

Minutes of the Meeting of Council
July 19, 2010

<p>The Council of the City of Sylvania, Ohio met in regular session on Monday, July 19, 2010 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: V. Michael Brown, Katie Cappellini, Doug Haynam, Mark Luetke, Todd Milner, Mary J. Westphal (6); absent: Keith Haddad (1); excused by Mayor Stough.</p>	<p>Roll call: Haddad absent; excused.</p>
<p>Mayor Stough asked for the election of a President Pro Tem due to Mr. Haddad's absence. Mr. Luetke moved, Mr. Haynam seconded to nominate Todd Milner as President Pro Tem. There were no other nominations, and the vote was unanimous (6) yeas; (0) nays.</p>	<p>Milner President Pro Tem.</p>
<p>Mr. Luetke led the Pledge of Allegiance to the United States of America.</p>	<p>Pledge of Alleg.</p>
<p>Requests were made for the following additions to the agenda:</p>	<p>Additions to the agenda.</p>
<ul style="list-style-type: none">4c. Skate park neighbors.22a. Report of the 6:00 Committee-of-the-Whole.22b. Zoning & Annexation Committee report.	
<p>Mr. Luetke moved, Mr. Brown seconded, to approve the agenda as amended; roll call vote being: Brown, Cappellini, Haynam, Luetke, Milner, Westphal (6) yeas; (0) nays. The motion carried.</p>	
<p>Mayor Stough stated that Council will now consider agenda item 4.</p>	
<p>Mr. Milner presented the June 21 meeting minutes. Mr. Milner moved, Mrs. Westphal seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of June 21, 2010 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Cappellini, Haynam, Luetke, Milner, Westphal, Brown (6) yeas; (0) nays. The motion carried.</p>	<p>Approval of the June 21 meeting minutes.</p>
<p>Mr. Milner presented the minutes of the special meeting on June 29. Mr. Milner moved, Mr. Luetke seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the special meeting of June 29, 2010 be approved as submitted; roll call vote being: Haynam, Luetke, Milner, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.</p>	<p>Approval of the minutes of the special meeting on June 29.</p>
<p>Rick Barricklow, 5752 Woodrow, spoke on behalf of himself and some neighbors regarding the Sylvania Recreation District's proposed plan to locate a skate board park</p>	<p>Opposition to skate board park</p>

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in a portion of Veterans' Memorial Field. He stated concerns over vandalism, noise, and graffiti because the area is semi-secluded, but close to homes. Chris Diver, 5745 Phillips, asked that the park be considered for an area that is not residential. Mr. Barricklow concluded by asking that the site be removed from any consideration for a skate board park. Mrs. Cappellini, Council's representative, will pass on their concerns to the SAJRD Board.

at Veterans'
Memorial Field.

Mayor Stough stated that item 5 is delayed until the August 16 meeting, and Council will now consider agenda item 6.

Mr. Brown reported that the Utilities & Environment Committee met on July 9 to consider the Administration's recommendation to accept the bids from Stevens Disposal for the collection and disposal of residential recycling and refuse. There was a split vote of the committee members, therefore they have no recommendation. There was considerable discussion about the bid specs, and the past service provided by Allied Waste, and the uncertainty that Stevens can provide adequate services to City residents since it has done business with smaller communities. Mr. Milner moved, Mr. Luetke seconded, to consider the Allied contracts; roll call vote being: Luetke, Milner, Brown, Cappellini, Haynam (5) yeas; Westphal (1) nay. The motion carried.

Utilities Comm.
report.

Mr. Brown presented and read aloud by title only, proposed Ordinance No. 69-2010, a written copy of same having been previously furnished to each member of Council, "Determining the lowest and best bid for collection and disposal of residential refuse of the City of Sylvania, Ohio; accepting the bid of Allied Waste; rejecting all other bids; authorizing the Mayor and Director of Finance to enter into a contract pursuant to the lowest and best bid, the advertisement therefore, notice to bidders, request for bids including specifications for the refuse collection and disposal contract, and Chapter 941 of the Codified Ordinances of Sylvania, 1979, as amended; and declaring an emergency." Mr. Brown moved, Mr. Milner seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Luetke (6) yeas; (0) nays. The motion carried.

Ordinance 69-
2010, "...refuse...
accepting the bid
of Allied
Waste..."

Mr. Brown moved, Mr. Milner seconded, that Ordinance No. 69-2010 be enacted as an emergency measure as declared therein. Mr. Haynam thanked Stevens for their competitive bid, and for saving the City money. The vote on the motion being: Brown, Cappellini, Haynam, Luetke, Milner (5) yeas; Westphal (1) nay. The motion carried.

Mr. Brown presented and read aloud by title only, proposed Ordinance No. 70-2010, a written copy of same having been previously furnished to each member of Council, "Determining the lowest and best bid for residential curbside recycling collection and disposal of the City of Sylvania, Ohio; accepting the bid of Allied Waste; rejecting all

Ordinance 70-
2010, "...
recycling...
accepting the bid

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other bids; authorizing the Mayor and Director of Finance to enter into a contract pursuant to the lowest and best bid, the advertisement therefore, notice to bidders, request for bids including specifications for the curbside recycling collection and disposal contract, and Chapter 943 of the Codified Ordinances of Sylvania, 1979, as amended; and declaring an emergency.” Mr. Brown moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Haynam, Luetke, Milner, Westphal, Brown (6) yeas; (0) nays. The motion carried.

of Allied
Waste...”

Mr. Brown moved, Mr. Milner seconded, that Ordinance No. 70-2010 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Luetke, Milner, Brown, Cappellini (5) yeas; Westphal (1) nay. The motion carried.

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

Finance Director Scott Smith explained that the water supply revolving loan account will allow the City to apply for the lowest loan rate to pay for the additional water tank, and will not affect the bond rating. Mr. Brown presented and read aloud by title only, proposed Resolution No. 15-2010, a written copy of same having been previously furnished to each member of Council, “A Resolution authorizing the Mayor and Director of Finance to apply for, accept, and enter into a Water Supply Revolving Loan Account Agreement on behalf of the City of Sylvania for planning, design and/or construction of water supply facilities; designating a dedicated repayment source for the loan; and declaring an emergency.” Mr. Brown moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

Resolution 15-
2010, “...enter
into a Water
Supply Revolving
Loan Account
Agreement...”

Mr. Brown moved, Mr. Milner seconded, that Resolution No. 15-2010 be enacted as an emergency measure as declared therein. There was a brief discussion on water rates paying for the tank. Rates are increased to non-City users. The vote on the motion being: Milner, Westphal, Brown, Cappellini, Haynam, Luetke (6) yeas; (0) nays. The motion carried.

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

Mr. Brown presented and read aloud by title only, proposed Ordinance No. 59-2010, a written copy of same having been previously furnished to each member of Council, “Accepting an easement from Hanson Aggregates Midwest, LLC, f/k/a France Stone Company, for the purpose of installing and maintaining a waterline; providing for compensation in the amount of \$7,908; and declaring an emergency.” Mr. Brown

Ordinance 59-
2010, “...ease-
ment...Hanson
Aggregates...
waterline...”

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moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Brown, Cappellini, Haynam, Luetke, Milner (6) yeas; (0) nays. The motion carried.

Mr. Brown moved, Mr. Milner seconded, that Ordinance No. 59-2010 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Luetke, Milner, Westphal (6) yeas; (0) nays. The motion carried.

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

Service Director Jeffrey Ballmer's report on the Harroun Road improvements bids was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance No. 60-2010, a written copy of same having been previously furnished to each member of Council, "Accepting the bid of Gerken Paving, Inc., and awarding the contract for the Harroun Road Improvement project to same; authorizing the expenditure for the improvements in the amount of \$364,927.66; appropriating funds therefore; and declaring an emergency." Mr. Milner moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Haynam, Luetke, Milner, Westphal, Brown (6) yeas; (0) nays. The motion carried.

Ordinance 60-2010, "Accepting the bid of Gerken Paving...Harroun Road..."

Mr. Milner moved, Mr. Haynam seconded, that Ordinance No. 60-2010 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Luetke, Milner, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

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

The Service Director's report on Harroun Road inspection services was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance No. 61-2010, a written copy of same having been previously furnished to each member of Council, "Accepting the proposal of the Mannik & Smith Group to provide construction inspection for the Harroun Road Improvements; appropriating funds therefore in an amount not to exceed \$24,150; and declaring an emergency." Mr. Milner moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

Ordinance 61-2010, "...Mannik & Smith... construction inspection... Harroun Road..."

Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 61-2010 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Luetke (6) yeas; (0) nays. The motion carried.

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

The Service Director's report on the Highland Meadows/Griffith Park inspection services was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance No. 62-2010, a written copy of same having been previously furnished to each member of Council, "Accepting the proposal of Northwest Consultants, Inc., to provide construction inspection for the Highland Meadows and Griffith Park Improvements; appropriating funds therefore in an amount not to exceed \$65,520; and declaring an emergency." Mr. Milner moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Brown, Cappellini, Haynam, Luetke, Milner (6) yeas; (0) nays. The motion carried.

Ordinance 62-2010, "...Northwest Consultants ...inspection... Highland Meadows..."

Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 62-2010 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Luetke, Milner, Westphal (6) yeas; (0) nays. The motion carried.

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

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 63-2010, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into an agreement with CompManagement, Inc., for an annual fee of \$3,855.00 for consulting services with respect to workers' compensation; and declaring an emergency." Mr. Luetke moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Haynam, Luetke, Milner, Westphal, Brown (6) yeas; (0) nays. The motion carried.

Ordinance 63-2010, "...agreement...Comp-Management... Workers' Comp ..."

Mr. Luetke moved, Mr. Milner seconded, that Ordinance No. 63-2010 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Luetke, Milner, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 13.

There was discussion on the school travel plan, and Council set a Committee-of-the-Whole meeting on August 2 at 6:00 p.m. to meet with a school district representative to consider the schools' participation, and for clarification of the report from DGL.

Aug. 2 Committee-of-the Whole.

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 64-2010, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to approve an additional expenditure

Ordinance 64-2010, "... additional

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for the Safe Route to School - School Travel Plan prepared by DGL Consulting Engineers, LLC; increasing the contract amount by \$10,000; appropriating funds therefore; and declaring an emergency.” Mr. Milner moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini (5) yeas; Haynam (1) nay. The motion carried.

expenditure...
Safe Route to
School...DGL...”

Mr. Milner moved, Mrs. Westphal seconded, that Ordinance No. 64-2010 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Brown Cappellini, Luetke (5) yeas; Haynam (1) nay. The motion carried.

Mayor Stough stated that Council will now consider agenda item 23 since someone in attendance was present.

Pat McIntyre was present for information on when the Finance Committee will meet to discuss their request for a tax abatement for the Root Learning building at 5470 Main St. A Finance Committee meeting was set for July 30, 8:00 a.m.

Finance Comm.,
July 30, 8:00 a.m.

Mayor Stough stated that Council will now consider agenda item 14.

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 65-2010, a written copy of same having been previously furnished to each member of Council, “Amending Section 125.02 - Division of Police of the Codified Ordinances of Sylvania, 1979, as amended, by increasing the number of Telecommunicators from five to six from August 1, 2010 through July 31, 2011; and declaring an emergency.” Mr. Milner moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Brown, Cappellini, Haynam, Luetke, Milner (6) yeas; (0) nays. The motion carried.

Ordinance 65-
2010, “Amending
Section 125.02...
Telecommunica-
tors...”

Mr. Milner moved, Mr. Haynam seconded, that Ordinance No. 65-2010 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Luetke, Milner, Westphal (6) yeas; (0) nays. The motion carried.

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

Mr. Milner presented and read aloud by title only, proposed Resolution No. 16-2010, a written copy of same having been previously furnished to each member of Council, “Adopting a policy for posting messages on the LED community sign located at Main and Monroe Streets; and declaring an emergency.” Mr. Milner moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said

Resolution 16-
2010, “Adopting
a policy for
posting messages
on the LED...”

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Resolution; roll call vote being: Cappellini, Haynam, Luetke, Milner, Westphal, Brown sign...”
(6) yeas; (0) nays. The motion carried.

Mr. Milner moved, Mr. Brown seconded, that Resolution No. 16-2010 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Luetke, Milner, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

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

Mr. Milner presented and read aloud by title only, proposed Resolution No. 17-2010, a written copy of same having been previously furnished to each member of Council, “A Resolution of the Council of the City of Sylvania commending Becky Minger on being crowned Miss Ohio 2010; and declaring an emergency.” Mr. Milner moved, Mr. Haynam seconded, that council dispense with the Second and Third Readings of said Resolution; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

Resolution 17-2010, “... commending Becky Minger... Miss Ohio...”

Mr. Milner moved, Mr. Brown seconded, that Resolution No. 17-2010 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Luetke (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 17.

Mrs. Westphal presented and read aloud by title only, proposed Resolution No. 18-2010, a written copy of same having been previously furnished to each member of Council, “ Resolution of the Council of the City of Sylvania designating the Sylvania City Council Chambers as the alternate work facility of Sylvania Municipal Court; and declaring an emergency.” Mrs. Westphal moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Westphal, Brown, Cappellini, Haynam, Luetke, Milner (6) yeas; (0) nays. The motion carried.

Resolution 18-2010, “... designating... Council Chambers... alternate...court ...”

Mrs. Westphal moved, Mr. Milner seconded, that Resolution No. 18-2010 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Luetke, Milner, Westphal (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 18.

Zoning Administrator Bob Oberly’s report on the proposals received for the 2010 sidewalk leveling program was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance No. 66-2010, a written copy of same having been

Ordinance 66-2010, “Accepting the proposal of

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previously furnished to each member of Council, “Accepting the proposal of CLI Leveling for the leveling of concrete sidewalk slabs; authorizing the Mayor and Director of Finance to accept the proposal on behalf of this City; appropriating funds therefore in the amount of \$34,974.00; authorizing CLI Leveling to proceed; and declaring an emergency.” Mr. Milner moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Haynam, Luetke, Milner, Westphal, Brown (6) yeas; (0) nays. The motion carried.

CLI Leveling...
leveling of
concrete sidewalk
slabs...”

Mr. Milner moved, Mr. Brown seconded, that Ordinance No. 66-2010 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Luetke, Milner, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 19.

After discussion, Mr. Milner moved, Mrs. Westphal seconded, to amend the title and Section 1 of proposed Ordinance 67-2010 to insert “PHC, Inc.”, and change “increase” to “approve”; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

Ordinance 67-
2010 amended.

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 67-2010, as amended, a written copy of same having been previously furnished to each member of Council, “Authorizing the Mayor and Director of Finance to approve an additional expenditure for the Alexis Road Improvement project which reflects the cost of reconstructing 23 catch basins along Alexis Road; approving the increase in the contract amount to PHC, Inc., by \$68,413.76; appropriating funds therefore; and declaring an emergency.” Mr. Milner moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance as amended; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Luetke (6) yeas; (0) nays. The motion carried.

Ordinance 67-
2010, “...Alexis
Road...increase
contract...PHC...”

Mr. Milner moved, Mr. Brown seconded, that Ordinance No. 67-2010, as amended, be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Brown, Cappellini, Haynam, Luetke, Milner (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 20.

The Service Director’s report on the parking lot improvements for the joint lot shared by the City and Harmon Capital was placed on file. Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 68-2010, a written copy of same having been previously furnished to each member of Council, “Authorizing the payment of

Ordinance 68-
2010, “Authoriz-
ing payment to
Harmon Capital..

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\$29,200 to Harmon Commons for the City's portion of the parking lot improvements at 5737 N. Main St.; appropriating funds therefore; and declaring an emergency." Mrs. Westphal moved, Mr. Milner seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Brown, Cappellini, Haynam, Luetke, Milner, Westphal (6) yeas; (0) nays. The motion carried. parking lot improvements..."

Mrs. Westphal moved, Mr. Luetke seconded, that Ordinance No. 68-2010 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Haynam, Luetke, Milner, Westphal, Brown (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 21.

Mayor Stough presented the Planning Commission's recommendation for zoning ordinance amendment petition no. SUP-2-2010, a request to amend the existing special use for a day care at 5227 Main St.. Mr. Haynam moved, Mr. Luetke seconded, to schedule the public hearing for September 7 at 7:00 p.m., and to authorize the clerk to advertise for same; roll call vote being: Haynam, Luetke, Milner, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried. Public hearing for SUP-2-2010, Sept. 7, 7:00 p.m.

Mayor Stough stated that Council will now consider agenda item 22.

Mr. Milner reported on the 6:00 Committee-of-the-Whole meeting to review the terms of the federal grant to help pay for the removal of ash trees in Harroun Park. Superintendent of Parks & Forestry, Pat O'Brien, was present and said that about 1,000 - 1,500 ash trees have to be removed. The federal government requires that an easement be sold to them for their control. After discussion the committee voted 4 - 2 not to recommend the grant. The Administration is asked to work on a plan for the removal of the ash trees and replanting with a different species. C-O-W report, ash tree removal at Harroun Park.

Mr. Haynam reported that the Zoning & Annexation Committee met on July 14 for continuing work on the revised zoning code. They will meet again on July 26 at 4:30 p.m. and on August 2 at 4:30. Zoning Comm.

Item 23 was previously discussed and Mayor Stough stated that Council will now consider agenda item 24.

Mayor Stough reported that he has appointed Patrick Livingston Superintendent of Streets, and asked for Council's confirmation. Mr. Milner moved, Mrs. Westphal seconded, to confirm Mayor Stough's appointment of Patrick Livingston as Superintendent of Streets; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried. Confirmation of Mayor's appointment of Streets Superintendent.

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Mayor Stough stated that all items on the agenda had been considered. Mrs. Westphal moved, Mr. Milner seconded, that this meeting adjourn. All present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 9:35 p.m. Adjournment.

Clerk of Council

Mayor