

**Sylvania City Council
January 3, 2011**

6:30 p.m. Employee & Community Relations Committee - Council appointments

7:00 p.m. Continuation of Public Hearing - Crescent Learning Center, 5227 Main

**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 December 20 meeting minutes.
5. Proposed Resolution 1-2011, requesting advances of funds from the County Treasurer.
6. Proposed Ordinance 1-2011, authorizing the payment of the 2011 Transportation Planning Assessments in the amount of \$2,169 to TMACOG.
7. Service Director's report on the Centennial/Little waterline project, and authorize the clerk to advertise for bids for same.
8. A proposed Ordinance entering into an agreement with the Lucas County Commissioners for Public Defender services for the Municipal Court for 2011 - for referral to the Finance Committee.
9. Committee reports.
10. Committee referrals.



City Of Sylvania

SYLVANIA CITY COUNCIL
MARGARET LINTNER, MMC, CLERK

Committee Meetings Notice **Sylvania City Council**

Employee & Community Relations Committee

January 3, 2011 6:30 p.m.

The Employee & Community Relations Committee will meet on Monday, January 3, 2011, at 6:30 p.m. in Council Chambers, located in the Sylvania Municipal Building, 6635 Maplewood Avenue, Sylvania, Ohio 43560 to consider appointments to the Sylvania Area Joint Recreation District Board and the Board of Zoning Appeals, and any other business the committee members vote to discuss.

Zoning & Annexation Committee

January 4, 2011 4:30 p.m.

The Zoning & Annexation Committee will meet on Tuesday, January 4, 2011 at 4:30 p.m. in Council Chambers for continuing review and work on the zoning code changes, and any other business the committee members vote to discuss.

PETITION FOR ZONING ORDINANCE AMENDMEN **7:00
Pub Hear**

To: City of Sylvania, Ohio
City Council and
Municipal Planning Commission

Application No. SUP-2-2010

Date 5/27/10 6/17/10 *JS*

Petitioner Name(s) Mr. Mo Rasheed
Crescent Learning Center

Petitioner Address 5227 South Main Street
Sylvania, OH 43560

Telephone 419.842.1220

Location of property for which zoning amendment is requested:

5219 & 5227 South Main Street., Sylvania OH 43560
Crescent Learning Center

Purpose of amendment request: To expand the building, parking lot & relocate the Play Area.

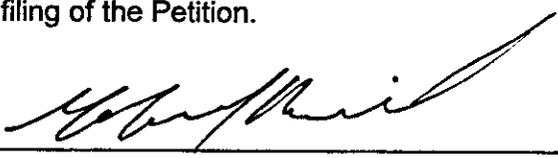
Current Zoning: B-2 & B-2 SUP

Requested Zoning: B-2 SUP

The undersigned, being one or more of the owners, lessees or occupants within the area proposed to be changed by the amendment, hereby petition for an Amendment to the Zoning Code, pursuant to Chapter 1107 of the Codified Ordinances of the City of Sylvania, Ohio, as amended.

- Attachments:**
1. Full legal description of the property for which the Zoning Amendment is proposed.
 2. Area location map.
 3. Site plan - if plan is larger than 11" x 17", eighteen (18) copies must be submitted.

A check for \$150.00, payable to the City of Sylvania, is attached for processing of said Petition. It is understood that no refund is to be made after the filing of the Petition.

By: 

Mo Rasheed
Crescent Learning Center

Date referred by Council: 6/21/10

Date of Commission Action: 7/14/10

Date of Council Action: _____

Action: _____



October 4, 2010

Oravec Consulting &
Engineering Services

George V. Oravec
Consulting Engineer

P.O. Box 38
Maumee, OH 43537

Mobile: 419.351.2725

Pager: 419.479.2874

Office: 419.867.6518

Home: 419.866.8362

Fax: 419.868.7990

goravec@totalink.com

Ms Margaret Lintner
Clerk of Council
City of Sylvania
6730 Monroe St
Sylvania, OH 43560

RE: CRESENT LEARNING CENTER

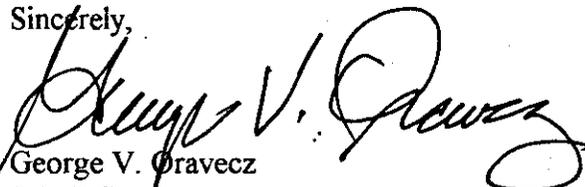
Dear Ms. Lintner;

I am requesting a continuance of the public hearing before The City Council of Sylvania Ohio to January 3, 2011 meeting date.

Mr. Rasheed, the owner of The Cresecent Learning Center, is not in contract nor has he purchased the 50-foot parcel from Lourdes College.

Thank you for your cooperation in this matter.

Sincerely,



George V. Oravec
P.E. P.S.

Registered in
Ohio
Michigan
Colorado
Florida



City Of Sylvania

MUNICIPAL PLANNING COMMISSION

July 16, 2010

To: Mayor and Members of City Council

Re: **SUP-2 -2010**

Dear Mayor and Members of Council:

Following is an excerpt from the minutes of the regular Municipal Planning Commission Meeting of July 14, 2010, regarding a petition to amend the existing Special Use Permit for Crescent Learning Center, 5227 Main Street, Sylvania.

"Mr. Lindsley moved, Dr. Backus seconded to recommend that SUP-2-2010 to amend the existing special use permit for the expansion of the building and parking lot, and to relocate the play area for Crescent Learning Center, at 5227 Main Street, as depicted on the site plan submitted with the application, be approved subject to: a landscape plan along the north, south, and east perimeters of the site, excluding the concrete area behind the building and along the playground area, and to screen the parking lot from the street, being approved by the Service Director; any lighting in the parking lot to be down lights with no spill over to the adjacent residential properties; and to inform the applicant that they will need to apply for a variance for a rear yard setback, similar to the existing building, prior to the start of construction on the addition. Vote being: Backus, Lindsley, Husman, Stough (4) aye; (0) nay. Motion passed by a 4 to 0 vote."

Very truly yours,

Barbara Taylor, Secretary
Municipal Planning Commission

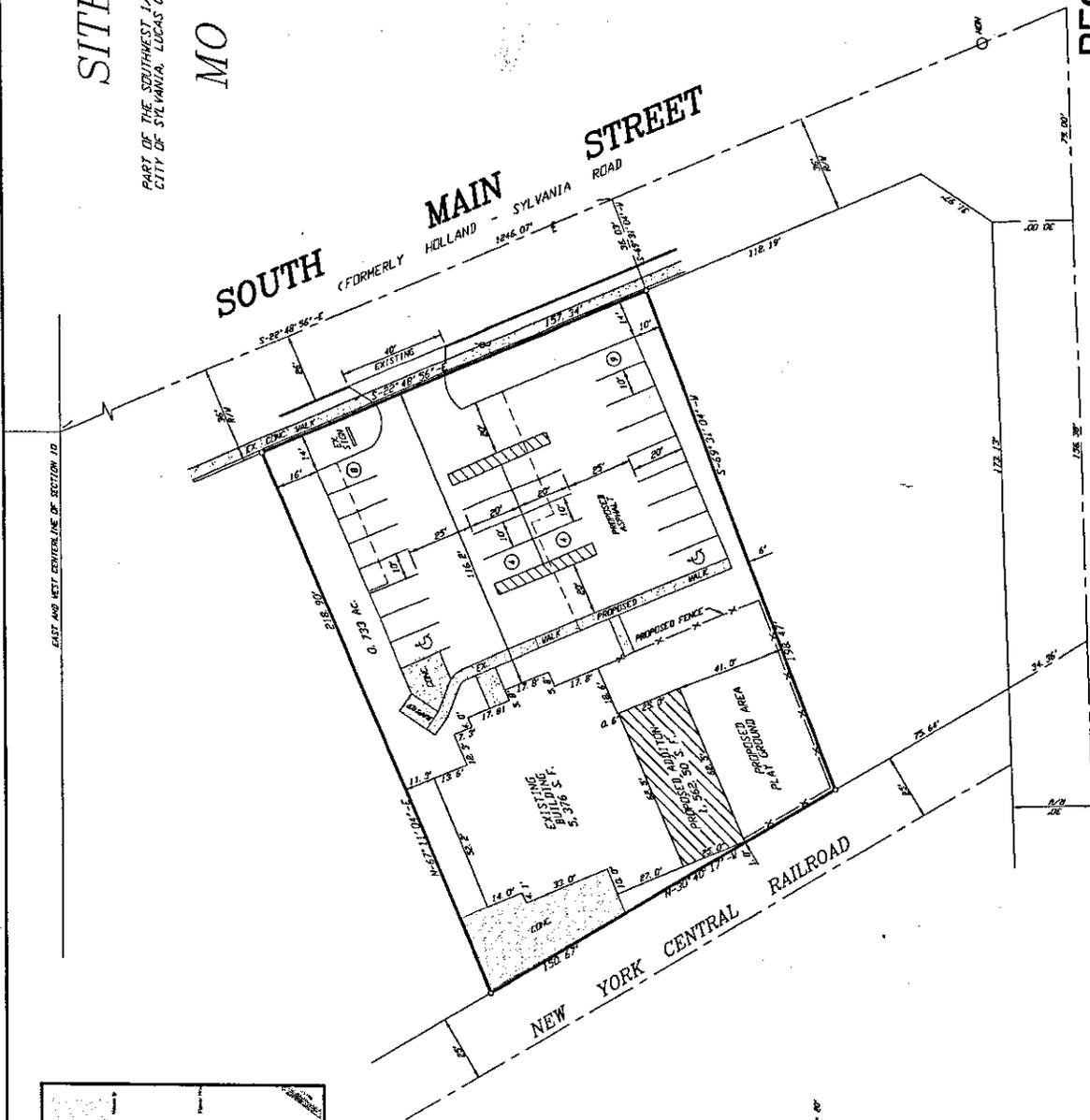
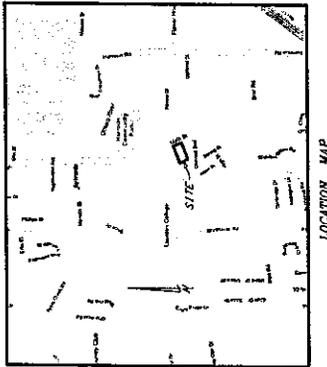
SITE PLAN

of
PART OF THE SOUTHWEST 1/4 OF SECTION 10 TOWN 9 SOUTH RANGE 6 EAST,
CITY OF SYLVANIA, LUCAS COUNTY, OHIO BOUNDED AND DESCRIBED AS FOLLOWS
for

MO RASHEED

LEGEND

AREA = 0.733 AC.
PARKING SPACES EXIST. = 17
PARKING SPACES PROPOSED = 25
PROPOSED ADDITION = 1,562 S.F.
TOTAL BUILDING AREA = 6,938 S.F.



ORAVECZ & ASSOCIATES, LLC
5539 SECOR ROAD, SUITE 2, TOLEDO, OHIO 43623
TEL: 419-245-1100 FAX: 419-245-1101
WWW.ORAVECZANDASSOCIATES.COM
ENGINEERS & SURVEYORS

SCALE	DATE	REVISED	BY	DATE
1" = 40'	6/2/10			

RECEIVED
S.U.P.-2-3-10
JUN 17 2010
CITY OF SYLVANIA
CITY COUNCIL

CONVENT BLVD.

George J. Oravec
George J. Oravec, Registered Surveyor No. 5409

SURVEY REPORT

PARCEL A

PART OF THE SOUTHWEST 1/4 OF SECTION 10 TOWN 9 SOUTH RANGE 6 EAST, CITY OF SYLVANIA, LUCAS COUNTY, OHIO BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND NAIL AT THE CENTERLINE OF SOUTH MAIN STREET (FORMERLY HOLLAND - SYLVANIA ROAD) AND THE EAST AND WEST LINE CENTERLINE OF SECTION 10;

THENCE S-22°48'56"-E ALONG THE CENTERLINE OF SOUTH MAIN STREET, A DISTANCE OF 1196.03 FEET TO A POINT;

THENCE S-69°31'04"-N A DISTANCE OF 36.03 FEET TO A FOUND 1/2 INCH DIA. IRON PIPE ON THE RIGHT OF WAY OF SOUTH MAIN STREET TO THE POINT OF BEGINNING;

THENCE CONTINUING S-69°31'04"-N ALONG THE NORTHERLY LINE OF PARCEL NUMBER 88-04117 (OFFICIAL RECORDS NO. 20080513-0024396) AND THE WESTERLY LINE OF THE NEW YORK CENTRAL RAILROAD;

THENCE N-30°40'17"-W ALONG THE NORTHEASTERLY LINE OF THE NEW YORK CENTRAL RAILROAD, A DISTANCE OF 2.96 FEET TO A FOUND IRON ROD;

THENCE N-67°11'04"-E ALONG THE SOUTH LINE OF PARCEL NUMBER 88-04121 (VOLUME 88 PAGE 338 A11), A DISTANCE OF 205.66 FEET TO A SET 5/8 INCH DIA. IRON ROD ON THE RIGHT OF WAY OF SOUTH MAIN STREET;

THENCE S-22°48'56"-E ALONG THE WESTERLY LINE OF SOUTH MAIN STREET A DISTANCE OF 11.30 FEET TO THE POINT OF BEGINNING;

CONTAINING 1.461 S.F. OR 0.0335 ACRES OF LAND MORE OR LESS SUBJECT TO LEGAL HIGHWAYS AND EASEMENTS OR RECORD.

PARCEL B

PART OF THE SOUTHWEST 1/4 OF SECTION 10 TOWN 9 SOUTH RANGE 6 EAST, CITY OF SYLVANIA, LUCAS COUNTY, OHIO BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND NAIL AT THE CENTERLINE OF SOUTH MAIN STREET (FORMERLY HOLLAND - SYLVANIA ROAD) AND THE EAST AND WEST LINE CENTERLINE OF SECTION 10;

THENCE S-22°48'56"-E ALONG THE CENTERLINE OF SOUTH MAIN STREET, A DISTANCE OF 1246.07 FEET TO A POINT;

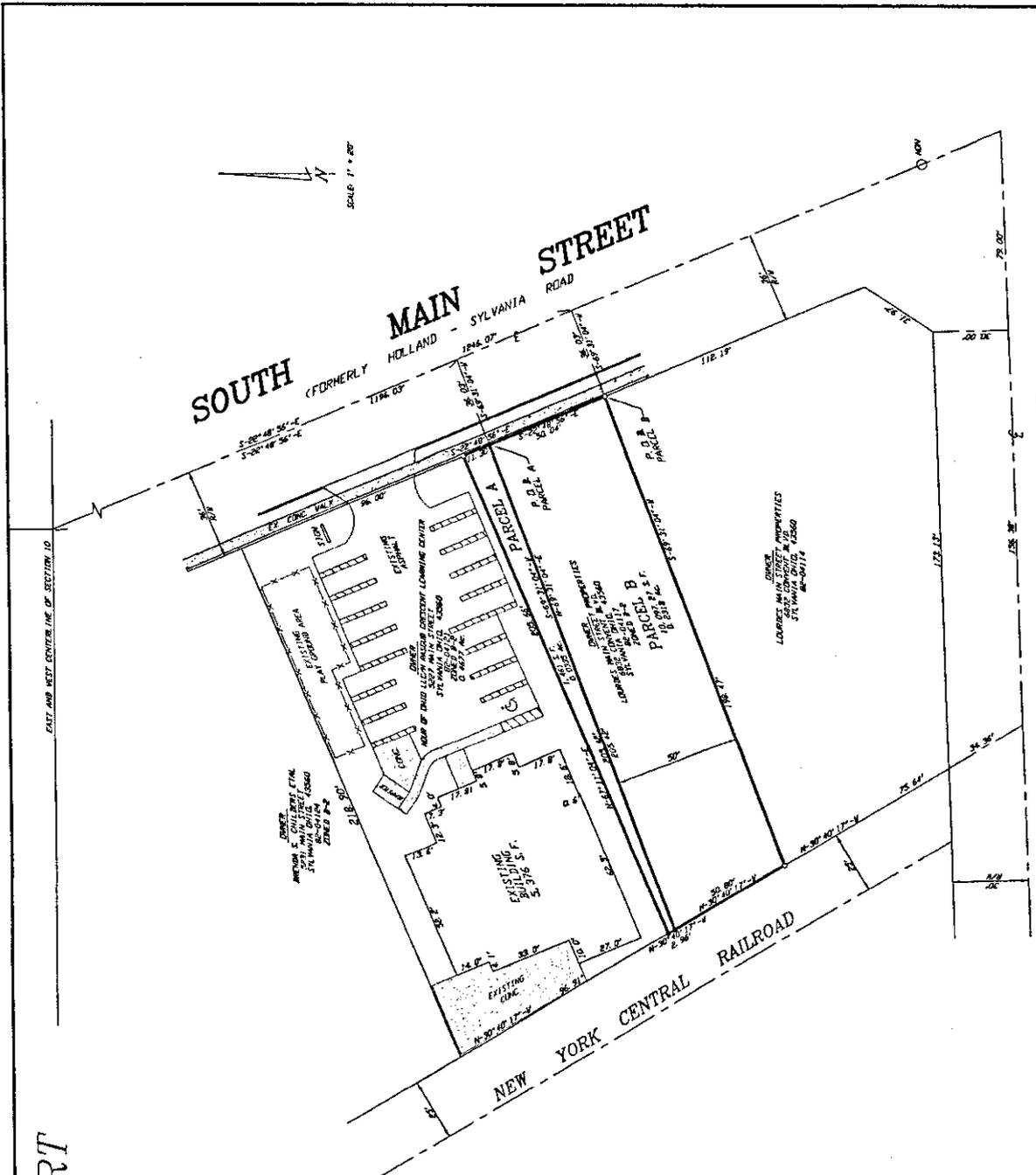
THENCE S-69°31'04"-N A DISTANCE OF 36.03 FEET TO A SET 5/8 INCH DIA. IRON ROD ON THE RIGHT OF WAY OF SOUTH MAIN STREET TO THE POINT OF BEGINNING;

THENCE CONTINUING S-69°31'04"-N A DISTANCE OF 198.47 FEET TO A SET 5/8 INCH DIA. IRON ROD ON THE NORTHEASTERLY LINE OF THE NEW YORK CENTRAL RAILROAD, A DISTANCE OF 50.80 FEET TO A FOUND 1/2 INCH IRON PIPE

THENCE N-69°31'04"-E ALONG THE NORTHERLY LINE OF PARCEL NUMBER 88-04117 (OFFICIAL RECORDS NO. 20080513-0024396), A DISTANCE OF 205.42 FEET TO A FOUND 1/2 INCH IRON PIPE ON THE RIGHT OF WAY OF SOUTH MAIN STREET;

THENCE S-22°48'56"-E ALONG THE WESTERLY LINE OF SOUTH MAIN STREET A DISTANCE OF 50.04 FEET TO THE POINT OF BEGINNING;

CONTAINING 1.461 S.F. OR 0.0335 ACRES OF LAND MORE OR LESS SUBJECT TO LEGAL HIGHWAYS AND EASEMENTS OR RECORD.



ORAVECZ & ASSOCIATES, LLC
 ENGINEERS & SURVEYORS
 11111 N. HIGHWAY 101, SUITE 101
 SYLVANIA, OHIO 44874
 TEL: 419-499-1111 FAX: 419-499-1112
 www.oraveczassociates.com

RECEIVED
 JUN 17 2010
 Supt. J-2-2-10
 CITY OF SYLVANIA
 CITY ENGINEER

CONVENT

George J. Oravec
 George J. Oravec, Registered Surveyor No. 5439



Minutes of the Meeting of Council
December 20, 2010

The Council of the City of Sylvania, Ohio met in regular session on Monday, December 20, 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, 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.

Requests were made for the following additions to the agenda:

Additions to the agenda.

- 4a. Demolition of house at 5858 Main Street.
- 7. Revised Ordinance 107-2010 distributed.
- 12a. Township Trustee Kevin Haddad - regional water.
- 13a. Utilities & Environment Committee report.
- 13b. Zoning & Annexation Committee report.
- 13c. Employee & Community Relations Committee report.
- 15. Ordinance 113-2010.
- 16. Confirmation of Mayor's re-appointment to the Civil Service Commission
- 17. Condition of the Monroe Street railroad crossing.
- 18. Letter from Clean Wood Recycling.

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 December 6 minutes. Mr. Milner 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 December 6, 2010 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 December 6 minutes.

Mayor Stough gave an update on the house that was demolished at 5858 Main Street. Since it was older than 50 years, any demolition requires a 30 day notice with access allowed to the Sylvania Historical Society for documentation purposes. The Zoning office had been in discussion with the contractor for an addition to the structure. A few days later the contractor demolished the house without obtaining a permit. Council may consider regulations on demolishing old structures to make way for new construction, especially in the older, historic areas of town as part of its zoning code

Demolition of house on Main Street.

Minutes of the Meeting of Council
December 20, 2010

changes. Chris Davies, 5902 Main, expressed her concern that the historic nature of the neighborhood will be destroyed.

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

Economic Development/Administrative Services Coordinator Bill Sanford reported that the public hearing to meet the requirements for obtaining a block grant will be held on December 22 at 9:00 a.m. Danielle from Poggemeyer said that some state money is still available. Mr. Milner presented and read aloud by title only, proposed Resolution No. 26-2010, a written copy of same having been previously furnished to each member of Council, "A Resolution authorizing the Mayor to file an application with the State of Ohio, to participate in the FY10 Small Cities Community Development Block Grant Downtown Revitalization Program and to enter into an agreement with the State; and declaring an emergency." Mr. Milner moved, Mr. Haynam seconded, that Resolution No. 26-2010 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.

Resolution 26-2010, "...participate in the FY10 Small Cities... Block Grant..."

Mr. Milner moved, Mrs. Westphal seconded, that Resolution No. 26-2010 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. Milner reported that the Finance Committee met on December 10 and 17 to discuss possible budget cuts across the board. Finance Director Scott Smith said that bond counsel advises keeping reserves at current levels. Mr. Milner presented and read aloud by title only, proposed Ordinance No. 106-2010, a written copy of same having been previously furnished to each member of Council, "To make certain adjustments to account allocations within the fund appropriations for the fiscal year ending December 31, 2010; 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, Husman (7) yeas; (0) nays. The motion carried.

Ordinance 106-2010, "To make certain adjustments to account allocations..."

Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 106-2010 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.

Minutes of the Meeting of Council
December 20, 2010

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 107-2010, a written copy of same having been previously furnished to each member of Council, "Appropriating money for current expenditures of the various departments of the City of Sylvania for the months of January, February and March, 2011; 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: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner (7) yeas; (0) nays. The motion carried.

Ordinance 107-2010, "Appropriating money... January, February and March 2011..."

Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 107-2010 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.

Service Director Jeffrey Ballmer's report on the Centennial Farms Improvements was placed on file. Mr. Brown presented and read aloud by title only, proposed Ordinance No. 108-2010, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to approve change order no. 1 to this City's agreement with KF Ventures, Ltd., for the Centennial Farms Improvement Project which reflects the actual materials used and work performed on this project; increasing the contract amount by \$55,423.83; appropriating funds therefore; and declaring an emergency." Mr. Brown moved, Mrs. Husman 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 108-2010, "...approve change order no. 1...KF Ventures... Centennial Farms ..."

Mr. Brown moved, Mrs. Westphal seconded, that Ordinance No. 108-2010 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 9.

The Service Director's report on the change order for the Acres Road Phase 2 project was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance No. 109-2010, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to approve change order no. 1 to this City's agreement with Bowers Asphalt for the Acres Road Phase 2 Project which reflects the as-built quantities and materials used on this project; increasing the contract amount by \$56,316.68; appropriating funds therefore; and declaring an emergency." Mr. Milner moved, Mrs. Westphal seconded, that Council

Ordinance 109-2010, "...approve change order no. 1...Acres Road Phase 2..."

Minutes of the Meeting of Council
December 20, 2010

dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 109-2010 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 10.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 110-2010, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a contract for a service agreement with Bender Communications, Inc., for the radio communication equipment of the Division of Police; and declaring an emergency." Mrs. Westphal 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 110-2010, "...contract ...Bender Comm.. radio...Police..."

Mrs. Westphal moved, Mrs. Husman seconded, that Ordinance No. 110-2010 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 11.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 111-2010, 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 the Criminal Justice Coordinating Council to provide a NORIS terminal for use by the Sylvania Police Division for 2011; appropriating funds therefore; and declaring an emergency." Mrs. Westphal 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 111-2010, "...agreement...NORIS terminal...Police ..."

Mrs. Westphal moved, Mrs. Husman seconded, that Ordinance No. 111-2010 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.

Minutes of the Meeting of Council
December 20, 2010

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

The Mayor reported on TMACOG's efforts to study the feasibility of creating a new regional water authority. Their Policy Committee is recommending that the 2000 Regional Water Study be updated to determine the fair value of Toledo's key water assets. To pay for this they are asking for contributions of \$5,000 from each community/agency. Township Trustee Kevin Haddad was present and said the Trustees will be discussing the issue at their next meeting, and he supports it. Mr. Milner suggested that private sector options also be considered. Mr. Haynam remarked that there should be an agreement among the regional partners to commit to buy the Toledo system once there is a proper evaluation of it. Mayor Stough said this is what the study will provide. Mr. Haynam requested an update on the project be placed on the April 4 agenda. Mr. Brown presented and read aloud by title only, proposed Ordinance No. 112-2010, a written copy of same having been previously furnished to Council, "Authorizing the Mayor and Director of Finance to contribute an amount not to exceed \$5,000 as the City of Sylvania's share of the costs to update the Regional Water Study; appropriating funds therefore; and declaring an emergency." Mr. Brown moved, Mrs. Westphal 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 112-2010, "...\$5,000 ...update the Regional Water Study..."

Mr. Brown moved, Mr. Milner seconded, that Ordinance No. 112-2010 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 13.

Mr. Brown reported that the Utilities & Environment Committee met on December 10. They reviewed the offer to join a recycle bank where recyclables are weighed at pickup and the household is credited. There is a slight fee, and the committee is checking to see if the service can be provided at no cost. They also considered joining the mutual water/wastewater emergency response network and recommend we do so. The third item was funding for the second water tower. Two bond issues will end this year, and the water funds from that can be used towards the cost which will result in a lower water rate increase. This will be considered later.

Utilities & Environment Comm. report.

Mr. Haynam said the Zoning & Annexation Committee continues its update of the zoning code and will meet again on January 4 at 4:30 p.m.

Zoning & Annex. Comm. report.

Mr. Luetke reported that the Employee & Community Relations Committee met on December 13 to discuss Council appointments. They recommend that George France

Employee & Comm. Rel.

Minutes of the Meeting of Council
December 20, 2010

and Katie Cappellini be re-appointed to the SAJRD Board. There is an anticipated resignation and the committee will consider residents who applied in 2008 and 2009 who are still interested in serving. The committee will meet on January 3 at 6:30 p.m. to consider the SAJRD appointment and the expired term on the Board of Zoning Appeals. Comm. report.

There were no items for 14 and Mayor Stough stated that Council will now consider agenda item 15.

Mr. Brown presented and read aloud by title only, proposed Ordinance No. 113-2010, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance of the City of Sylvania, Ohio to enter into an Ohio Water/Wastewater Agency Response Network Mutual Aid; 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: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried. Ordinance 113-2010, "...enter into an Ohio Water/Wastewater Agency Response Network..."

Mr. Brown moved, Mr. Milner seconded, that Ordinance No. 113-2010 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman (7) yeas; (0) nays. The motion carried.

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

Mr. Milner moved, Mrs. Westphal seconded, to confirm Mayor Stough's re-appointment of John Husman to the Civil Service Commission; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman (7) yeas; (0) nays. The motion carried. Confirmation of Mayor's appointment.

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

There was a brief discussion about the deteriorated condition of the tracks on Monroe Street and the Service Director was asked to contact the railroad. Monroe St. tracks.

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

There was discussion on yard waste recycling. Lucas County residents will no longer be able to drop off yard waste free of charge at Clean Wood Recycling. There will be a fee. Mayor Stough noted that Sylvania City residents get regular residential pickup of their yard waste as usual. Yard waste.

Minutes of the Meeting of Council
December 20, 2010

Mayor Stough stated that all items on the agenda had been considered. Mr. Haynam moved, Mrs. Cappellini seconded, that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 9:10 p.m. Adjournment.

Clerk of Council

Mayor

RESOLUTION NO. 1-2011

**REQUESTING THE COUNTY AUDITOR TO MAKE ADVANCES
TO THE TREASURER OF THE CITY OF SYLVANIA, OHIO;
AND DECLARING AN EMERGENCY.**

WHEREAS, taxes have been assessed and are now in the process of collection for and on behalf of the City of Sylvania, Ohio; and,

WHEREAS, the City of Sylvania will have need of such funds prior to the regular semi-annual settlements for such collections, and the County Treasurer desires to release part of the funds collected prior to regular settlements.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Sylvania, Lucas County, Ohio, ____ members elected thereto concurring:

SECTION 1. That the Auditor of Lucas County, Ohio, be requested to issue warrants upon the County Treasurer of said County in favor of George S. Eichenauer, Treasurer of the City of Sylvania Ohio in said County, for amounts, when available, allocated to the **GENERAL FUND** of said municipality, and for amounts, when available, allocated to servicing the debt charges of said municipality, all being a portion of the current collections of taxes assessed and collected for and in behalf of said municipality, all of which shall be held and treated as advance payments at the ensuing February, 2011 and August, 2011, settlements respectively, as provided by law.

SECTION 2. That the Clerk of Council be, and she hereby is, directed to certify a copy of this Resolution to the County Auditor of Lucas County, Ohio.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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.

SECTION 4. 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 5. That this Resolution 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 reason that funds from taxes collected are needed to maintain the good credit of this City. Provided

this Resolution 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.

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

ORDINANCE NO. 1-2011

AUTHORIZING THE PAYMENT OF TRANSPORTATION PLANNING ASSESSMENTS FOR 2011 IN THE AMOUNT OF \$2,169.00 TO TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, Resolution No. 1-85, passed January 7, 1985, authorized the City to again become a member of the Toledo Metropolitan Area Council of Governments (it had not been a member since March 15, 1982) and authorized the signing of an Agreement of Membership, a copy of which was attached to said Resolution; and,

WHEREAS, membership dues have been established annually in accordance with the bylaws pursuant to the Agreement of Membership, on a cents per capita basis, and which are authorized to be paid by virtue of the City having entered into said Agreement of Membership; and,

WHEREAS, the Transportation Committee of the Toledo Area Council of Governments, has, by Resolution, established the local share of the cost of urban transportation planning which are the transportation assessments, a copy of which Resolution is on file with the Clerk of this Council, and a copy of the invoice for such assessments is attached hereto as "Exhibit A"; and,

WHEREAS, although the dues are required to be paid by virtue of the Agreement of Membership, the assessment, by the Agreement requires specific authorization by the Council for payment and such assessment in the amount of Two Thousand One Hundred Sixty-Nine Dollars (\$2,169.00) is considered to have been beneficial to this City and the same should be paid.

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

SECTION 1. That the transportation planning assessments for 2010, as allocated to the City of Sylvania in the amount of Two Thousand One Hundred Sixty-Nine Dollars (\$2,169.00), by the Transportation Committee of the Toledo Metropolitan Area Council of Governments is hereby authorized to be paid to Toledo Metropolitan Area Council of Governments, and such amount shall be charged to, and paid from, **Account No. 110-7735-52140 - Dues.**

SECTION 2. 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.

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 allocation of assessments was made due in November, 2010, and payment of the same should not be delayed. 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.

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

City of Sylvania
Scott S. Smith, Director of Finance
6730 Monroe Street
Sylvania, OH 43560-1948

November 1, 2010

I N V O I C E

TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS

P.O. Box 9508
Toledo, OH 43697-9508
(419) 241-9155

TRANSPORTATION COMMITTEE

Membership fees for City of Sylvania for 2011: \$2,169.00

TMACOG/TRANSPORTATION Planning Assessment for 2011
which was adopted by the TMACOG Board of Trustees on June 9, 2010.

cc: Mayor Craig A. Stough

(PLEASE RETURN ONE COPY OF THIS INVOICE WITH YOUR REMITTANCE)

"Exhibit A"



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE
JEFFREY P. BALLMER, PE. PS. DIRECTOR

December 28, 2010

To: The Mayor and Members of Sylvania City Council

Re: **Centennial/Little Waterline**

Dear Mr. Mayor and Council Members:

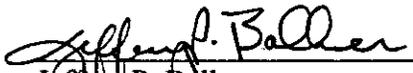
Plans for the above-mentioned project have been reviewed and are ready for construction. This project completes a loop on our waterline at the northwest corner of our distribution system and will provide fire protection to the residences and commercial property along Centennial Road as well as to Fossil Park.

The most important aspect of this proposed waterline is that it will feed the proposed 2 MG elevated water tank that will be constructed beginning next summer.

The estimated cost of construction is \$658,415.80.

We would recommend that the Clerk of Council be authorized to advertise for bids for the Centennial/Little Waterline Improvements.

Very truly yours,


Jeffrey P. Ballmer
Director of Public Service
tid

8

ORDINANCE NO. ____-2011

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT, ON BEHALF OF THE CITY OF SYLVANIA, OHIO, WITH THE BOARD OF LUCAS COUNTY COMMISSIONERS, FOR THE PROVISION OF PUBLIC DEFENDER SERVICES TO THE SYLVANIA MUNICIPAL COURT FOR THE YEAR 2011; AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Lucas County Commissioners created a public defender commission to contract for public defender services for the legal representation of indigent persons; and,

WHEREAS, the City of Sylvania desires to be included within the plan for appointment of counsel in the Sylvania Municipal Court; and,

WHEREAS, Ordinance No. 82-2005, passed December 19, 2005, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for providing public defender services to the Sylvania Municipal Court for the year 2006 at a cost of Twenty-Eight Thousand Dollars (\$28,000.00); and,

WHEREAS, Ordinance No. 32-2008, passed April 7, 2008, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the years 2007 and 2008 at a cost of Forty-Two Thousand Fifty Dollars (\$42,050.00) per year; and,

WHEREAS, Ordinance No. 101-2009, passed October 5, 2009, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2009 at a cost of Forty-Two Thousand Fifty Dollars (\$42,050.00); and,

WHEREAS, Ordinance No. 114-2009, passed November 2, 2009, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County

Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2010 at a cost of Forty-Two Thousand Fifty Dollars (\$42,050.00); and,

WHEREAS, the Director of Law has received the proposed Agreement with the Board of Lucas County Commissioners for the provision of Public Defender services to the Sylvania Municipal Court for the year 2011; and,

WHEREAS, the proposed Agreement provides that the City will pay \$46,665 for public defender services for 2011, which represents an 11% increase over 2010.

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

SECTION 1. That the Mayor and Director of Finance be, and they hereby are authorized to enter into an Agreement with the Board of Lucas County Commissioners, in the form and substance of "Exhibit A" this Council hereby agreeing to appropriate the necessary funds for payment required under said Agreement.

SECTION 2. 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.

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 Agreement should be authorized immediately so that the Sylvania Municipal Court can continue to receive Public Defender services. 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.

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

AGREEMENT

This Agreement is made this 14th day of DEC., 2010, by and between the Lucas County Public Defender Commission and the City of Sylvania.

WHEREAS, the Board of Lucas County Commissioners (hereinafter referred to as "the County") has created a Public Defender Commission pursuant to Ohio Revised Code Section 120.13; and

WHEREAS, the County Public Defender Commission, pursuant to Sections 120.04 and 120.13 of the Ohio Revised Code, may contract for public defender services for the legal representation of indigent persons; and

WHEREAS, the City of Sylvania desires the services of the Lucas County Public Defender for every Monday-8: 30am - 12:30pm with 1 contract attorney and 4 interns, and Wednesday-8: 30am - 4:30pm, with 1 staff attorney and 1 contract attorney and 4 interns.

NOW, THEREFORE, IT IS HEREBY AGREED:

1. That this contract will be in effect from January 1, 2011 to December 31, 2011.
2. The City of Sylvania will pay the Board of Commissioners Forty-Six Thousand Six Hundred Sixty Five and 00/100 Dollars (\$46,665) for 2011. The City of Sylvania shall deposit with Lucas County in June, 2011 one-half (1/2) of the annual contracted amount and will pay twenty-five percent (25%) of the annual amount on September 1, 2011 and November 1, 2011 to cover the necessary expenses and cost of counsel to represent indigents charged with violations of municipal ordinances of the City of

Sylvania, which could result in the indigent's loss of liberty upon conviction.

3. The Lucas County Public Defender Commission (LCPDC) agrees that it will require the Public Defender to furnish, upon request, to the City, on a quarterly basis, a list of criminal charges filed. Said list shall include the name of the indigent for whom representation was provided, the violation or violations with which the indigent had been charged, and the Municipal Court case number of said charge.

4. The LCPDC, at the City's request, agrees to review with the City, Public Defender operations and budget.

5. It is further agreed that the contract shall be reviewed each year after July 1 and after October 1 in light of any standards that may be imposed by the State Public Defender Commission and to determine whether the advances called for under the contract are sufficient or insufficient for the purposes intended.

6. The City of Sylvania and the Judge of the Sylvania Municipal Court agrees to coordinate Public Defender days for the Sylvania Municipal Court with the Executive Director of the Toledo Legal Aid Society and the Judges of the Maumee and Oregon Municipal Courts.

7. The Sylvania Municipal Court agrees to furnish the LCPDC its latest completed annual report with a breakdown of cases by jurisdiction, which may be used as a factor for future public defender contracts.

8. All reimbursement to the City of Sylvania from the Lucas County Commissioners shall be pursuant to the provisions under the Ohio Revised Code and

the percentage established by the State Public Defender's Office.

9. Reimbursement by the City of Sylvania for representation of such indigent persons may be by a contractual amount or a fee schedule, however, in either event such reimbursement shall not exceed the fee schedule in effect and adopted by the Lucas County Commissioners.

10. This Agreement shall provide for conformity with the standards of indigency and other rules and standards established by the Ohio public defender commission and the state public defender.

CITY OF SYLVANIA, OHIO

By _____
Mayor

By _____
Director of Finance

By _____
Director of Law

APPROVED BY THE BOARD OF
COUNTY COMMISSIONERS,
LUCAS COUNTY, OHIO

Resolution Number 10-1003

Adopted 12/14/10

APPROVED AS TO FORM:
Julia R. Bates, Prosecuting Attorney

By: John A. Borell
Assistant Prosecuting Attorney

Date: 12/8/10

LUCAS COUNTY PUBLIC
DEFENDER COMMISSION

Jeffrey J. Madrzykowski
Jeffrey J. Madrzykowski, Chairman
On behalf of the entire Lucas
County Public Defender Commission
By Resolution

APPROVED AS TO FORM BY
STATE OF OHIO
PUBLIC DEFENDER COMMISSION

By _____

Date _____