

THE CITY OF STREETSBORO, OHIO
SERVICE COMMITTEE MEETING AGENDA

Monday, June 10, 2024

TIME: Immediately following the Safety Committee Meeting
PLACE: Streetsboro City Council Chambers
CHAIR: Anthony Lombardo 440-669-6922
VICE-CHAIR: Jon Hannan 330-931-5451

1. **Call to Order**

2. **Roll Call**

3. **Disposition of Minutes**

Regular Service Committee Meeting of February 12, 2024
Regular Service Committee Meeting of March 11, 2024
Regular Service Committee Meeting of April 8, 2024
Special Service Committee Meeting of April 22, 2024

4. **Old Business**

- a. T-7612 Amend Code Regarding Nuisance Properties (Bill Miller, Andrei Nova)
[schedule Work Session]
- b. Discuss Sale of One Acre of Thomas Heritage Park to TowerCo for Cell Tower Site
(Mayor)

5. **New Business**

- a. Liquor License Request of Aldi (Kremer)
- b. T-7616 Settlement and Release for Streetlight Pole (Nott)
- c. T-7617 Settlement and Release for Traffic Control Box (Nott)
- d. T-7618 Contract w/GLCAP for Storm Sewer GPS/GIS Mapping (Mayor)

6. **Citizens' Comments**

7. **Announcements**

A Special Finance Committee Meeting will immediately follow this meeting.

8. **Adjournment**

RECORD OF ORDINANCE

Tabled 5:13 21
public work
division

GOVERNMENT FORMS & SUPPLIES 644-224-3338 FORM NO. 30043

Ordinance No. _____

Passed _____

AN ORDINANCE RE-NAMING CHAPTER 531 OF PART FIVE (GENERAL OFFENSES CODE) OF THE CODIFIED ORDINANCES, AMENDING SECTIONS 531.01, 531.02, 531.03, 531.04, 531.05, 531.06 AND 531.99 THEREOF, ENACTING NEW SECTION 531.07 THEREOF, AND REPEALING CHAPTER 553 THEREOF, RELATING TO NUISANCE PROPERTIES AND NUISANCE ABATEMENT PROCEDURES.

WHEREAS, the Mayor recommends renaming Chapter 531 of the Codified Ordinances, as follows (new text underlined; deleted text in ~~strikethrough~~):

Chapter 531
Litter Nuisance Properties

and,

WHEREAS, the Mayor recommends amending Sections 531.01, 531.02, 531.03, 531.04, 531.05, 531.06, and 531.99 of the Codified Ordinances, to read in full as follows (new text underlined; deleted text in ~~strikethrough~~):

531.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) ~~“Authorized private receptacle” means a litter storage and collection receptacle as required and authorized in the City by Chapter 941.~~ “Building materials” means lumber, drywall, plywood, brick and concrete masonry units, stone, roofing, siding, flooring materials, insulation, pipe, wire, and bulk materials used in construction such as drywall compound, concrete, sand, gravel, aggregate, asphalt cement, etc.

(b) “Director” means the Director of Public Service.

(c) “Building parts” means doors, windows, plumbing fixtures, cabinets, light fixtures, and heating, ventilation and air conditioning equipment.

~~(b)(d)~~ “Garbage” means discarded the matter, substance, or waste resulting from the growing, handling, storage, preparation, cooking, selling, serving, and/or consumption of food, including animal products (including fat and bones), fowl, fish, fruits and vegetables, grains, legumes, and condiments, including animal and bird feeds as well as contaminated containers used to prepare, serve or sell such matter.

(e) “Household appliances and equipment” means refrigerators, ranges, microwave ovens, dishwashers, clothes washers, dryers and other built-in and countertop appliances, and audio-visual equipment.

(f) “Motor vehicle” includes those vehicles defined in Ohio Revised Code Section 4501.01(B), as well as recreational vehicles as defined in Ohio Revised Code Section 4501.01(Q), motorcycles as defined in Ohio Revised Code Section 4501.01(ZZ), and mini-trucks as defined in Ohio Revised Code Section 4501.01(BBB).

(g) ~~“Litter” “Refuse” means garbage, refuse and rubbish, as defined herein, and all other waste material, including appliances, used or discarded building materials, roofing material, used or discarded siding material, used or discarded building parts lumber, broken concrete, broken asphalt, bricks, drywall, unauthorized signs within City rights of way, tree and shrub stumps, limbs, clippings, branches, and other waste building materials, which, if thrown, stored, or deposited, as herein prohibited, tends to create a danger to public health, safety, and welfare.~~ “Litter” also includes abandoned property. For purposes of this chapter, abandoned property shall include, but is not limited to, property left on any public right of way for a period of forty eight hours or longer. “Litter” shall not include material that is deposited pursuant to a valid permit issued by the Building Inspection Division. “Litter” Refuse shall not include leaves placed in the street adjacent to the right of way in compliance with the City leaf program. For purposes of this section “signs” has the same meaning as in Codified Ordinance §1159.04.

~~(d)(h)~~ “Person” means any individual, firm, partnership, association, corporation, limited liability company or organization of any kind.

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~~(e)(i) "Private premises" or "premises" means any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or temporarily or continuously uninhabited or vacant and includes any yard, grounds, walk, driveway, sidewalks and abutting property between the property line and the curb line, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure. "Parcel of land" means any parcel of real property recognized by the Portage County Auditor for tax or assessment purposes, even if tax-exempt, but does not include publicly-owned parcels, the public right-of-way, or dedicated public grounds.~~

~~(j) "Owner" means the person, corporation, partnership, limited liability company, or other entity identified on the tax duplicate of the Portage County Auditor as the record title owner of a parcel of land coming within the purview of this Chapter.~~

~~(f) "Refuse" means all putrescible and non-putrescible solid wastes, (except body wastes), including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.~~

~~(g)(k) "Rubbish" means non-putrescible solid wastes consisting of both combustible and non-combustible wastes such as paper (including newsprint, magazines, paperback books, etc.) paperboard, plastic, polystyrene and other packaging materials and containers, wrappings, cigarettes, cardboard and cardboard boxes, tin cans metal, plastic and glass containers, yard waste clippings, leaves, wood, glass, textiles including clothing, mattresses, bedding, carpet, drapery, crockery and similar materials.~~

~~(l) "Litter" means uncontained rubbish, including prepared food and drink containers, that may be carried, scattered, or disbursed by normal wind conditions.~~

~~(m) "Long-term" for the purposes of Section 531.02, means more than one year; the time is measured from the commencement of any outdoor storage, notwithstanding that some materials may have been stored for less than one year.~~

531.02 LITTER ON OCCUPIED PRIVATE PROPERTY, DECLARATION OF NUISANCE.

~~No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property.~~

~~The following conditions are hereby declared to be nuisances:~~

~~(a) Grass, weeds, and any other non-woody plants having grown eight inches (8") tall or higher:~~

- ~~(1) On any parcel of land within a platted residential subdivision,~~
- ~~(2) On any portion of any parcel of land that is within fifty feet (50') of an occupied residential structure, and~~
- ~~(3) On any portion of any parcel of land that is within thirty feet (30') of any public right-of-way or any private right-of-way that is open to the public.~~

~~(b) Trees, brush, or other woody plants, growing on any parcel of land, that:~~

- ~~(1) Obstruct any portion of a public right-of-way,~~
- ~~(2) Present a risk, due to unstable conditions, of falling into a public right-of-way, and~~
- ~~(3) In the opinion of the City Engineer, obstruct traffic sightlines necessary for safe vehicular travel.~~

~~(c) Long-term outdoor storage of refuse, new or used building materials, new or used building parts, signs, junk motor vehicles, motor vehicle parts, trailers, household appliances or equipment, indoor furniture, pallets, fencing, bins, tanks and other bulk containers, construction equipment, material handling equipment, road maintenance machines, equipment and tools, landscaping machines, equipment and tools, public utility fixtures and equipment, ladders, scaffolding, tools, or other unusable personal property, on any parcel of land not principally used for agricultural purposes.~~

~~(d) Abandoned, unsecured buildings.~~

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(e) Outdoor storage or deposition of hazardous materials or hazardous wastes (other than those regulated under Chapter 1507 of these Ordinances) that may become airborne or waterborne in such a manner that they may migrate off the parcel of land on which they are stored.

(f) Accumulations of litter of such extent that normal wind conditions may cause the litter to migrate to adjacent properties or public streets or rights-of-way.

531.03 OWNER TO MAINTAIN PREMISES FREE OF LITTER, FINDING OF PUBLIC NUISANCE APPLICABLE TO PARTICULAR PROPERTIES; NOTICE TO ABATE; SERVICE.

The owner or person in control of any private property shall at all times maintain the premises free of litter. However, this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(a) Whenever the Zoning Inspector finds nuisance conditions defined under Section 532.02 to exist on any parcel of land, the Zoning Inspector shall issue a written Notice of Finding of Public Nuisance and Order to Abate ("Finding and Order" or "Notice") to the owner. The Notice shall:

- (1) Specifically identify the nature of the nuisance, with reference to the applicable subsection of Section 531.02,
- (2) Order the owner, occupant, and/or person in charge control of the parcel to abate the nuisance completely and thoroughly, in compliance with any specific instructions contained in the Notice,
- (3) Specify a reasonable time in which to abate the nuisance, which shall take into account the nature and extent of the violation,
- (4) Advise the owner and/or person in control of the right to appeal the Notice to the Board of Zoning and Building Appeals, and
- (5) Advise the owner, occupant, and/or person in control of the abatement remedies that may be employed by the City of Streetsboro following the failure to abate the nuisance in conformance with the Notice.

Any owner or other person to whom a Finding and Order is directed shall have standing to appeal the Finding and Order to the Board of Zoning and Building Appeals pursuant to Section 1105.11.

(b) The Notice shall be served on the owner of the applicable parcel of land. Service may be made in accordance with the procedures applicable to zoning violations. If the parcel is occupied or under the control of persons or entities and not the owner, service shall be made on those persons or entities as well. However, the inability to obtain service on a responsible party or parties other than the owner shall not invalidate any action of the City to recover its costs for abatement of a nuisance under this Chapter. Service is presumed if the owner is served by certified mail at the tax mailing address of the owner identified on the records of the Portage County Auditor, or upon a statutory agent of the owner as identified on the records of the Ohio Secretary of State. If certified mail is returned "refused," the Zoning Inspector may obtain service by the use of regular mail.

531.04 LITTER ON VACANT PRIVATE PROPERTY, TIME FOR ABATEMENT; APPEALS.

No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

(a) The time specified in a Finding and Order for the owner to abate a nuisance shall commence upon service of the Finding and Order. The date upon which the abatement must be completed as specified in the Finding and Order is the "Compliance Date." The compliance date shall not be less than twenty (20) calendar days following service, except in the case of tall grass or weeds cited under subsection 531.02(a), in which case the compliance date may be as few as five (5) calendar days following service.

(b) An owner or other person subject to a Finding and Order may appeal the finding or the abatement order to the Board of Zoning and Building Appeals ("Board"). An appeal may be filed not later than twenty (20) days following service of the Finding and Order. The Board may affirm, reverse, or modify the Finding and Order in accordance with

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its authority under Section 1105.08(a) of these Ordinances. The Board's decision may be reviewed only in accordance with Chapter 2506 of the Ohio Revised Code.

(c) The time to file an appeal and the time to abate the nuisance shall both commence on the date of service of the Finding and Order. However, the Director may proceed to abate the nuisance with City forces if an appeal is not filed as of the Compliance Date. An appeal is not rendered moot by such action.

531.05 CLEARING OF LITTER BY CITY. DURATION OF FINDING.

(d) Notice to Remove. The Director of Public Service is authorized to notify the owner of any open or vacant private property or any other private property within the City or the agent of such owner to properly dispose of litter located on such owner's premises that is dangerous to public health, safety, or welfare. Such notice shall be personally delivered to such owner or his agent or shall be posted at the residence or place of business of such owner or his agent if personal service cannot be obtained.

(e) Action Upon Noncompliance. On the failure, neglect, or refusal of any owner or agent notified to properly dispose of litter dangerous to the public health, safety, or welfare within forty-eight hours after service, as provided in subsection (a) hereof, the Director of Public Service shall cause such litter to be removed and may employ the necessary labor to perform such work or cause it to be done by the City.

(f) Expenses as a Lien. All expenses so incurred by the Director of Public Service and the cost of such notice shall be reported to the Director of Finance, who shall mail a statement thereof to the owner of the land, if his address is known. If after 30 days such amount remains unpaid, the Director of Finance shall certify the total amount of the expense, the name of the owner of the land, and a sufficient description of the premises, to the Auditor of Portage County, to be entered upon the tax duplicate, to be a lien on the land from the date of entry, to be collected as other taxes and assessments returned to the City, pursuant to Ohio R.C. 731.54. The remedy provided for herein shall be in addition to the penalties provided in Section 941.99.

Unless specified herein, a finding of a public nuisance shall expire upon abatement of the nuisance or a decision of the Board or a court of proper jurisdiction terminating the finding.

531.06 MULTIPLE OFFENSES. DUTY TO PREVENT AND ABATE NUISANCES; REMEDY FOR NONCOMPLIANCE.

A separate offense shall be deemed committed each day during or on which a violation of any of the provisions of this chapter occurs or continues.

(a) Every owner of a parcel of land within the City shall maintain such land, or cause such land to be maintained, free from the nuisance conditions defined in this Chapter.

(b) Upon the failure, neglect, or refusal of any owner to abate a nuisance on or before the Compliance Date, and as required by a Finding and Order properly served on such owner, the Director shall cause such nuisance to be abated in conformance with the Finding and Order, and except as provided in subsection (c) below, may employ the necessary labor to perform such work or cause it to be performed by City forces.

(c) Where a nuisance involves abandoned or junk motor vehicles, recreational vehicles, motorcycles, or mini-trucks, abatement of these items by City forces shall proceed only pursuant to Chapter 304 of the Codified Ordinances.

(d) In the event of a timely appeal, the owner shall conduct the abatement in conformance with the resolution determined by the Board or as finally determined in any further appeal, unless the Director causes the nuisance to be abated prior to the resolution of an appeal. The appeal is not rendered moot by such action.

(e) After all opportunity for appeal has been exhausted, and in the absence of a successful appeal, all abatement expenses incurred by the Director shall be reported to the Director of Finance, who shall mail a statement thereof to the owner of the subject parcel of land. If after 30 days such amount remains unpaid, the Director of Finance shall certify the total amount of the expense to the Portage County Auditor, to be entered upon the tax duplicate as a lien on the land from the date of entry, and to be collected as taxes and

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assessments, pursuant to Ohio R.C. 731.54. The remedy provided for herein shall be in addition to the penalties provided in Section 531.99.

531.99 PENALTY.

Whoever violates any provision in this Chapter 531 is guilty of a misdemeanor of the third degree, ~~except that whoever violates the unauthorized sign within the City rights of way provision is subject to a warning for the first offense (a subsequent offense is subject to the penalty).~~

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Streetsboro, Portage County, Ohio, that:

SECTION 1: The title of Chapter 531 of the Codified Ordinances is hereby amended to read in its entirety as follows:

Nuisance Properties

SECTION 2. Existing Sections 531.01, 531.02, 531.03, 531.04, 531.05, 531.06, and 531.99 of the Codified Ordinances are hereby amended to read in full as follows:

531.01 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) "Building materials" means lumber, drywall, plywood, brick and concrete masonry units, stone, roofing, siding, flooring materials, insulation, pipe, wire, and bulk materials used in construction such as drywall compound, concrete, sand, gravel, aggregate, asphalt cement, etc.

(b) "Building parts" means doors, windows, plumbing fixtures, cabinets, light fixtures, and heating, ventilation, and air conditioning equipment.

(c) "Director" means the Director of Public Service.

(d) "Garbage" means discarded matter, substance, or waste resulting from the growing, handling, storage, preparation, cooking, selling, serving, and/or consumption of food, including animal products, fowl, fish, fruits, vegetables, grains, legumes, and condiments, as well as contaminated containers used to prepare, serve, or sell such matter.

(e) "Household appliances and equipment" means refrigerators, ranges, microwave ovens, dishwashers, clothes washers, dryers and other built-in and countertop appliances, and audio-visual equipment.

(f) "Litter" means uncontained rubbish, including prepared food and drink containers, that may be carried, scattered, or disbursed by normal wind conditions.

(g) "Long term," for the purposes of Section 531.02, means more than one year; the time is measured from the commencement of any outdoor storage, notwithstanding that some materials may have been stored for less than one year.

(h) "Motor vehicle" includes those vehicles defined in Ohio Revised Code Section 4501.01(B), as well as recreational vehicles as defined in Ohio Revised Code Section 4501.01(Q), motorcycles as defined in Ohio Revised Code Section 4501.01(ZZ), and mini-trucks as defined in Ohio Revised Code Section 4501.01(BBB).

(i) "Owner" means the person, corporation, partnership, limited liability company, or other entity identified on the tax duplicate of the Portage County Auditor as the record title owner of a parcel of land coming within the purview of this Chapter.

(j) "Parcel of land" means any parcel of real property recognized by the Portage County Auditor for tax or assessment purposes, even if tax-exempt, but does not include publicly-owned parcels, the public right-of-way, or dedicated public grounds.

(k) "Person" means any individual, firm, partnership, association, corporation, limited liability company or organization of any kind.

(l) "Refuse" means garbage and rubbish, as defined herein, and all other waste material, including appliances, used or discarded building materials, used or discarded building parts, tree and shrub stumps, limbs, clippings, branches, and other waste building

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materials. Refuse shall not include leaves placed adjacent to the right of way in compliance with the City leaf program.

(m) "Rubbish" means non-putrescible solid wastes consisting of both combustible and non-combustible wastes such as paper (including newsprint, magazines, paperback books, etc.) paperboard, plastic, polystyrene and other packaging materials and containers, cardboard and cardboard boxes, metal, plastic and glass containers, yard waste, wood, glass, textiles including clothing, mattresses, bedding, carpet, drapery, crockery, and similar materials.

531.02 DECLARATION OF NUISANCE.

The following conditions are hereby declared to be nuisances:

- (a) Grass, weeds, and any other non-woody plants having grown eight inches (8") tall or higher:
- (1) on any parcel of land within a platted residential subdivision,
 - (2) on any portion of any parcel of land that is within fifty feet (50') of an occupied residential structure, and
 - (3) on any portion of any parcel of land that is within thirty feet (30') of any public right-of-way or any private right-of-way that is open to the public.
- (b) Trees, brush, or other woody plants, growing on any parcel of land, that
- (1) obstruct any portion of a public right-of-way,
 - (2) present a risk, due to unstable conditions, of falling into a public right-of-way, and
 - (3) in the opinion of the City Engineer, obstruct traffic sightlines necessary for safe vehicular travel.
- (c) Long-term outdoor storage of refuse, new or used building materials, new or used building parts, signs, junk motor vehicles, motor vehicle parts, trailers, household appliances or equipment, indoor furniture, pallets, fencing, bins, tanks and other bulk containers, construction equipment, material handling equipment, road maintenance machines, equipment and tools, landscaping machines, equipment and tools, public utility fixtures and equipment, ladders, scaffolding, tools, or other unusable personal property, on any parcel of land not principally used for agricultural purposes.
- (d) Abandoned, unsecured buildings.
- (e) Outdoor storage or deposition of hazardous materials or hazardous wastes (other than those regulated under Chapter 1507 of these Ordinances) that may become airborne or waterborne in such a manner that they may migrate off the parcel of land on which they are stored.
- (f) Accumulations of litter of such extent that normal wind conditions may cause the litter to migrate to adjacent properties or public streets or rights-of-way.

531.03 FINDING OF PUBLIC NUISANCE APPLICABLE TO PARTICULAR PROPERTIES; NOTICE TO ABATE; SERVICE.

- (a) Whenever the Zoning Inspector finds nuisance conditions defined under Section 532.02 to exist on any parcel of land, the Zoning Inspector shall issue a written Notice of Finding of Public Nuisance and Order to Abate ("Finding and Order" or "Notice") to the owner. The Notice shall:
- (1) Specifically identify the nature of the nuisance, with reference to the applicable subsection of Section 531.02,
 - (2) Order the owner, occupant, and/or person in control of the parcel to abate the nuisance completely and thoroughly, in compliance with any specific instructions contained in the Notice,
 - (3) Specify a reasonable time in which to abate the nuisance, which shall take into account the nature and extent of the violation,
 - (4) Advise the owner and/or person in control of the right to appeal the Notice to the Board of Zoning and Building Appeals, and

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- (5) Advise the owner, occupant, and/or person in control of the abatement remedies that may be employed by the City of Streetsboro following the failure to abate the nuisance in conformance with the Notice.

Any owner or other person to whom a Finding and Order is directed shall have standing to appeal the Finding and Order to the Board of Zoning and Building Appeals pursuant to Section 1105.11.

(b) The Notice shall be served on the owner of the applicable parcel of land. Service may be made in accordance with the procedures applicable to zoning violations. If the parcel is occupied or under the control of persons or entities and not the owner, service shall be made on those persons or entities as well. However, the inability to obtain service on a responsible party or parties other than the owner shall not invalidate any action of the City to recover its costs for abatement of a nuisance under this Chapter. Service is presumed if the owner is served by certified mail at the tax mailing address of the owner identified on the records of the Portage County Auditor, or upon a statutory agent of the owner as identified on the records of the Ohio Secretary of State. If certified mail is returned "refused," the Zoning Inspector may obtain service using regular mail.

531.04 TIME FOR ABATEMENT; APPEALS.

(a) The time specified in a Finding and Order for the owner to abate a nuisance shall commence upon service of the Finding and Order. The date upon which the abatement must be completed as specified in the Finding and Order is the "Compliance Date." The compliance date shall not be less than twenty (20) calendar days following service, except in the case of tall grass or weeds cited under subsection 531.02(a), in which case the compliance date may be as few as five (5) calendar days following service.

(b) An owner or other person subject to a Finding and Order may appeal the finding or the abatement order to the Board of Zoning and Building Appeals ("Board"). An appeal may be filed not later than twenty (20) days following service of the Finding and Order. The Board may affirm, reverse, or modify the Finding and Order in accordance with its authority under Section 1105.08(a) of these Ordinances. The Board's decision may be reviewed only in accordance with Chapter 2506 of the Ohio Revised Code.

(c) The time to file an appeal and the time to abate the nuisance shall both commence on the date of service of the Finding and Order. However, the Director may proceed to abate the nuisance with City forces if an appeal is not filed as of the Compliance Date. An appeal is not rendered moot by such action.

531.05 DURATION OF FINDING.

Unless specified herein, a finding of public nuisance shall expire upon abatement of the nuisance or a decision of the Board or a Court of proper jurisdiction terminating the finding.

531.06 DUTY TO PREVENT AND ABATE NUISANCES; REMEDY FOR NONCOMPLIANCE.

(a) Every owner of a parcel of land within the City shall maintain such land, or cause such land to be maintained, free from the nuisance conditions defined in this Chapter.

(b) Upon the failure, neglect, or refusal of any owner to abate a nuisance on or before the Compliance Date, and as required by a Finding and Order properly served on such owner, the Director shall cause such nuisance to be abated in conformance with the Finding and Order, and except as provided in subsection (c) below, may employ the necessary labor to perform such work or cause it to be performed by City forces.

(c) Where a nuisance involves abandoned or junk motor vehicles, recreational vehicles, motorcycles, or mini-trucks, abatement of these items by City forces shall proceed only pursuant to Chapter 304 of the Codified Ordinances.

(d) In the event of a timely appeal, the owner shall conduct the abatement in conformance with the resolution determined by the Board or as finally determined in any further appeal, unless the Director causes the nuisance to be abated prior to the resolution of an appeal. The appeal is not rendered moot by such action.

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(e) After all opportunity for appeal has been exhausted, and in the absence of a successful appeal, all abatement expenses incurred by the Director shall be reported to the Director of Finance, who shall mail a statement thereof to the owner of the subject parcel of land. If after 30 days such amount remains unpaid, the Director of Finance shall certify the total amount of the expense to the Portage County Auditor, to be entered upon the tax duplicate as a lien on the land from the date of entry, and to be collected as taxes and assessments, pursuant to Ohio R.C. 731.54. The remedy provided for herein shall be in addition to the penalties provided in Section 531.99.

531.99 PENALTY.

Whoever violates any provision in this Chapter 531 is guilty of a misdemeanor of the third degree.

SECTION 3. New Section 531.07 of the Codified Ordinances is hereby enacted to read in full as follows:

531.07 EMERGENCIES.

In the event of a bona fide emergency endangering the public health, safety, or welfare, the Zoning Inspector shall designate on the Notice that the matter is an emergency. Upon such a designation, the Service Director may proceed to immediately abate the nuisance in an appropriate manner, including:

- (a) effective boarding of vacant, unsecured, and abandoned buildings,
- (b) partial or complete demolition of unsafe and/or unstable structures threatening adjacent structures or the public right-of-way,
- (c) removal of trees fallen across a public right-of-way, or
- (d) removal of hazardous materials that would otherwise contaminate adjacent properties. The Zoning Inspector shall endeavor to give as much notice to the owner as possible, but the City's cost recovery remedy for the abatement shall remain available, subject to timely appeal.

SECTION 4: Existing Sections 531.01, 531.02, 531.03, 531.04, 531.05, and 531.06 of the Codified Ordinances, as enacted by Ord. No. 1997-150, passed November 24, 1997, are hereby repealed. Existing Section 531.99 of the Codified Ordinances, as amended by Ord. No. 2006-136, passed September 25, 2006, is hereby repealed. Existing Chapter 553 of Part Five of the Codified Ordinances, enacted by Ord. No. 2004-119, passed August 2, 2004, is hereby repealed in its entirety.

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 action were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

SECTION 6: This ordinance shall take effect and be in force at the earliest period allowed by law upon its passage and approval by the Mayor.

PASSED: _____
Date Steve Michniak, President of Council

ATTEST: _____
Caroline L. Kremer, Clerk of Council

APPROVED: _____
Date Glenn M. Broska, Mayor

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Prepared and approved as to legal content by: _____
David L. Nott, Law Director

Date Submitted to Mayor for Approval: _____ Returned: _____

Sponsored by: Director of Public Service

Caroline Kremer

From: Glenn Broska
Sent: Monday, May 20, 2024 10:46 AM
To: council
Cc: David Nott; Paul Janis
Subject: Property at Thomas Herirage

RECEIVED

MAY 20 2024

**CLERK OF COUNCIL
STREETSBORO, OHIO**

All,

Below is the information you had requested in regards to the purchase of 1 acre of property at Thomas Heritage. I have copied and pasted the responses from Bryan and from the Law Department. I would prefer that we sell the property and the onus would be on them.

Thank you

Glenn

Hi Glenn,

As we discussed TowerCo is willing to buy this property through a fee simple for \$280,000 but would prefer to purchase the lease with a perpetual Easement and would be willing to pay \$300,000 for a perpetual Easement. The reason for this is they would rather just prepay the rent and not own the property. Owning property does not fit their business model but if it works better for your City they are willing to purchase the 1 acre piece of land with the Tower. The main reason they are looking to purchase this lease through either a Fee Simple or perpetual easement is for cost savings over time and also tax benefits of prepaying the rent. If you have any other questions please feel free to give me a call.

Thank you,

Bryan Cawelti
Lease Consultant
1700 S. Dixie Highway, Suite 402
Boca Raton, FL 33432

Mayor:

These were Paul's thoughts on the proposed perpetual easement:

Sec. 3:

– the easement is so general as to its purposes that just about anything can be put there. The City waives all rights to object to any uses or to sue. Even the City's zoning code would not apply. The City would be obligated to sign and support the tower owner's regulatory approvals at PUCO, FCC, etc. The most dangerous thing about

this is the invention of new technologies. In the 1980's no one anticipated that cable TV infrastructure would be used to provide phone and internet, and cities lost out by being short-sighted. I would limit this easement to existing technologies in order to allow the City to have some input on what is deployed there....or, if we don't care, just sell the property outright.

Sec.2:

The easement allows 24 hour access by all types of vehicles, and the ability to install just about anything in the way of poles, wires, etc. Note that the City has no such reciprocal right to use its own property. Because we will not be using this property at all, I think an easement is less appropriate than an outright sale.

Sec. 11:

Real estate taxes section needs to be revised to make it clear that the property is tax exempt except for the tower company's facilities, and that they will be paying all real estate taxes. As written, it says that they will pay only increased real estate taxes. The property is taxed now because of their tower facilities. City is obligated to support any real estate tax assessment challenges that the company makes to the Board of Revision

Sec.13:

Enforcement provision is one-way. The company has the right to enforce the easement. The City does not.

Sec. 5:

Duty to remove facilities upon termination applies only to above-ground facilities. Underground facilities may make the property unusable and would be the City's responsibility to remove.

Sec. 6(b) and 16:

Indemnification clauses are not legal under Ohio law.

Sec. 18:

City is obligated not to object to any RF emissions and agrees to prevent others from emitting RF radiation. Translation: We cannot lease out another tower on this property and cannot challenge their use of the property because of health or safety effects of RF radiation. Again, because the technology is changing so rapidly, we are giving up important input as to what might be deployed from this tower.

Sec. 24:

Transferability. Clearly, this company is packaging itself up for sale and locking everything down. I would hold out for an outright sale, since we have no intention of ever taking this property back. An outright sale should produce more money and would relieve us from being entangled in their regulatory issues in the future.

I reviewed the proposed perpetual lease and fully agree with Paul's assessment. It is a very one-sided document in favor of TowerCo.

David Nott
Law Director, City of Streetsboro

Glenn M. Broska
Mayor, City of Streetsboro
330 626 4942 ext 4105

Caroline Kremer

From: Glenn Broska
Sent: Wednesday, April 24, 2024 2:16 PM
To: council
Cc: Greg Mytinger; David Nott; Paul Janis; Matthew Miller
Subject: Cell Tower

RECEIVED
APR 24 2024
CLERK OF COUNCIL
STREETSBORO, OHIO

All,

A few weeks back a company called TowerCo made us an offer for a "perpetual easement" on the cell tower that is on Thomas Heritage Park. They made us an initial offer of \$250,000 and we countered with an offer of \$350,000 that seemed pretty fair. They countered our offer with an offer of \$310,000, which I told them we would consider. I had them send us their contract for our review. I gave it to the Law folks to peruse and they were not amenable to the terms and conditions, they advised against moving forward to doing it. But, Law did advise it would be much cleaner if we wanted to sell the property to them. So, I contacted them and advised them of such and today, I received an offer. They are asking to purchase a 1 acre parcel with access granted to the site for \$280,000. I spoke with Law and they felt this was a good offer as long as they agree to fund all costs associated with the purchase. The entire 106 acres is only appraised at around \$650,000 (\$5687 per acre). Along with that they would begin paying property tax on the parcel which we are not collecting now.

Law said this would be a good sale and relieve us of any responsibility for the site. The proceeds from the sale would have to go (by Ordinance) into Parks 201 Fund (Parks Improvements) which is fine with me. We could use it to defer the cost on a project, Miracle Lane (this is Gregs choice and I like that idea) or if desired any other Parks Improvement project we would choose.

If you would consider this, please respond back to me individually and I will add it to an agenda for discussion. Also, if you have any other questions, let me know.

Thank you,

Glenn M. Broska
Mayor, City of Streetsboro
330 626 4942 ext 4105

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

01007780341		TRFL	ALDI INC OHIO	
PERMIT NUMBER		TYPE	DBA ALDI #7	
10	01	2023		
ISSUE DATE		9570 SR14		
05	07	2024		
FILING DATE		STREETSBORO OH 44241		
C1 C2		PERMIT CLASSES		
67	091	C	F31276	
TAX DISTRICT		RECEIPT NO.		

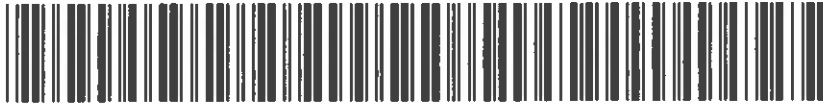
FROM 05/09/2024

01007780340			ALDI INC OHIO	
PERMIT NUMBER		TYPE	DBA ALDI #7	
10	01	2023		
ISSUE DATE		9071 SR 14		
05	07	2024		
FILING DATE		STREETSBORO OH 44241		
C1 C2		PERMIT CLASSES		
67	091			
TAX DISTRICT		RECEIPT NO.		

RECEIVED

MAY 13 2024

CLERK OF COUNCIL
STREETSBORO, OHIO



MAILED 05/09/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/10/2024

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING
REFER TO THIS NUMBER IN ALL INQUIRIES

C TRFL 0100778-0341

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF STREETSBORO CITY COUNCIL
9184 ST RT 43
STREETSBORO OHIO 44241



**Department of
Commerce**

Division of Liquor Control

com.ohio.gov

Mike DeWine, Governor Jon Husted, Lt. Governor Sherry Maxfield, Director

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You **must**, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing; or
- Ask for your one-time only, 30-day extension.
 - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered **timely**, your above response **MUST** be faxed, emailed, or mailed to the Division no later than the postmark deadline date stated on the form. To speed up processing times and reduce paper, the Division respectfully asks that you either fax or email your response. Please send your response to:

FAX: (614) 644 – 3166

EMAIL: Liquordocs@com.ohio.gov

MAIL: Ohio Division of Liquor Control
Attn: Licensing Unit
6606 Tussing Road
PO Box 4005
Reynoldsburg, Ohio 43068-9005

To find out who has disclosed an ownership interest in the permit application to us you can:

- Visit com.ohio.gov/liquorinfo. Select the "Search who has disclosed an ownership interest" tab. Where asked, enter the permit number listed on the legislative notice; or
- Contact your police department or county sheriff (if you are a township fiscal officer or county clerk). We also sent them detailed ownership information to review for any criminal background issues involving the disclosed persons.

We have resources for you at com.ohio.gov/govhelp. Never miss out on when renewal objections are due! Sign-up for our emails at com.ohio.gov/stayinformed.

Thank you in advance for your cooperation,

Division Licensing Section

(rev. 12/29/2023)

Ordinance No. _____ Passed _____, 20_____

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A RELEASE RELATED TO PROPERTY DAMAGE TO A STREETLIGHT POLE IN THE AMOUNT OF \$10,468.00 AND DECLARING AN EMERGENCY IN ORDER TO REPAIR THE LIGHT POLE IN AN EXPEDITIOUS MANNER.

WHEREAS, Article XVIII, Section 18.03E6 of the Charter of the City of Streetsboro requires Council approval of any agreement to settle, forgive or compromise a monetary claim made by or against the City over \$5,000; and

WHEREAS Ordinance No. 2024-25 authorizes the Mayor to enter into a direct contract without competitive bidding with Signal Service Company for the purchase of the City's requirements for maintenance and repair services for the City's traffic signal system during 2024; and

WHEREAS Signal Service estimated the cost to repair the streetlight at \$10,468.00; and

WHEREAS, upon the execution of a release of property damage claims, the City will be paid \$10,468.00; and

BE IT ORDAINED by the Council of the City of Streetsboro, Portage County, Ohio, (3/4) of its members concurring, that:

SECTION 1: The Mayor is hereby authorized to execute a release agreement with Kenneth L. Davis, Carol A. Davis and Cassie Crawford for property damage they caused to a streetlight pole in an accident on March 26, 2024 near 9310 Market Square, Streetsboro, OH 44241. In exchange for releasing the aforementioned parties, the City will receive payment in the amount of \$10,468.00.

SECTION 2: The Director of Finance is hereby authorized and directed to deposit funds received in Account No. 101-81-4193.

SECTION 3: 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 of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

SECTION 4: This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the residents of this City for the reason that the Council wishes to expedite settlement of the City's claim concerning the aforementioned accident so that needed repairs may be made to the damaged streetlight pole and provided it receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: _____
Date Steve Michniak, President of Council

ATTEST: _____
Caroline L. Kremer, Clerk of Council

APPROVED: _____
Date Glenn M. Broska, Mayor

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 644-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20_____

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A RELEASE RELATED TO PROPERTY DAMAGE TO A TRAFFIC BOX IN THE AMOUNT OF \$83,856.00 AND DECLARING AN EMERGENCY IN ORDER TO REPAIR THE TRAFFIC CONTROL BOX IN AN EXPEDITIOUS MANNER.

WHEREAS, Article XVIII, Section 18.03E6 of the Charter of the City of Streetsboro requires Council approval of any agreement to settle, forgive or compromise a monetary claim made by or against the City over \$5,000; and

WHEREAS Ordinance No. 2024-25 authorizes the Mayor to enter into a direct contract without competitive bidding with Signal Service Company for the purchase of the City's requirements for maintenance and repair services for the City's traffic signal system during 2024; and

WHEREAS, on April 21, 2024, June Cadd caused property damage to a traffic box in an accident near Buckeye Quality Meats at Rt. 14 and Rt. 303; and

WHEREAS Signal Service estimated the cost to repair the traffic box at \$83,856.00; and

WHEREAS, upon the execution of a release of property damage claims, the City will be paid \$83,856.00; and

BE IT ORDAINED by the Council of the City of Streetsboro, Portage County, Ohio, (3/4) of its members concurring, that:

SECTION 1: The Mayor is hereby authorized to execute a release agreement with June Cadd for property damage they caused to a traffic box in an accident on April 21, 2024 near Buckeye Quality Meats at Rt. 14 and Rt. 303. In exchange for releasing the aforementioned party, the City will receive payment in the amount of \$83,856.00.

SECTION 2: The Director of Finance is hereby authorized and directed to deposit funds received in Account No. 201-61-4169.

SECTION 3: 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 of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

SECTION 4: This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the residents of this City for the reason that the Council wishes to expedite settlement of the City's claim concerning the aforementioned accident so that needed repairs may be made to the damaged traffic box and provided it receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: _____
Date Steve Michniak, President of Council

ATTEST: _____
Caroline L. Kremer, Clerk of Council

Ordinance No. _____ Passed _____, 20_____

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE GREAT LAKES COMMUNITY ACTION PARTNERSHIP TO MAP THE CITY OF STREETSBORO'S STORM SEWERS AND DECLARING AN EMERGENCY IN ORDER TO COMMENCE DELIVERY OF PROFESSIONAL SERVICES AS SOON AS POSSIBLE.

WHEREAS, the Great Lakes Community Action Partnership ("GLCAP"), a non-profit organization, has agreed to map the City of Streetsboro's storm sewers at no cost to the City; and

WHEREAS, the City and GLCAP wish to enter into a memorandum of understanding to set forth the work that will be performed.

BE IT ORDAINED by the Council of the City of Streetsboro, Portage County, Ohio, that:

SECTION 1: The Mayor is hereby authorized to enter into a memorandum of understanding with the Great Lakes Community Action Partnership ("GLCAP") for mapping the City of Streetsboro's storm sewers, at no cost to the City, in a form substantially similar to Exhibit "A," attached hereto.

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 of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

SECTION 3: This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the residents of this City for the reason that the City wishes to expedite the commencement of work under the memorandum of understanding, and provided it receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: _____
Date Steve Michniak, President of Council

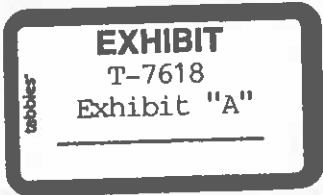
ATTEST: _____
Caroline L. Kremer, Clerk of Council

APPROVED: _____
Date Glenn M. Broska, Mayor

Prepared and approved as to legal content by: _____
David L. Nott, Law Director

Date Submitted to Mayor for Approval: _____ Returned: _____

Sponsored by: Municipal Engineer



MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding (MOU) dated _____ sets for the terms and understanding between the City of Streetsboro with a principal place of business at 9184 SR 43 Streetsboro, Ohio 44241 and Great Lakes Community Action Partnership (GLCAP) with a principal place of business at 127 S. Front Street to provide GPS Mapping Services for the City of Streetsboro's storm water system.

This MOU will become effective April 25, 2024 and will continue in effect through March 31, 2025 unless terminated sooner.

GLCAP agrees to perform the services specified in the "Scope of Services" attached as Exhibit "A". Said "Scope of Service" may be amended in writing from time to time.

IN WITNESS WHEREOF the undersigned have executed this MOU at Fremont, Ohio as of the date first written above. The parties hereto agree that facsimile signatures shall be as effective as if originals.

Great Lakes Community Action Partnership

City of Streetsboro

Signature: *Kristin Woodall*

Signature: _____

Printed Name: Kristin Woodall

Printed Name: Glenn Broska

Title: Community Development Director

Title: Mayor

Date: 2024-04-30

Date: _____

Exhibit A – Scope of Service

This Scope of Services is based on information provided by the City of Streetsboro. GLCAP will outfit its trained staff with all necessary hardware, software, Internet services, GPS equipment, and supplies necessary to complete the project. GLCAP will also cover its own travel expenses.

1. Services to be performed by GLCAP:

- A. Conduct project planning meeting(s) on site to explain the project, plan field work, utility staff will work with GIS in field instead of marking ahead.
- B. Record geographic locations with a high-accuracy Global Positioning System (GPS) unit and perform data entry of basic recognizable attributes for all marked utility assets owned by the City. Prior to each site visit by GLCAP, City agrees to locate and mark all assets to be captured during the visit, and to provide assistance and traffic control during field data collection as needed. GLCAP will collect all located and marked assets.
- C. Scan relevant wide format as-built sheets or other drawings as TIFF or PDF files that have not been previously scanned.
- D. Digitize the approximate location and perform data entry of basic attributes for all known below ground system(s) assets based on available and current drawings, CAD files, records, first-hand operator accounts, and other information provided by the Village.
- E. Prepare Geographic Information System (GIS) files ready for use in a GIS program. Files will be created using ESRI software products.

2. Schedule:

- A. GLCAP and City agree to initiate the project within 3 months of the MOU start date.
- B. City agrees to accompany GIS staff in the field to locate all storm utility assets to be collected in the areas agreed upon prior to each site visit.
- C. GLCAP and City agree to cooperatively work together to develop a project schedule with the goal of completing 25% of all field work within 3 months after the first site visit.
- D. All work must be completed within the MOU period.

3. Additional Project Scope Details, Commitments and Disclaimers:

- A. GLCAP will make a reasonable effort to collect all known assets for the utilities listed that can be found by City. Storm catch basins, discharge points, main culvert points, and manholes will be collected.
- B. GLCAP cannot be held responsible for finding assets that are hidden. Assets that are known to exist but cannot be found will be denoted on maps where they are believed to exist using special symbology.
- C. GLCAP cannot be responsible for the accuracy of any data added to the GIS its employees did not collect.
- D. City acknowledges that GLCAP is not a professional licensed surveying company and does not employ licensed professional surveyors. City agrees that the finished GIS files and map products will be considered 'mapping-grade', intended for asset management, planning, record keeping and utility locating; and that they are not intended for and will not substitute for land surveying work necessary for design engineering or construction activities. Information and data contained or accessed within this GIS may contain errors and omissions.
- E. The Client will own all data and maps created as part of the project once the project is completed. This does not include any software, licensing, Internet, or mobile applications used to view, collect, and edit data and maps during the contract period. GLCAP is not responsible for project data after the contract period. All files will be given to the client as part of the final deliverables.
- F. City agrees to provide traffic control if it is necessary to collect any points in roadways.

4. Equipment to be provided:

- A. City will not be receiving new GPS or computer equipment as part of this project.

5. Compensation:

This project is funded by a Federal Grant administered by GLCAP. The City is not responsible for any of this compensation.

Signature Certificate

Reference number: 3F833-B8XTF-NETXQ-BPZKG

Signer

Kristin Woodall

Email: ktwoodall@gicap.org

Sent:

Viewed:

Signed

Timestamp

29 Apr 2024 19:25:41 UTC

30 Apr 2024 20:01:08 UTC

30 Apr 2024 20:02:14 UTC

Signature



Recipient Verification:

✓ Email verified

30 Apr 2024 20:01:08 UTC

IP address: 208.203.255.50

Location: Washington, United States

Document completed by all parties on:

30 Apr 2024 20:02:14 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 50,000+ companies worldwide.

