

**Sylvania City Council  
December 5, 2011**

**6:30 p.m. Economic Development sub-Committee**

**7:30 p.m. Council Meeting  
Agenda**

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mr. Milner.
3. Additions to the agenda.
4. Approval of the November 21 meeting minutes.
5. Alexis Road joint project with ODOT;
  - a. Service Director's report on the final invoice; and,
  - b. Ordinance No. 94-2011, approving the final invoice in the amount of \$58,399.99.
6. Notice from the Ohio Division of Liquor Control of the transfer in ownership of the C1, C2, beer and wine in sealed containers for carry out only until 1:00 a.m., license from Speedway Beverage, LLC d/b/a Speedway 3670, 6601 Monroe St., to Speedway LLC, d/b/a Speedway 3670, 6601 Monroe St.
7. Committee reports.
8. Committee referrals.

**Information**

- A. November cash report from the Division of Taxation.

Minutes of the Meeting of Council  
November 21, 2011

The Council of the City of Sylvania, Ohio met in regular session on Monday, November 21, 2011 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.

Mr. Luetke 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.

10a. Schedule a Finance Committee meeting.

10b. Schedule an Economic Development sub-Committee meeting.

Mr. Haynam moved, Mrs. Cappellini 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.

Mr. Milner presented the November 7 minutes. Mr. Milner moved, Mrs. Husman 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 November 7, 2011 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Approval of the Nov. 7 minutes.

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

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 93-2011, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a contract for a service contract with Bender Communications, Inc., for the radio communication equipment of the Division of Police; and declaring an emergency." Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini (7) yeas; (0) nays. The motion carried.

Ordinance 93-2011, "...service agreement... Bender...Police..."

Mrs. Westphal moved, Mr. Haynam seconded, that Ordinance No. 93-2011 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.

Minutes of the Meeting of Council  
November 21, 2011

Mayor Stough presented Service Director Kevin Aller's report on the plans and specifications for the water tank. Mr. Brown moved, Mrs. Westphal seconded, to authorize the clerk to advertise for bids for the elevated water tank project; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman (7) yeas; (0) nays. The motion carried. Clerk to advertise for water tank bids.

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

There was discussion on dealing with Norfolk Southern Railroad officials since the City was notified that repairs to the Monroe Street crossing will not take place until 2012. Last year the company promised repairs in spring of 2011. The crossing is deteriorating and City crews patch when necessary. Monroe Street railroad crossing.

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

Bill Sanford reported that CRA 3 for the Southbriar Shopping Center is inactive. There are three owners, and one on the south end is contemplating improvements. He requested Council to consider reactivating the CRA 3. Mr. Milner moved, Mrs. Westphal seconded, to refer the matter to the Finance Committee; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke (7) yeas; (0) nays. The motion carried. CRA 3 to Finance Comm.

There were no items for 9, and Mayor Stough stated that Council will now consider agenda item 10.

The Finance Committee will meet on December 2 at 8:00 a.m. to consider the 2012 operating budget, and reactivating CRA 3. Finance Comm. Dec. 2, 8:00 a.m.

The Economic Development sub-Committee will meet on December 5 at 6:30 p.m. to consider the second phase of the River Trail project, and including the Jiffy Lube at Monroe and Harroun in the Monroe Street beautification project. Econo. Dev. Comm., Dec. 5, 6:30 p.m.

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 at 8:10 p.m. Adjournment.

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Clerk of Council

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Mayor



# City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

5a

November 28, 2011

To: The Mayor and Members of Sylvania City Council

Re: **Alexis Road Joint Project with ODOT**

Dear Mr. Mayor and Council Members:

Attached please find a final Invoice for the above-mentioned project. This invoice reflects the actual materials used and work performed on this project that the City is responsible for and results in a net increase of \$58,389.99 to the amount required by agreement.

The total cost of the project is \$1,253,455.74. The City is responsible for \$522,499.99 of this amount. We had previously made two estimated payments to ODOT totaling \$464,110.00. Therefore, our remaining share of the project is \$58,389.99. I have attached a two-page summary of the additional costs. I have reviewed the supporting documentation for those costs and are in agreement with ODOT's summary.

We would recommend that the attached invoice in the amount of \$58,389.99 be approved.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

tid

Enc.

cc: James E. Moan, Director of Law



# Accounts Receivable

The Ohio Department of Transportation

In Account With:

City of Sylvania  
6730 Monroe Street  
Sylvania, Ohio  
43560

Address questions concerning this invoice to:

Adam Makuley  
Ohio Department of Transportation  
Division of Finance  
Phone: 614-387-7658

Invoice Number	FAP Number	PID	Project #	Project Description	County	District
F11166	E090(197)	85285	173(10)	Resurfacing	Lucas	D02

**Description of Work Done:**

Upgrading 1.59 miles of State Route 184 by resurfacing the pavement, performing pavement repairs, repairing curbs and retrofitting curb ramps, lying within the City of Sylvania.

The City of Sylvania agrees to assume and bear 100% of the entire cost of the improvement, less the amount of Federal-aid and State funds set aside by the Director of Transportation of the State of Ohio and the financing of this project.

Costs to the City of Sylvania:	Construction Contract Costs	\$508,483.49
	Less Deposit	-\$421,916.48
	Construction Inspection Costs	\$14,016.50
	Less Deposit	-\$42,193.52
	<b>Balance</b>	<b>\$58,389.99</b>

<b>Amount Due State of Ohio</b>	<b>\$58,389.99</b>
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Please Return Bottom Portion of Invoice with Payment

Make Check Payable To:

The Treasurer of the State of Ohio  
C/O The Ohio Department of Transportation

Invoice Number:	F11166
Amount Due:	\$58,389.99

Remit To:

Division of Finance - Accounts Receivable  
1980 West Broad Street  
Columbus, Ohio 43223

Manager, Project Accounting

10/4/2011

Date



<b>Construction Engineering</b>
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**Award**

	Participation Code	Total	ODOT Share	City Share
	1	43,757.16	21,878.58	21,878.58
	2	193,905.55		193,905.55
	3	44,631.27	44,631.27	
<b>Total</b>		<b>282,293.98</b>	<b>66,509.85</b>	<b>215,784.13</b>

**Actual**

	Participation Code	Total	ODOT Share	City Share
	1	11,849.00	5,924.50	5,924.50
	2	8,092.00		8,092.00
	3	14,059.00	14,059.00	
<b>Total</b>		<b>34,000.00</b>	<b>19,983.50</b>	<b>14,016.50</b>

**Total Participation**

<b>Total City</b>		<b>522,499.99</b>
<b>Total ODOT</b>		<b>730,955.75</b>
<b>Construction Total</b>	<b>1,253,455.74</b>	

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**ORDINANCE NO. 94 -2011**

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE THE FINAL INVOICE FOR THIS CITY'S AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE SR 184 (ALEXIS ROAD) IMPROVEMENT PROJECT WHICH REFLECTS THE ACTUAL MATERIALS USED AND WORK PERFORMED ON THE PROJECT; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$58,399.99; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 17-2010, passed March 1, 2010, authorized the Mayor and Director of Finance to enter into a Contract, on behalf of the City of Sylvania, with the Ohio Department of Transportation for the improvement of State Route 184 (Alexis Road) and appropriated Four Hundred Fifty-Four Thousand Four Hundred Eighty Dollars (\$454,480.00) for said improvements; and,

WHEREAS, Ordinance No. 45-2010, passed May 3, 2010, authorized the Mayor and Director of Finance to approve an additional expenditure for the Alexis Road Improvement Project in the amount of \$9,630 for the installation of video detection units; and,

WHEREAS, Ordinance No. 67-2010, passed July 19, 2010, authorized the Mayor and Director of Finance to approve an additional expenditure for the Alexis Road Improvement Project in the amount of \$68,413.76 to reconstruct 23 catch basins along Alexis Road; and,

WHEREAS, Ordinance No. 92-2010, passed October 4, 2010, authorized the Mayor and Director of Finance to approve Change Order Nos. 1 and 2 of Gerken Paving for said State Route 184 (Alexis Road) Improvement Project to reflect the as-built quantities to remove and repair a portion of the intersection of Alexis Road and Roberts Road all in Sylvania Township, which resulted in no additional cost to the City of Sylvania; and,

WHEREAS, Ordinance No. 15-2011, passed March 7, 2011, authorized the Mayor and

Director of Finance to approve Change Order No. 8 of Gerken Paving for said State Route 184 (Alexis Road) Improvement Project to reflect a reduction in the asphalt cost of approximately \$1,797.83; and,

WHEREAS, Ordinance No. 71-2011, passed August 15, 2011, authorized the Mayor and Director of Finance to approve Change Order Nos. 16 and 17 of Gerken Paving for said State Route 184 (Alexis Road) Improvement Project to reflect a net increase of Fifteen Thousand Eighteen and 02/100 Dollars (\$15,018.02); and,

WHEREAS, the Director of Public Service, by report dated November 28, 2011, has recommended approval of the Final Invoice from the Ohio Department of Transportation for said State Route 184 (Alexis Road) Improvement Project for the actual materials used and work performed on this project which results in a net increase of Fifty-Eight Thousand Three Hundred Eighty-Nine and 99/100 Dollars (\$58,389.99), for a total contract amount of \$604,133.94.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

**SECTION 1.** That said invoice increasing the contract amount by the sum of Fifty-Eight Thousand Three Hundred Eighty-Nine and 99/100 Dollars (\$58,389.99), authorized to be appropriated be, and the same hereby is, approved, and the Mayor and the Director of Finance be, and they hereby are, authorized to sign said invoice on behalf of this City, thereby indicating such approval and changing the total contract amount.

**SECTION 2.** That, to provide funds for said improvements, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53584 – Alexis Rd. (SR 184)Improvement Project**, the sum of Fifty-Eight Thousand Three Hundred Eighty-Nine and 99/100 Dollars (\$58,389.99).

**SECTION 3.** That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to **ARTICLE III, Section 12**, of the Charter of this City.

**SECTION 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the adjustments in the contract for said additional improvements should be approved immediately so as not to delay the project completion. Provided this

Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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, including Section 121.22 of the Ohio Revised Code.

Vote dispensing with the second and third readings:        Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2011, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONT**  
6605 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

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TO

84189942175		TRFO	SPEEDWAY LLC	
PERMIT NUMBER		TYPE	DBA SPEEDWAY 3670	
06	01	2011		
ISSUE DATE				
11	18	2011		
FILING DATE				
C1		C2		
PERMIT CLASSES				
48	077	A	F06668	
TAX DISTRICT			RECEIPT NO.	

FROM 11/22/2011

84009843670			SPEEDWAY BEVERAGE LLC	
PERMIT NUMBER		TYPE	DBA SPEEDWAY 3670	
06	01	2011		
ISSUE DATE				
11	18	2011		
FILING DATE				
C1		C2		
PERMIT CLASSES				
48	077			
TAX DISTRICT			RECEIPT NO.	



MAILED 11/22/2011

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/23/2011

**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

**A TRFO 8418994-2175**

(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 SYLVANIA CITY COUNCIL  
6730 MONROE ST  
SYLVANIA OHIO 43560**

8418994

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT #	

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL  
 6606 Lussing Road, P.O. Box 3005, Reynoldsburg, Ohio 43068-9005  
 Telephone: (614) 644-2431 - http://www.com.ohio.gov/liqr

2011 FEB 22 PM 3:39

OHIO DIV. LIQUOR CONTROL  
LICENSING CONTROL ROOM

**LIMITED LIABILITY COMPANY DISCLOSURE FORM**  
 (This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company <b>Speedway LLC</b>	DBA Name <b>Corporate Master File</b>
Principal Premises Address <b>P.O. Box 1580, Attn: Licensing Dept</b>	City, State <b>Springfield, OH</b>
Township, if in Unincorporated Area	Zip Code <b>45501</b>
	Tax Identification No. (TIN) <b>31-1551430</b>

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION B. List the top five (5) officers of the captioned business. If an office is NOT held, please indicate by writing NONE.

EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" OLC4191.

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO <b>None</b>		
2) President <b>Anthony R. Kenney</b>		<b>10/9/53</b>
3) Vice-President <b>Glenn M. Plumby</b>		<b>3/2/59</b>
4) Secretary <b>David E. Ball</b>		<b>6/17/60</b>
5) Treasurer <b>Ronald L. Edmiston</b>		<b>8/25/50</b>

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" OLC4191.

1) Name <b>MPC Investment LLC</b>	Social Security No. (if individual) <b>N/A</b>	<input type="checkbox"/> Managing Member <input type="checkbox"/> 5% or greater voting interest <input checked="" type="checkbox"/> 5% or greater membership interest <b>100% Ownership</b>
Residence Address <b>5555 San Felipe Road</b>	Tax Identification No. (if applicable) <b>27-1287018</b>	
City and State <b>Houston, TX</b>	Zip Code <b>77056</b>	
Telephone No. <b>713-629-6600</b>	Date of Birth <b>N/A</b>	
2) Name	Social Security No. (if individual)	<input type="checkbox"/> Managing Member <input type="checkbox"/> 5% or greater voting interest <input type="checkbox"/> 5% or greater membership interest
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No.	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE.)

STATE OF OHIO, Clark COUNTY SS.

I, David E. Ball, being first duly sworn, according to law, deposes and says that he/she is (Title) Secretary

of the Speedway LLC, a business duly authorized by law to do business in the State of Ohio and that the statements made in the foregoing affidavit are true.



David E. Ball (Print Name and Title) David E. Ball, Secretary  
Dawn M. Woods day of February 2011  
 Notary Public, State of Ohio My Commission Expires November 1, 2012  
Dawn M. Woods (Notary Public) 11-1-2012 (Notary Expiration)



# City of Sylvania

DIVISION OF TAXATION

ANGELA J. KUHN, COMMISSIONER

*a*

December 1, 2011

Mayor Craig A. Stough and Members of Council  
City of Sylvania  
Sylvania, Ohio

Dear Mayor Stough and Council Members:

The monthly cash report from the Division of Taxation is as follows:

	Deposits	Refunds	Balance
November 30, 2011	\$697,951.57	\$11,506.74	\$686,444.83
November 30, 2010	\$656,677.02	\$57,032.24	\$599,644.78
Monthly Difference	<u>\$41,274.55</u>	<u>-\$45,525.50</u>	<u>\$86,800.05</u>
Year to Date 2011	\$8,043,029.03	\$192,171.43	\$7,850,857.60
Year to Date 2010	\$7,700,600.26	\$222,865.74	\$7,477,734.52
Yearly Difference	<u>\$342,428.77</u>	<u>-\$30,694.31</u>	<u>\$373,123.08</u>

Respectfully submitted,

Angela J. Kuhn  
Tax Commissioner

c: Mr. Scott Smith, Finance Director