

Minutes of the Meeting of Council  
February 19, 2013

The Council of the City of Sylvania, Ohio met in regular session on February 19, 2013 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, Sandy Husman, Mark Luetke, Todd Milner, Mary J. Westphal (7); absent: (0). Roll call: all present.

Mrs. Cappellini led the Pledge of Allegiance to the United States of America. Pledge of Alleg.

Mayor Stough stated that Council will now consider agenda item 3.

Requests were made for the following additions to the agenda:

Additions to the agenda.

- 4a. Discussion of Hotel/Motel Tax.
- 10e. Discussion on website upgrade.
- 10f. Referral to Finance Committee.
11. Ordinance No. 26-2013.
12. Ordinance No. 27-2013.
13. Resolution No. 2-2013.
14. Executive Session to discuss pending litigation, and possible property purchase.

Mrs. Husman moved, Mr. Milner seconded, to approve the agenda as amended; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 4.

Mrs. Westphal presented the February 4 minutes. Mrs. Westphal moved, Mr. Haynam 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 February 4, 2013 be approved; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried. Approval of the February 4 minutes.

Mayor Stough stated that Council will now consider agenda item 4a.

Council received the anticipated lawyer's report on the hotel/motel tax.

Hotel Tax Collection Discussion.

Mrs. Westphal moved, Mr. Milner seconded to allow Mr. Haynam and Mr. Luetke to push back from the table regarding the discussion of hotel tax due to possible conflict of interest; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

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Mr. Ken MacLaren representing River Center, LLC, operating the Wingate by Wyndham hotel presented a legal opinion from their attorney stating that Sylvania was entitled to collect the three percent (3%) hotel tax. Mr. MacLaren will have further discussion with the County regarding payment of his tax.

Mr. Milner moved, Mrs. Westphal seconded to have Mr. Haynam and Mr. Luetke rejoin the table for the balance of the meeting; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 5.

Mrs. Westphal presented and read aloud by title only, proposed Resolution 1-2013, "Re-Appointing Katie Cappellini to the Board of Trustees of Sylvania Area Joint Recreation District (SAJRD), she being a member of Council of this appointing Political Subdivision, for the full calendar year of 2013; 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: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

Resolution  
1-2103,  
Re-appointing  
Katie Cappellini  
to SAJRD for  
2013.

Mrs. Westphal moved, Mrs. Husman seconded, that Resolution 1-2013 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 6.

Mr. Brown presented and read aloud by title only, proposed Ordinance 19-2013, "Authorizing an agreement with S. Vitale Pyrotechnic Industries, Inc. d/b/a Pyrotechnico for the Independence Day Celebration of July 3, 2013 at Centennial Terrace and Quarry; authorizing the Mayor and Director of Finance to sign an agreement for the fireworks display which will cost twenty-eight thousand eight hundred seventy-five dollars (\$28,875); authorizing a 50% deposit payment upon the signing of the agreement which will be shared by the City, Sylvania Township, Coca-Cola Corporation, the Sylvania Area Joint Recreation District and area businesses; and declaring an emergency." Mr. Brown 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, Husman, (7) yeas; (0) nays. The motion carried.

Ordinance  
19-2013  
"Authorizing  
Agreement...  
S. Vitale  
Pyrotechnic ....  
July 3<sup>rd</sup> fireworks  
..... \$28,875."

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Mr. Brown moved, Mrs. Husman seconded, that Ordinance 19-2013 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

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

Mr. Luetke presented and read aloud by title only, proposed Ordinance 20-2013, “Revising the Administrative, Departmental and Divisional Organization of the City and the Codified Ordinances thereof by amending Sylvania Codified Ordinance Section 139.02 to include the position of “Deputy Clerk of Court”; and declaring and emergency.” Mr. Luetke moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

Ordinance  
20-2013  
“Revising  
Codified  
Ordinances.... to  
include “Deputy  
Clerk of Court.”

Mr. Luetke moved, Mrs. Husman seconded, that Ordinance 20-2013 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

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

The Service Director’s report on Safe Routes to School, Change Order No. 1 was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance 21-2013, “Authorizing the Mayor and Director of Finance to approve Change Order No. 1 to this City’s Agreement with Midwest Contracting, Inc. for the Safe Routes to School Project which reflects additional materials used and additional work performed on this project; increasing the contract amount by \$35,683.50; 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; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried.

Ordinance  
21-2013  
“Authorizing  
CO #1....Safe  
Routes to  
School....  
\$35,683.50”

Mr. Milner moved, Mrs. Westphal seconded, that Ordinance 21-2013 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

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

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Mr. Milner moved, Mr. Haynam seconded to refer proposed Ordinance No. 22-2013, Amending Community Reinvestment Area No. 3 and proposed Ordinance No. 23-2013, Amending Community Reinvestment Area No. 8 to the Committee of the Whole; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried.

Refer to C.O.W. Proposed Ord. 22-2013 & 23-2013.

The Committee of the Whole will meet on March 4, 2013 at 5:30p.m. to discuss the amending Community Reinvestment Areas No. 3 and No. 8.

C.O.W. meeting 3/4/13, 5:30p.m.

Mr. Haynam moved, Mrs. Cappellini seconded, to refer proposed Ordinance No. 24-2013, Amending Part Eleven Planning and Zoning Code, Section 1117-07-Accessory Buildings & Uses to the Zoning & Annexation Committee; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman (7) yeas; (0) nays. The motion carried.

Refer to Z & A Com, proposed Ord. No. 24-2013

Mrs. Westphal moved, Mr. Haynam seconded, to refer proposed Ordinance No. 25-2013, Amending Part Eleven to regulate the use of Illuminated Tubing to the Zoning & Annexation Committee; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Refer to Z & A Com. Proposed Ord. No. 25-2013

The Zoning and Annexation will meet on Thursday, February 28, 2013 at 8:00a.m. to discuss Accessory Buildings & Uses, and Illuminated Tubing.

Mayor Stough stated council will now consider agenda item 10e.

Zoning & Annex. Meeting 2/28/13 at 8:00 a.m.

Mr. Luetke reported on the website update. He received consensus from Council to continue the research on this update within the Employee & Community Relations Committee.

Report on Website Update.

Mayor Stough stated council will now consider agenda item 10f.

Mr. Haynam moved, Mr. Milner seconded, to refer the management letter from Weber Obrien to the Finance Committee; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

Referral to Finance Com.

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

Mrs. Husman presented and read aloud by title only, proposed Ordinance 26-2013,

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“Authorizing a Lease Extension Agreement between the City of Sylvania, as lessor, and Mifnter, LLC as Lessee, of Suites A, C, and D in the Maplewood Market, located at 5703 N. Main Street, Sylvania, OH, for the purpose of operating a food service business/banquet facility, determining said city owned property not to be needed for municipal purposes during the time of proposed lease; authorizing the Mayor and Director of Finance to sign such a lease on behalf of the City of Sylvania; and declaring an emergency.” Mrs. Husman moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

Ordinance  
26-2013, “Lease  
Extension with  
Mifnter,  
LLC...5703 N.  
Main, Ste  
A,C,D.”

Mrs. Husman moved, Mr. Milner seconded, that Ordinance 26-2013 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

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

Mrs. Husman presented and read aloud by title only, proposed Ordinance 27-2013, “Authorizing a lease between the City of Sylvania, as Lessor, and Jacquolyn M. Olender, d/b/a Heaven’s Gate Candles, as Lessee, of 5723 N. Main Street, Sylvania, Ohio to be used as retail space; determining said city owned property now to be needed for municipal purposes during the time of the proposed lease; authorizing the Mayor and Director of Finance to sign such a lease on behalf of the City of Sylvania, Ohio; and declaring an emergency.” Mrs. Husman moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

Ordinance  
27-2013,  
“Authorizing  
lease with  
Olender...5723  
N. Main St...”

Mrs. Husman moved, Mr. Luetke seconded, that Ordinance 27-2013 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

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

Mr. Luetke presented and read aloud by title only, proposed Resolution 2-2013,

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“Authorizing the Mayor and Director of Finance to participate in the Local Government Innovation Fund Program; and declaring an emergency.” Mr. Luetke moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried.

Resolution  
2-2013  
“Authorizing....  
Participation in  
Local Gov’t  
Innovation Fund  
Program....”

Mr. Luetke moved, Mr. Haynam seconded, that Resolution 2-2013 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated Council will now consider agenda item 14.

Mr. Haynam moved, Mrs. Westphal seconded to enter into Committee of the Whole Executive Session to discuss pending litigation and possible land purchase at 8:49 p.m.: roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried.

C.O.W.  
Exec. Session...  
Land purchase,  
Pending  
litigation.

Mrs. Westphal moved, Mrs. Cappellini seconded to return from Committee of the Whole Executive Session to regular session at 10:08 p.m.; roll call vote being: Husman, Luetke, Westphal, Brown, Cappellini, Haynam, Milner (7) yeas; (0) nays. The motion carried.

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 (7); (0) nays. The motion carried and the meeting adjourned 10:09 p.m.

Adjournment.

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Clerk of Council

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Mayor

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