICING INCLUDES SHIPPING, DOES NOT INCLUDE EQUIPMENT AND MANPOWER FOR OFF LOADING

F.O.B. - Shipping Point [ ]
F.O.B. - Shipping Point with transportation allowed to dest. X
F.O.B - Destination [ ]

SHIPMENT - Based upon today's conditions, can be made within ____________after receipt of your order.

Terms: Net 30 days, subject to credit approval. Unless otherwise stated, applicable State and Local taxes are notincluded.

Signal Service Inc. retains title to material until paid in full

WE BELIEVE QUANTITIES SHOWN IN THIS ESTIMATE ARE
PLEASE CHECK AGAINST YOUR OWN TAKE-OFF AND NOTIFY
US OF ANY DISCREPANCY BEFORE BIDDING SO WE CAN
REVISE OUR QUOTE TO YOU. ALL QUOTATIONS ARE SUBJECT
TO GENERAL TERMS ON REVERSE SIDE HEREOF.

____
Brad Barringer