

Ordinance No.: 2019 - 19

Introduced by: Shaver

Requested by: SSD

AN ORDINANCE

Amending section 1133.07 of Chapter 1133 of the Codified Ordinances of the City of Fostoria, Ohio.

WHEREAS, the Director of Public Service and Safety has determined that it is necessary for the City of Fostoria to regulate digital signage.

WHEREAS, section 1133.07 must be amended to include regulation of digital signage.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1: The Codified Ordinances of the City of Fostoria, Ohio be, and the same hereby is, amended by adding language to section 1133.07, of Chapter 1133, "Standards for Specific Sign Types", which shall read as follows:

1133.07 STANDARDS FOR SPECIFIC SIGN TYPES

(a) Awning and Canopy Signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied and shall meet the following conditions:

- (1) Location. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way.
- (2) Extension. Such signs shall not extend more than three (3) feet from the face of the building to which they are attached.
- (3) Minimum clearance. A minimum clearance of ten (10) feet shall be maintained above sidewalks.
- (4) Setbacks. The awning shall comply with the same setbacks established for the building.
A. Exception: In B-3 District-It may overhang the street right of way line not exceeding 75% of the distance between the street right-of-way line and the street curb line. The minimum vertical height of nine (9) feet above finished grade.
- (5) Copy. The copy on an awning sign shall not exceed fifty (50) percent of the sign's total area.
- (6) Illumination. Internal illumination is prohibited.

(b) Blade Signs.

- (1) Location. Blade signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
- (2) Height above finished grade. The lowest point of a blade signs shall be at least eight (8) feet but no more than fifteen (15) feet above finished grade. Blade signs shall not extend beyond the roof line.
- (3) Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign. Brackets and/or hardware for the sign may not extend more than four inches from the outside face of the sign.
- (4) Square footage. A maximum of six (6) square feet will be allowed.
- (5) Illumination. Internal illumination is prohibited.

(c) Banner Signs. Banner signs are temporary signs and subject to the following conditions:

- (1) Number. No more than one (1) banner may be displayed on the property at any one time.
- (2) Maximum area and height. The maximum area and height of the banner sign shall not exceed

that allowed for a permanent wall sign.

(3)Permits per year. No site will be issued more than two (2) temporary banner Sign Permits per year.

(4)The banner sign shall not be displayed above the roof line of any structure.

(5)The banner sign shall be safely secured to a building, structure, or stake. If a stake or structure is used, the stake or structure must be removed at the time the banner is removed.

(6)The banner sign shall have ventilated faces to reduce wind load if the banner is more than five (5) feet in length.

(d)Freestanding Signs.

(1)Posts. Pylon signs shall not have posts with a diameter greater than twelve (12) inches. Posts may not be higher than two (2) feet above finished grade and no more than two (2) posts may be used. The height of the posts will be included in the maximum height permitted for the sign.

(2)Base material of monument signs. The base of monument signs shall be brick, stone, or stucco. The exposed base of a monument sign may not exceed two (2) feet in height. The height of the base will be included when calculating the height of the sign.

(3)Cantilever signs. The post used to anchor cantilever signs shall be wood or another natural material such as brick or stone.

(4)Landscaping. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. Landscaping is not required on temporary, freestanding signs.

(5)Location. The sign must be located along frontage adjoining a public street.

(6)Setbacks. The front setback for freestanding signs shall be at least one-half of the depth of the required front yard from the public right-of-way line unless otherwise stated. The sign must also meet the side yard setback for the applicable zoning district unless otherwise stated.

(e)Joint Identification Signs.

(1)Type. Primary and secondary freestanding joint identification signs must be monument signs.

(2)Setbacks. The front setback for freestanding joint identification signs shall least one-half of the depth of the required front yard from the public right-of-way. The sign must also meet the side yard setback for the applicable zoning district unless otherwise stated.

(f)Portable Signs.

(1)Zoning districts where permitted. Portable signs are only permitted in General Business (B-2), Central Business District (B-3), Restricted Industrial (M-1), and General Industrial (M-2).

(2)Maximum area and height. Such signs shall be not more than four (4) feet high and three (3) feet in width. There shall be no more than two (2) sides to such sign.

(3)Illumination. Portable signs shall not be illuminated.

(4)Use during operating hours. The sign shall be taken inside the establishment when the business closes each night and shall not be placed outside again until the business opens each morning. Three (3) or more violations of this provision during any sixty day (60) period shall be grounds for the City to suspend or revoke the right of the violator to have a portable sign.

(5)Placement.The sign shall be located directly in front of the business establishment and within ten (10) feet of the principal public entrance to the establishment.

(6)Permit requirements. A permit is not required.

(g)Wall Signs.

(1)Location. All wall signs shall be mounted on the building which houses the establishment advertised by such signs, except as otherwise specifically authorized by this Zoning Code. Such signs shall be located on or along a wall of such a building which faces a street, parking lot, or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher.

(2)Projection from wall. All wall signs shall be parallel to the wall on which they are installed.

The sign shall not project above the edge of the roof of the structure and from the surface upon which it is attached more than twelve (12) inches in a non-residential district. In a residential district, a wall sign shall not project more than three (3) inches.

(h) Window Signs. Window signs are permitted in any zoning district and do not require a Sign Permit. However, all window signs shall meet the following conditions:

(1) Number. No more than one (1) permanent or temporary window sign is permitted per window.

(2) Surface coverage. Window signs may not be larger than twenty-five percent (25%) of the aggregate window area.

(3) Illumination. Window signs shall not be illuminated.^[1]

(i) Permanent Electronic Message Boards/Digital Signs. Electronic Message Boards/Digital Signs are allowed in B-1, B-2, B-3, M-1, M-2, S-1, RMH, and Corridor Business Overlay District. Electronic Message Boards/Digital Signs are prohibited in R-1, R-2 and R-3 districts. The Compliance/Project Manager may grant a permit for an Electronic Message Board/Digital Sign if the following conditions are met:

(1) Has a luminance of no more than 3,000 nits during daylight sunrise to sunset and no more than 150 nits at night from sunset to sunrise;

(2) Signage must automatically dim to these levels at sunset or if dimming is not available, signage must be turned off at sunset.^[1]

(3) Electronic Message Board/Digital Sign Display Regulations:

A. One image, animation, or video must remain visible for an interval of at least six (6) seconds;

B. Display must go dark if there is a malfunction

C. Electronic Message Board/Digital Sign must be in good working order at all times

(4) An Electronic Message Board/Digital Sign will be in violation of the terms of its permit if the Compliance/Project Manager finds one or more of the following:

A. Animation and motion of images and messages is too fast and distracting using dwell time calculation and, as such compromises public safety. An example of Dwell Time Calculation: An electronic sign is proposed. Determine the greatest distance the sign becomes visible: 500 feet. The posted speed limit of the adjacent roadway is 35 MPH. The sign becomes visible for drivers on the adjacent roadway at a distance of 500 feet from the sign. Multiply the road's speed limit by 5280 and then divide by 3600 (to calculate feet per second): $35 \times 5280 / 3600 = 51.33$ feet/sec. Divide the visibility distance by the speed limit (in feet per second). $500 \text{ ft} / 51.33 \text{ fps} = 9.7$ seconds. Add 10% of the value: $9.7 \text{ seconds} + 10\% = 10.6$ seconds. The minimum dwell time for this sign is 10.6 seconds.

B. An Electronic Message Board/Digital Sign is defunct in operation, bulbs are missing, structure is falling and in disrepair

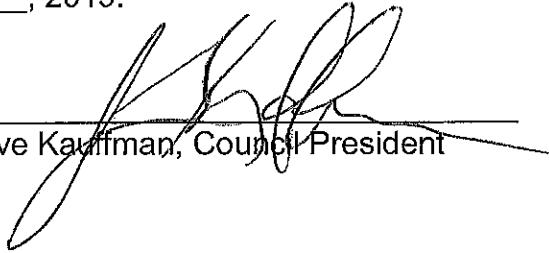
SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings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

SECTION 3: That in order to preserve the public peace, health, safety and welfare of the City of Fostoria and its inhabitants, this measure shall take effect at the earliest time allowed by law after its passage for the reason that this ordinance is necessary for the

inhabitants of the City of Fostoria.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this 16th day of April, 2019.



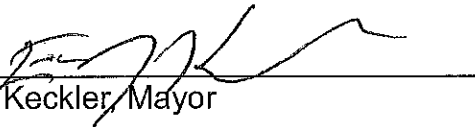
Steve Kauffman, Council President

ATTEST:



Tamara L. Drake, Clerk of Council

Filed with me and approved by me this 16th day of April, 2019.



Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Ordinance No.: 2019 - 20
Sponsored by: Shaver
Requested by: FEDC

AN ORDINANCE

To approve a loan from the Revolving Loan Fund (UDAG, fund number 240) to 2307 Corporate Drive, LLC, disburse five hundred thousand and 00/00 dollars (\$500,000.00) from fund 240 to make that approved loan, and declaring an emergency to exist.

WHEREAS, the Revolving Loan Fund administrative board has approved a loan of five hundred thousand and 00/100 dollars (\$500,000.00) to 2307 Corporate Drive, LLC (an Ohio limited liability company having been assigned registration number 34-1827019 by the Ohio Secretary of State) to be amortized over a period of ten (10) years at an interest rate of 2.85 per-cent (2.85%) per annum; and,

WHEREAS, the purpose of the said loan is to foster economic development; and,

WHEREAS, the Council of the City of Fostoria, Ohio desires to approve the disbursement of monies from fund 240 (UDAG); and,

WHEREAS, the application for said loan is on file at the offices of the Fostoria Economic Development Corporation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1. That a loan in the sum of five hundred thousand and 00/100 United States Dollars (\$500,000.00) from the Revolving Loan Fund (UDAG, fund number 240) to 2307 Corporate Drive, LLC, according to terms and conditions approved by the Revolving Loan Fund administrative board, and detailed, supra, is hereby approved, and funds are hereby to be disbursed from fund 240.

SECTION 2. As a condition of this loan, the Council requires that 2307 Corporate Drive, LLC provide a guarantee.

SECTION 3. The Director of Law is exclusively empowered to prepare an Agreement, Note and Guarantee relating to this loan.

SECTION 4. The Director of Finance of the City of Fostoria, Ohio is hereby authorized, directed and empowered to take all legal and necessary action to make this approved loan from fund 240.

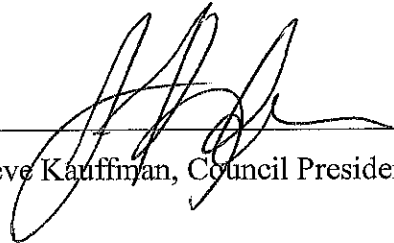
SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 6. That in order to preserve the public health, safety and welfare of the City of Fostoria

and its inhabitants, this measure shall take effect at the earliest time allowed by law after its passage for the reason that this ordinance is necessary to assist local business and aid in economic development.

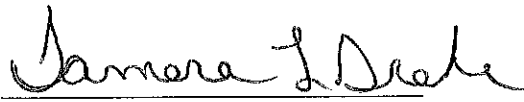
THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this 16th day of April, 2019.




Steve Kauffman, Council President

ATTEST:



Tamara L. Drake, Council Clerk

Filed with me and approved by me this 16th day of APRIL, 2019.



Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Resolution No. 2019-21
Sponsored by: Lake
Requested By: Engineering

A RESOLUTION

A Resolution authorizing the acceptance/approval to enter into a Water Pollution Control Loan Fund Agreement for supplemental design and construction services of the CSO #2 and #3 Elimination Project; and designating a dedicated repayment source for the loan and declaring an emergency to exist,

WHEREAS, the City of Fostoria submitted a 2017-2019 CSO Project Nomination Form through the Ohio Water Pollution Control Loan Fund (WPCLF) in December 2016; and

WHEREAS, the City of Fostoria was approved on the WPCLF program year 2017 project list for a 0% interest rate on \$655,215.00 for a design loan for a 5-year term and is included on the program year 2019 intended project list for a 0% interest rate on \$9,510,000.00 for a construction loan for a 20-30-year term once all programmatic requirements are met for both the design loan and construction loan, and

WHEREAS, the City intends to submit the loan application to the WPCLF program for supplemental design of the CSO project to increase the 0% interest rate design loan from \$655,215.00 to \$930,000.00; for supplemental construction of the CSO project to increase the 0% interest rate construction loan from \$9,510,000.00 to \$12,070,000.00; and for a supplemental construction loan of \$740,000.00 for the CSO project to include a WPCLF standard interest rate, currently listed at 2.12% interest rate. Total design loan is estimated at \$930,000.00 and total construction loans are estimated at \$12,810,000.00. Loan terms will be maintained.

WHEREAS, once the City's loan applications are submitted to WPCLF and the projects meets all funding requirements and all programmatic requirements have been met, WPLCF will make the funds available to finance the design and construction of the City's CSO project, and

WHEREAS, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; now therefore,

BE IT RESOLVED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1. That the Mayor be and is hereby authorized to apply for a supplemental WPCLF loan, sign all documents for and enter into a Water Pollution Control Loan Fund with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the design and construction of CSO #2 and #3 Elimination Project on behalf of the City of Fostoria, Ohio.

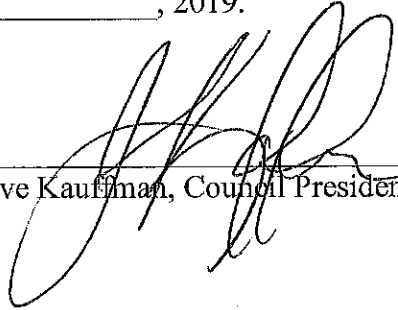
SECTION 2. That the dedicated source of repayment will be the Fund 520 and/or Fund 521.

SECTION 3. It is found and determined that all formal actions of this Council 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 such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is declared to be an emergency measure necessary for the preservation of the public health, safety and welfare. The reason for such emergency lies in the fact that the application must be completed prior to the application deadline.

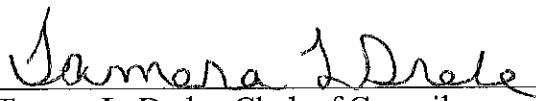
THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council and signature by the Mayor, this Resolution shall go into immediate force and effect.

Passed this 16th day of April, 2019.



Steve Kauffman, Council President

ATTEST:



Tamara L. Drake, Clerk of Council

Filed with me and approved by me this 16th day of APRIL, 2019.



Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Ordinance No.: 2019 - 22
Introduced by: Lalle
Requested by: Council as a Whole

AN ORDINANCE

Adopting and Amending ordinance No. 2018-64 (Permanent 2019 Appropriations) by appropriating from unappropriated funds in the General Fund and Sewer Fund and declaring an emergency.

BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1: That ordinance No. 2018-64 (Permanent 2019 Appropriations) passed December 18, 2018, be, and the same is hereby amended as delineated in the following sections:

SECTION 2: That Four Hundred Dollars (\$400) be appropriated from unappropriated funds to 101-730-531700 General Fund – General Government-Law Director/Contractual Services-Other Contractual Services.

SECTION 3: That Sixty Thousand Dollars (\$60,000) be appropriated from unappropriated funds to 520-520-531700 Sewer Fund – Basic Utility-Sewer Maintenance/Contractual Services-Other Contractual Services.

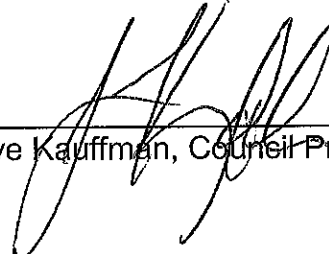
SECTION 4: That this ordinance shall be published in accordance with applicable Ohio Law.

SECTION 5: It is found and determined that all formal actions of this Council 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 such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 6: That in order to preserve the public peace, health, safety and welfare of the City of Fostoria and its inhabitants, and in order to make the appropriation adjustments in the Permanent 2019 appropriations without delay to meet pending obligations, this measure is determined to be an emergency ordinance and shall take effect at the earliest time allowed by law after its passage.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by Mayor, this ordinance shall take immediate force and effect.

Passed this 16th day of April, 2019.




Steve Kauffman, Council President

ATTEST:



Tamara L. Drake, Clerk of Council

Filed with me and approved by me this 16th day of April, 2019.



Eric J. Keckler, Mayor

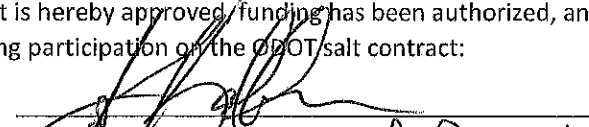
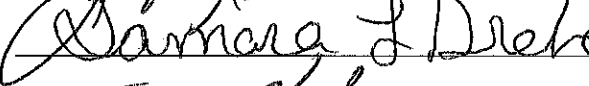

2019-23

**RESOLUTION AUTHORIZING PARTICIPATION
IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2019**

WHEREAS, the City of Fostoria (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 19 by 12:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

 (Authorized Signature) 4/16/19 Approval Date
 (Authorized Signature) 4-16-19 Approval Date
 (Authorized Signature) 4/16/19 Approval Date
 _____ (Authorized Signature) _____ Approval Date
 _____ (Authorized Signature) _____ Approval Date

THIS RESOLUTION MUST BE UPLOADED TO THE SALT PARTICIPATION WEBSITE BY NO LATER THAN FRIDAY, APRIL 19, 2019.

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.