Sylvania City Council
July 18, 2011

7:15 p.m. Building & Grounds Committee - lease for the park at Main and Maplewood (proposed Ordinance No. 63-2011)

7:30 p.m. Council Meeting
Agenda

1. Roll call.

2. Pledge of Allegiance to the United States of America led by Mr. Luetke.

3. Additions to the agenda.

4. Approval of the minutes;
   a. regular meeting on June 20, and,
   b. special meeting on June 29.

5. Second Reading of proposed Ordinance 55-2011, amending the zoning code.

6. Centennial and Little Roads Waterline;
   a. Service Director's report and recommendation; and,
   b. proposed Ordinance 66-2011, approving Change Order No. 1.

7. Proposed Ordinance 67-2011, entering into an agreement with Compmanagement, Inc. for an annual fee of $3,400 for consulting services with respect to Workers' Comp.

8. Water tower discussion;
   a. re-engineering; and,
   b. tank painting.

9. Approval of items to be sold on GovDeals.com.

10. Amending Chapter 1105 of the Codified Ordinances (proposed Ordinance 64-2011);
    a.. Planning Commission's recommendation; and,
    b. set the public hearing date for September 6 and authorize the clerk to advertise for same.

11. Committee reports.

12. Committee referrals.

Information

A. Division of Taxation cash report for June.

B. June bank reconciliation.

C. Minutes of the July 13 Planning Commission meeting.

D. Minutes of the July 13 Board of Architectural Review meeting.

E. First quarter management reports.

7:15

ORDINANCE NO. 63 -2011

AUTHORIZING A LEASE BETWEEN REEB FUNERAL HOME, AS LESSOR, AND THE CITY OF SYLVANIA, AS LESSEE, OF THE PARK AREA AT MAIN AND MAPLEWOOD IN THE CITY OF SYLVANIA, OHIO; AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO SIGN SUCH A LEASE ON BEHALF OF THE CITY OF SYLVANIA; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania has leased a portion of property located at Main Street and Maplewood Avenue since 1985; and,

WHEREAS, the City has installed and maintained a park on said property and has paid $1.00 per year as rent for said property; and,

WHEREAS, the City and representatives from Reeb Funeral Home have proposed to modify the lease to provide for a rent increase to $1,288.00 per year to cover the cost of the real estate taxes on the park property and a copy of said Lease Modification and Extension Agreement No. 1 is attached hereto as "Exhibit A."

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

SECTION 1. That the City of Sylvania desires to continue to maintain the park at the corner of Main Street and Maplewood Avenue.

SECTION 2. That the Mayor and Director of Finance of this City be, and they hereby are, authorized and directed to accept the terms of the Lease Modification and Extension No. 1 on behalf of the City of Sylvania, Ohio, as Lessee.

SECTION 3. 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 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 Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare of the City of Sylvania and for the further reason that the lease modification and extension agreement should be entered into immediately. 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.

ATTEST:

_____
President of Council

_____
Clerk of Council

APPROVED:

APPROVED AS TO FORM:

_____
Mayor

_____
Director of Law

_____
Date

LEASE MODIFICATION AND EXTENSION AGREEMENT NO. 1

THIS AGREEMENT, made as of the _____ day of _____, 2011 by and between Reeb Funeral Home, an Ohio general partnership, having its address at 5712 N. Main, Sylvania, Ohio 43560 (the "landlord") and the City of Sylvania, an Ohio municipal corporation, 6730 Monroe St., Sylvania, Ohio 43560 (the "tenant"),

WHEREAS, Landlord and Tenant have entered into a certain Lease Agreement dated April 21, 1985 (the LEASE), for the Lease of the premises situated in the City of Sylvania, Lucas County, Ohio and further described as follows:

> The cross-hatched area of "Exhibit A" of the Southerly Fifty-Seven (57) feet of Lot Number 53 and the southerly Fifty-Seven (57) feet of the westerly thirty (30) feet of Lot Number 52 in Whiteford Division to the City of Sylvania, Lucas County, Ohio.

WHEREAS, Landlord and Tenant desire to extend and modify the Lease in certain other respects.

NOW, THEREFORE, in consideration of mutual covenants hereinafter set forth, and for other good and valuable consideration, the sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The lease shall be extended under the same terms and conditions as the original Lease for an additional twelve (12) month period, with an option to renew for an additional twelve (12) months. Said lease shall be considered as having been automatically renewed for the additional term of twelve (12) months on the same terms as the original term except that the Lease may be canceled by Lessor or Lessee, on ninety (90) days prior written notice of cancellation. Lessee shall have ninety (90) days after giving or receiving said notice of cancellation within which to remove any and all improvements which it has made or installed in or on said premises.

2. Lessee shall pay as rent, the total sum of One Thousand Two Hundred Eighty-Eight Dollars ($1,288.00) per year, payable in two installments of Six Hundred Forty-Four Dollars ($644.00) due on June 1 and January 1 of each calendar year.

3. Except as amended herein, all terms, covenants and conditions of the Lease are now and shall continue to be and remain in full force and effect.

4.. This Lease Modification and Extension Agreement No. 1 and all the covenants, conditions, provisions and restrictions herein contained shall inure to the benefit of and bb binding upon the heirs, executors, administrators, legatees, personal representatives, successors and assigns, respectively, of both Landlord and Tenant.

IN WITNESS WHEREOF, the parties hereunto have executed this agreement as of the date first hereinabove written.

Witnesses:

_____

_____

Reeb Funeral Home, an Ohio General partnership

By: _____

And: _____

LESSOR

Witnesses:

_____

_____

City of Sylvania

By: _____
Craig A. Stough, Mayor

And: _____
Scott S. Smith, Director of Finance

LESSEE

4a

Minutes of the Meeting of Council
June 20, 2011

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

- 4c. Introduction of new Service Director.
- 4d. Committee-of-the-Whole report.
- 5a. Proposed Ordinance 64-2011.
- 11a. Economic Development sub-Committee report.
- 13. Proposed Ordinances 61-2011 and 62-2011.
- 14. Proposed Ordinance 63-2011.
- 15. Discussion on sidewalk leveling.
- 16. Possible water restrictions.

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 June 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 June 6, 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 June 6 minutes.

Mr. Milner presented the June 13 special meeting 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 special meeting of June 13, 2011 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini (7) yeas; (0) nays. The motion carried.

Approval of the June 13 minutes.

Mayor Stough introduced and welcomed Kevin Aller, who he appointed, and Council confirmed at the special meeting, to the Director of Public Service position effective July 1, upon the retirement of Jeffrey Ballmer.

Introduction of new Service Director.

Mr. Milner reported that Council met in Committee-of-the-Whole at 7:00 with Sylvania Township Fire Chief Jeff Kowalski and Township Administrator John Zeitler to discuss the location of Fire Station #1. Council prefers that the new station be built at its current site at 6633 Monroe. The Township's preference is 7610 Erie Street. Chief Kowalski contends that the Monroe Street property is not large enough to build the facility needed. There was discussion on activity on the train tracks that run through downtown to the Ottawa Lake grain silos. The Township maintains that being on the west side of them will not cause response delays as the tracks are not in use that often. Steve Risher, 6044 Main, said he lives across from the tracks, and disagrees with the number of trains that use it. He said at times the tracks are actively used with as many as 75 cars. Council will hold another meeting with Township officials.

Fire Station #1 location discussion.

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

Mr. Haynam presented and read aloud by title only, a written copy of same having been previously furnished to each member of Council, for the First Reading, proposed Ordinance No. 55-2011, "Amending Part 11 - Planning and Zoning Code of the Sylvania Codified Ordinances; approving, modifying or rejecting the Sylvania Municipal Planning Commission's recommendation as amended." Mr. Haynam noted that Council is delaying passage until July 18 to give interested parties the opportunity to comment on the zoning code revisions.

First Reading of Ordinance 55-2011.

Mr. Haynam presented proposed Ordinance No. 64-2011, amending Chapter 1105 - Board of Appeals of the Codified Ordinances. He said there is a modification to the Board of Zoning Appeals section that is designed to incorporate discussions from the May 25 Zoning & Annexation Committee meeting. Mr. Haynam moved, Mrs. Husman seconded, to refer proposed Ordinance 64-2011 to the Sylvania Municipal Planning Commission for review and recommendation; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

Ordinance 64-2011, amending Chapter 1105 referred to Planning Comm.

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

Service Director Jeffrey Ballmer's report on the River Trail Improvements was placed on file. Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 56-2011, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to accept the proposal of

Ordinance 56-2011 "...accept the proposal of JJR...construction

JJR, LLC to provide construction administration and "as-built" drawings for the River Trail Project; appropriating funds therefore in an amount not to exceed $53,600; and declaring an emergency." Mrs. Cappellini moved, Mr. Luetke 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.

administration... River Trail..."

Mrs. Cappellini moved, Mr. Milner seconded, that Ordinance No. 56-2011 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.

The Service Director's report on the additional scope of the work was placed on file. Mr. Brown presented and read aloud by title only, proposed Ordinance No. 57-2011, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to approve the amendment to the proposal of Anderzack-Pitzen Construction, Inc., for the Dave White Chevrolet Storm Sewer Repair Project; appropriating funds therefore in the amount of $24,034.52; 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: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner (7) yeas; (0) nays. The motion carried.

Ordinance 57-2011, "...amendment to proposal of Anderzack-Pitzen...Dave White Chevrolet Storm Sewer project..."

Mr. Brown moved, Mrs. Husman seconded, that Ordinance No. 57-2011 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 the proposal for the Main Street Improvements construction inspection services was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance No. 58-2011, 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 Main Street Improvement Project; appropriating funds therefore in an amount not to exceed $68,840; 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: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Ordinance 58-2011, "Accepting the proposal of Mannik & Smith ...construction inspection... Main Street Improvement..."

Mr. Milner moved, Mr. Haynam seconded, that Ordinance No. 58-2011 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.

Ordinance 59-2011, "Providing ...ditch... assessment..."

Mr. Brown presented and read aloud by title only, proposed Ordinance No. 59-2011, a written copy of same having been previously furnished to each member of Council, "Providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania; authorizing the Director of Public Service, by and through the proper officers of said City to do said work during the year 2011; establishing one district for said purpose in accordance with the provisions of Section 727.012 of the Revised Code of Ohio; providing for the assessment of the cost and expense thereof upon abutting property; 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: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

Mr. Brown moved, Mrs. Husman seconded, that Ordinance No. 59-2011 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.

Ordinance 60-2011, "Providing ...controlling blight...trees... assessment..."

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 60-2011, a written copy of same having been previously furnished to each member of Council, "Providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania; authorizing the Director of Public Service, by and through the proper officers of said City to do said work during the year 2011; establishing one district for said purpose in accordance with the provisions of Section 727.012 of the Revised Code of Ohio; providing for the assessment of the cost and expense thereof upon abutting property; and declaring an emergency." Mrs. Cappellini moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke (7) yeas; (0) nays. The motion carried.

Mrs. Cappellini moved, Mr. Milner seconded, that Ordinance No. 60-2011 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner (7) yeas; (0) nays. The motion carried.

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

Mayor Stough presented the Planning Commission's recommendation for SUP-2-2011, the City's petition to build a water tank and salt storage building at 8425 Sylvania-Metamora Road. A revised site plan was submitted moving the location of the water tank 350' west and 50' south to accommodate area residents' concerns about their views. The public hearing has been set for August 15 at 6:30 p.m.

Planning Comm. recommendation for SUP-2-2011.

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

Mr. Luetke reported on the 6:00 Economic Development sub-Committee meeting to discuss the SOMO marketing study. Mr. Luetke moved, Mr. Haynam seconded, to authorize the administration to move ahead with preparing alternative rfps; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

Administration authorized to prepare SOMO market study rfps.

Sylvania Township Trustee Kevin Haddad reported that Waterford Bank has committed to a $1,000 sponsorship of the July 3 fireworks display.

Fireworks.

There was nothing for consideration for 12, and Mayor Stough stated that Council will now consider agenda item 13.

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 61-2011, a written copy of same having been previously furnished to each member of Council, "Amending Section 139.03 - Definition and Adoption of the Compensation Plan, of the Codified Ordinances of Sylvania, 1979, as amended; 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, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Ordinance 61-2011, "Amending Section 139.03..."

Mr. Luetke moved, Mr. Milner seconded, that Ordinance No. 61-2011 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.

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 62-2011, a written copy of same having been previously furnished to each member of Council, "Amending Section 139.02 - Content and Coverage of the Compensation Plan, of the Codified Ordinances of Sylvania, 1979, as amended; 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: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

Ordinance 62-2011, Amending Section 139.02..."

Mr. Luetke moved, Mrs. Husman seconded, that Ordinance No. 62-2011 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 14.

Mayor Stough presented an ordinance for a lease of the park area at Main and Maplewood. Mr. Milner moved, Mrs. Cappellini seconded, to refer Ordinance No. 63-2011, a lease between Reeb Funeral Home and the City, to the Building & Grounds Committee; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke (7) yeas; (0) nays. The motion carried. A meeting was set for 7:15 p.m. on July 18.

Ordinance 63-2011 to Building & Grounds, July 18, 7:15.

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

Mr. Brown said the $35,000 sidewalk leveling program funding was removed from the budget. There are safety issues around town where walks have buckled, and he asked that some funding be restored to be used on an emergency basis. Mr. Brown moved, Mr. Milner seconded, to authorize $10,000 to be used for sidewalk leveling repairs; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner (7) yeas; (0) nays. The motion carried.

$10,000 authorized for sidewalk leveling.

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

Mr. Ballmer reported on the water tower storage situation. Usage has increased since Memorial Day. The EPA has mandated a valve to restrict the flow from Toledo, and the tank cannot refill to capacity quickly enough, so the City has turned on the emergency feed during daytime use. Mr. Milner moved, Mr. Haynam seconded, to impose a voluntary water restriction for residential usage; even-numbered addressed residents are asked to water lawns and wash their cars on even-numbered days, and odd-numbered addresses on odd-numbered days; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

Voluntary water restrictions imposed.

Mayor Stough stated that all items on the agenda had been considered. Mr. Haynam moved, Mr. Luetke seconded, that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 9:12 p.m.

Adjournment.

Clerk of Council

Mayor

4 b

Minutes of the Special Meeting of Council
June 29, 2011

The Council of the City of Sylvania, Ohio met in special session on Wednesday, June 29, 2011 at 5:30 p.m. with Acting Mayor Todd Milner in the chair. Roll was called with the following members present: V. Michael Brown, Katie Cappellini, Doug Haynam, Sandy Husman, Mark Luetke, Todd Milner, (6); absent: Mary J. Westphal (1); excused by Acting Mayor Milner.

Mrs. Husman led the Pledge of Allegiance to the United States of America.

Due to Mayor Stough's absence, Mr. Luetke moved, Mrs. Cappellini seconded, to nominate Doug Haynam as President Pro Tem. There were no other nominations, and all present voted yea (6); (0) nays. The motion carried.

Mr. Milner said the special meeting was called to award the bids for the Main Street Improvement project. Service Director Jeffrey Ballmer's report on the bids received was placed on file. Mr. Brown presented and read aloud by title only, proposed Ordinance No. 65-2011, 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 Main Street Improvement Project to same; authorizing the expenditure for the improvements in the amount of $732,219.38; appropriating funds therefore 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: Brown, Cappellini, Haynam, Husman, Luetke, Milner (6) yeas; (0) nays. The motion carried.

Mr. Brown moved, Mrs. Husman seconded, that Ordinance No. 65-2011 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Brown (6) yeas; (0) nays. The motion carried.

Mr. Brown asked to schedule a Utilities & Environment Committee meeting to discuss the rates for the street lighting assessments. The committee will tentatively meet on July 11 at 7:30 a.m.

There were no further items for consideration. Mr. Luetke moved, Mrs. Husman seconded, that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 5:40 p.m.

Clerk of Council

Mayor

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ORDINANCE NO. 55 -2011

AMENDING PART 11 – PLANNING AND ZONING CODE OF THE SYLVANIA CODIFIED ORDINANCES; APPROVING, MODIFYING OR REJECTING THE SYLVANIA MUNICIPAL PLANNING COMMISSION'S RECOMMENDATIONS AS SET FORTH HEREIN; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 125-2009, passed December 7, 2009, accepted the proposal of Poggemeyer Design Group to review the City's Zoning Code as a result of the adoption of a new Land Use Plan at a cost of $27,750; and,

WHEREAS, Ordinance No. 89-2010, passed September 20, 2010, authorized the Mayor and Director of Finance to approve the amendment to this City's Agreement with Poggemeyer Design Group for additional services related to revisions to the City's Zoning Code; and,

WHEREAS, the Zoning and Annexation Committee met on March 25, 2010, July 14, 2010, August 23, 2010, August 31, 2010, September 14, 2010, September 28, 2010, November 30, 2010, January 4, 2011, January 17, 2011, January 31, 2011, February 7, 2011, March 7, 2011 to work on the Zoning Code revisions; and,

WHEREAS, at the February 16, 2011 meeting of Sylvania City Council, the proposed Zoning Code was referred to the Sylvania Municipal Plan Commission for its review and recommendation; and,

WHEREAS, the Sylvania Municipal Plan Commission reviewed the proposed amendments and thereafter, in a report dated April 8, 2011, recommended that sections of the proposed Zoning Code be approved, that certain sections be modified, and that certain sections be denied; and,

WHEREAS, the Zoning and Annexation Committee met on May 16, 2011 and May 25,

2011 to consider the Planning Commission's recommendations and thereafter recommended to approve, modify, deny its recommendations as set forth below; and,

WHEREAS, Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania denies the Plan Commission's recommendation that the following language be included into the Zoning Code so that they apply in all zoning districts: "(a) No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties or waterways. (b) Drainage or other waters from roof areas, driveways, parking lots and other sectors of the lot or project may not be permitted to flow onto or accumulate on any adjoining lot or property;" and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that Section 1101.10 – Agriculture, should be: "Agriculture" means plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting and facilities related to agricultural processing plants or facilities), and roadside stands. Agriculture as defined herein does not include raising of farm animals, whether used for personal enjoyment or for commercial purposes. Horses are not defined as farm animals provided they do not exceed three in number and are kept on parcels of land that are five (5) acres or more;"

WHEREAS, Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania denies the Plan Commission's recommendation to delete the last sentence in proposed Section 1101.13 – Billboard, "[A] billboard is also a board, panel, or tablet used for the

display of posters, printed or painted advertising matter, either illuminated or non-illuminated, that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located;" and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that the definition of "Home Occupation" in Section 1101.52 be amended to include as subsection (d) that, "[T]he physical on-site activity associated with the home occupation is conducted wholly within the dwelling or an accessory structure;" and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that in proposed Chapter 1109 – Site Plan and Development Plans, except in Section 1109.10, "Zoning Administrator" should be changed to "Service Director or his designee;" and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that in proposed Section 1109.04 (c)(2), the term "builder" should be changed to "owner/developer"; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that proposed Section 1109.04(c)(7) should read as follows: "(7) Vicinity Map. The map shall show the relationship of the proposed development site to existing community facilities which serve or influence it. The vicinity map may be on the same sheet as the preliminary plan drawing. The vicinity map shall be at a scale of 1"=400' and must illustrate major intersecting streets, water features and political

boundaries;" and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that in proposed Chapter 1109.05 – Action on Site Plans, subsection (a) the approval time should be increased from six months to one year and subsection (b), "Planning Commission" should be changed to "Service Director or his designee;" and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that in proposed Chapter 1110 – Traffic Impact Studies, Section 1110.06 – Access Drives and Section 1110.07 – Curb Cuts, Signals, "City of Sylvania" should be changed to "Service Director for the City of Sylvania;" and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that in proposed Chapters 1117 through 1127, Sections 1117.02, 1119.02, 1121.02, 1123.02, 1125.03 and 1127.03 - Minimum Requirements, all the minimum lot size and setback requirements for the residential districts remain the same; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that in proposed Chapter 1127 – R-4 Multiple Dwelling Medium High Density District, Section 1127.12 – Accessory Buildings and Uses, subsection (c) be deleted and replaced with "(c) Recreational Vehicle, Utility Trailers and Equipment Storage. Recreational equipment may be parked or maintained in

a R-4 District for a period of time not exceeding seventy-two hours, unless housed within a garage"; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that in proposed Chapter 1135 – B-1-B Modified Business and Office District, Section 1135.07 – Permitted Uses – Uses Permitted in the B-1-B District, Restaurants with drive-through window service should be included as a permitted use; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania modifies the Plan Commission's recommendation that proposed Chapter 1139 – B-3 Central Business District, Section 1139.05 – Performance Standards, subsection (a) should read: "(a) [A]ll uses and activities shall be inside buildings, with no outside storage or activity allowed, except for outside dining and other uses expressly allowed" and the proposed change concerning drive-through window service is denied; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that proposed Chapter 1139 – B-3 Central Business District, Section 1139.06 – Yard Requirements be amended to make the front yard requirement of no greater than twelve feet and may be as little as zero feet applicable to the downtown block of Main Street between Monroe Street and Maplewood Avenue; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania denies the Plan Commission's recommendation that in Section 1139.09 –

Transparency, language be added to require a minimum of 60% of the street-facing front building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania denies the Plan Commission's recommendation that in Section 1141.06 – Design Standards, the sentence "All sides of a building open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest" should be deleted; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania denies the Plan Commission's recommendation that Section 1141.09 – Delay in Construction and Section 1141.10 – Development should remain in the Zoning Code; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that Chapter 1145 – M-1 Light Industrial District, Section 1145.03 – Yard Requirements keep the front yard and side yard requirements the same; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation that Chapter 1149 – Flood Plain Districts, Section 1149.01 – Definitions be amended to reference the latest Flood Insurance Study for 2011 and subsection (ii)(2) should be amended to read: "Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued

designation as a 'historic structure'; or"; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation to retain the following Sections in the new Zoning Code: Section 1149.33 – Change in Watercourse; Section 1149.34 – Alteration of Community Boundaries; Section 1149.99 – Penalty; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania denies the Plan Commission's recommendation that Section 1150.01 – Purpose of the Neighborhood Conservation Overlay Zoning District be amended to delete the next-to-last sentence; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation to amend Section 1150.03 – Requirements, subsection (d) to read as follows: "Building Materials: No less than 75% of the exterior building materials used for the construction and/or renovation of a principal structure shall be materials also found on the exterior of structures along the same block"; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania approves the Plan Commission's recommendation to amend Section 1150.03 – Requirements, subsection (g) to read as follows: "Lot combinations: To help preserve and protect the historic character of the neighborhood lot combinations are discouraged. Whenever applications are made to construct a new principal structure, or add to an existing principal structure, on two or more separate or combined parcels, such an application shall be first reviewed by the Planning Commission. This review shall include consideration of proposed

building mass and scale in the context of neighboring property. Plan approval may include conditions requiring measures to reduce the visual mass of the building to make it compatible with established residences"; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania modifies the Plan Commission's recommendation to amend Section 1150.03 – Requirements, subsection (h) to include that garage doors facing the street and not set back from the front of the dwelling are limited to 30% of the front façade to also include the provision that detached garages also may not occupy more than thirty percent (30%) of the total linear façade distance facing the street, unless located wholly behind the main building; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended, and the Council of the City of Sylvania modifies the Plan Commission's recommendation to increase the penalty to $1,000 for demolition of a structure prior to the issuance of a zoning permit to amend Section 1150.99 – Penalty, to increase the penalty for demolition of a structure prior to the issuance of a zoning permit at up to $1,000; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended that Chapter 1151 – Downtown Overlay District be amended to clarify the boundaries, and the Council of the City of Sylvania has recommended that the boundaries of the B-3 be kept the same; and,

WHEREAS, the Sylvania Municipal Plan Commission recommended that Chapter 1165 – Satellite Dish Receiving Stations, Section 1165.01 – Size Requirements and Location, be amended to add a restriction to prohibit satellite dishes in the required front yard in residential districts, and the Council of the City of Sylvania denies this recommendation.

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

SECTION 1. That Part Eleven – Planning and Zoning Code, of the Codified Ordinances of Sylvania, 1979, be, and the same hereby is, amended to read as set forth on "Exhibit A."

SECTION 2. That Sylvania City Council received and reviewed the Sylvania Municipal Plan Commission's recommendations to approve, reject, or modify certain sections of the City's Zoning Code as hereinabove set forth and incorporated on "Exhibit A" attached hereto.

SECTION 3. 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 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 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 this ordinance must be immediately effective to provide for the new zoning regulations and to make necessary changes to the Codified Ordinances. 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

6a

City Of Sylvania
DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

July 14, 2011

To: The Mayor and Members of Sylvania City Council

Re: **Centennial and Little Roads Waterline**

Dear Mr. Mayor and Council Members:

Attached please find Change Order No. 1 for the above-mentioned project. This change order reflects the actual materials used and work performed on this project and results in a net increase of $1,864.10 to the contract.

We would recommend that Change Order No. 1 for Underground Utilities, Inc. in the amount of a net addition to the contract of $1,864.10 be approved.

Very truly yours,

Kevin G. Aller, P.E.
Director of Public Service
tid
Enc.

6730 MONROE STREET • SYLVANIA, OHIO 43560-1948 • (419) 885-8965 • FAX (419) 885-0486
www.cityofsylvania.com

CITY OF SYLVANIA

AUTHORIZATION FOR CHANGE IN WORK

NAME OF PROJECT: Centennial and Little Rd. Waterline

CHANGE ORDER NO.: 1

CONTRACTOR: Underground Utilities, Inc.

DATE: July 7, 2011

ADDRESS: 416 W. Monroe St., Monroeville, OH 44847

****

DESCRIPTION OF CHANGE:

ADDITIONS

Ref No.	Description	Quantity	Unit Price	Total
	See Attached			

DEDUCTIONS

See Attached

Net Additions to Contract $1,864.10

****

CHANGE IN TIME OF COMPLETION _____ TO _____

RECOMMENDED _____ DATE 7/14/11
DIRECTOR OF PUBLIC SERVICE

ACCEPTED FOR Underground Utilities, Inc.
CONTRACTOR

BY _____ DATE 7/11/11

APPROVED BY CITY OF SYLVANIA

BY _____ DATE _____
MAYOR

BY _____ DATE _____
DIRECTOR OF FINANCE

Date: 7/7/11

City of Sylvania

Authorization for Change in Work

Project: Centennial and Little Rd. Water Line
Contractor: Underground Utilities
Change Order No. 1
Contract Award Price: $430,518.30

Authorized Changes: $ 1,864.10
Adjusted Contract Price: $432,382.40

Reference	Unit	Description	Unit Price	Quantity	Total
Additions					
2	EA	Tree Removed 12" - 24"	$ 150.00	12	$ 1,800.00
3	EA	Tree Removed 25" - 36"	$ 750.00	4	$ 3,000.00
7	CY	Rock Removed As Per Plan	$ 1.00	5	$ 5.00
11	Gal	Tack Coat	$ 2.00	29	$ 58.00
24	SY	Seeding and Mulching	$ 1.00	1,639.3	$ 1,639.30
25	Ton	Commercial Fertilizer	$ 100.00	0.507	$ 50.70
26	FT	12" Ductile Iron Waterline, Cl 53	$ 64.25	40.8	$ 2,621.40
28	EA	12" on 12" Tee	$ 800.00	1	$ 800.00
29	EA	12" Line Valve and Valve Box	$ 1,900.00	1	$ 1,900.00
Extra # 1		Contractor Delay Time - Waterline Tie-in Location on Sylvania-Metamora Different From Plan Force Account = $2,329.96		1	$ 2,329.96
				Total Additions	$ 14,204.36
Deductions					
4	EA	Tree Removed Over 36"	$ 466.60	-3	$ (1,399.80)
9	CY	Asphalt Concrete Base PG 64-22	$ 330.00	-15.47	$ (5,105.10)
10	CY	Aggregate Base	$ 16.00	-130.96	$ (2,095.36)
12	Gal	Prime Coat	$ 2.00	-46	$ (92.00)
13	CY	Asphalt Concrete, Intermed., Type 2, PG 64-22	$ 330.00	-2.47	$ (815.10)
14	CY	Asphalt Concrete, Surface, Type 1, PG 64-22	$ 330.00	-1.03	$ (339.90)
15	FT	12" Conduit, Type C (707.45)	$ 30.00	-16	$ (480.00)
16	FT	24" Conduit, Type C (706.02 w/706.11 Joints)	$ 50.00	-5	$ (250.00)
23	CY	2" Topsoil Furnished and Placed	$ 1.00	-168	$ (168.00)
30	EA	Relocate Ex. 12" Line Valve and Valve Box	$ 300.00	-1	$ (300.00)
31	EA	12" ~ 90° Bend	$ 700.00	-1	$ (700.00)
33	EA	12" ~ 11 1/4° Bend	$ 500.00	-1	$ (500.00)
34	FT	Polywrap of 12" Waterline	$ 1.00	-95	$ (95.00)
				Total Deductions	$ (12,340.26)
				Net Additions to Contract	$ 1,864.10

6 b

ORDINANCE NO. 66 -2011

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 1 TO THIS CITY'S AGREEMENT WITH UNDERGROUND UTILITIES, INC. FOR THE CENTENNIAL AND LITTLE ROADS WATERLINE PROJECT WHICH REFLECTS THE ACTUAL MATERIALS USED AND WORK PERFORMED ON THIS PROJECT; INCREASING THE CONTRACT AMOUNT BY $1,864.10; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 8-2011, passed February 7, 2011, accepted the bid of Underground Utilities, Inc. for the Centennial and Little Roads Waterline Project, which bid was in the amount of Four Hundred Thirty Thousand Five Hundred Eighteen and 30/100 Dollars ($430,518.30); and,

WHEREAS, the Director of Public Service, by report dated July 14, 2011, has recommended the acceptance of Change Order No. 1 of Underground Utilities, Inc. for said Centennial and Little Roads Waterline Project to reflect the actual quantities of materials used and work performed on this project; and,

WHEREAS, the actual quantities of materials used and work performed on the project resulted in a net increase to the contract in the amount of One Thousand Eight Hundred Sixty-Four and 10/100 Dollars ($1,864.10), for a total contract amount of $432,382.40.

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

SECTION 1. That said change order increasing the contract amount by the sum of One Thousand Eight Hundred Sixty-Four and 10/100 Dollars ($1,864.10), 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 change order on behalf of this City, thereby indicating such approval and changing the total contract amount.

SECTION 2. That, to provide funds for said change order for improvements, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not

heretofore appropriated to **Account No. 401-7525-53602 – Centennial/Little Waterline Project**, the sum of One Thousand Eight Hundred Sixty-Four and 10/100 Dollars ($1,864.10).

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:

_____
Clerk of Council

APPROVED AS TO FORM:

_____
Director of Law

APPROVED:

_____
Mayor

_____
Date

ORDINANCE NO. 67 -2011

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT WITH COMPMANAGEMENT, INC. FOR AN ANNUAL FEE OF $3,400.00 FOR CONSULTING SERVICES WITH RESPECT TO WORKERS' COMPENSATION; AND DECLARING AN EMERGENCY.

WHEREAS, CompManagement, Inc. ("CMI") formerly known as Consulting Industrial Services, Inc., with offices at P.O. Box 884, Dublin, Ohio 43017-6884, has been acting as the City's consulting actuary and representative before the Bureau of Workers' Compensation and Industrial Commission in the handling of the City's compensation premium costs, the processing of all claims to the State agencies, maintaining cost records on each, attending all hearings, verifying the rates passed down each year, filing protests on the rates and reserves when incorrectly used in the computation of the City's merit rating experience and checking claims for relief of costs under the handicapped section of the law, pursuant to Ordinance No. 57-80 and subsequent Ordinances the most recent of which was Ordinance No. 63-2010 which provided for an annual fee of $3,855.00 for consulting, actuary and representative services; and,

WHEREAS, said consultant had recommended that this City apply for the retrospective rating plan years 1992 through 1996; and,

WHEREAS, in 1996, CompManagement, Inc. recommended participation with the Ohio Rural Water Association (ORWA) for the plan year 1997 in the Bureau of Workers' Compensation for a group rating plan; and,

WHEREAS, this City had been invited to become a member of the Ohio Rural Water Association to be included in said group for a group rating plan relative to the Bureau of Workers' Compensation for the policy years beginning January 1, 1998, January 1, 1999, January

1, 2000, January 1, 2001, January 1, 2002, January 1, 2003, January 1, 2004, January 1, 2005, January 1, 2006, January 1, 2007, January 1, 2008, January 1, 2009, January 1, 2010 and January 1, 2011; and,

WHEREAS, the City has again been invited to become a member of the Ohio Rural Water Association to be included in said group for a group rating plan relative to the Bureau of Workers' Compensation for the policy year beginning January 1, 2012, which group plan has been estimated by the consultant to save the City approximately $37,303.00 in premiums for the policy year; and,

WHEREAS, the invitation for this City to join the Ohio Rural Water Association (ORWA), the estimate of savings prepared by CompManagement, Inc. and the proposed group rating agreement between CompManagement, Inc. and this City are all now on file with the Clerk of this Council; and,

WHEREAS, the City's consultant, CompManagement, Inc., recommends that this City accept the invitation to become a member of the 2012 Workers' Compensation Group Rating Plan sponsored by ORWA and to authorize the completing and filing of application.

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

SECTION 1. That the invitation of the Ohio Association of Rural Water and Wastewater Systems for this City to become a member of such organization for the purpose of participating in a group rating plan for the Bureau of Workers' Compensation for the policy year beginning January 1, 2012 is hereby accepted and the Mayor and Director of Finance be, and they hereby are, authorized to complete and file the employer's statement for group rating agreement with CompManagement, Inc., at an annual cost to this City for services provided by CompManagement, Inc., in the sum of Three Thousand Four Hundred Dollars ($3,400.00) it being understood that the agreement authorized by Ordinance No. 59-2008 will be suspended during the time the agreement hereby authorized is in effect.

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 said application must be completed and filed forthwith in order for it to be considered for the 2012 rating plan year and therefore this Ordinance must be effective immediately. 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:

_____
Clerk of Council

APPROVED AS TO FORM:

_____
Director of Law

APPROVED:

_____
Mayor

_____
Date

01-11-1064

9

Yellow metal butterfly pin

Yellow metal ring with pink stone

White and yellow metal ring with white stone

Yellow metal ring with 5 green stones

Yellow metal necklace with heart shaped pendant

Yellow metal rope style tennis bracelet

Yellow metal herringbone tennis bracelet

Yellow metal herringbone necklace

White metal twist style necklace

Gray jewelry box

* All Above property Court ordered Auctioned.
To Be approved by Council
6-3-11 DA #839

10

City Of Sylvania

MUNICIPAL PLANNING COMMISSION

July 14, 2011

To: The Mayor and Members of City Council

Re: **Proposed Ordinance No. 64-2011**
Amending Chapter 1105 of the Sylvania Codified Ordinances

Dear Mayor and Members:

Following is an excerpt from the minutes of the July 13, 2011, meeting of the Sylvania Municipal Planning Commission, regarding a request for review and recommendation for proposed Ordinance No. 64-2011, amending Chapter 1105 - Board of Appeals, Section 1105.07(b) - Variances, of the Sylvania Codified Ordinances:

> ... "Mr. Marciniak said it is an improvement to the code. Mr. Marciniak moved, Dr. Backus seconded to recommend Ordinance No. 64-2011 be adopted, amending Chapter 1105 - Board of Appeals, Section 1105.07 - Variances. Vote being: Stough, Marciniak, Backus, Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote." ...

Very truly yours,

Barbara Taylor

Barbara Taylor, Secretary
Municipal Planning Commission

6730 MONROE STREET • SYLVANIA, OHIO 43560-1948 • (419) 885-8946 • FAX (419) 882-6917
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a

City of Sylvania

DIVISION OF TAXATION
ANGELA J. KUHN, COMMISSIONER

July 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
June 30, 2011	$613,820.31	$33,867.40	$579,952.91
June 30, 2010	$582,162.36	$16,399.61	$565,762.75
Monthly Difference	$31,657.95	$17,467.79	$14,190.16
Year to Date 2011	$4,748,730.45	$116,373.57	$4,632,356.88
Year to Date 2010	$4,585,165.80	$111,394.31	$4,473,771.49
Yearly Difference	$163,564.65	$4,979.26	$158,585.39

Respectfully submitted,

Angela J. Kuhn
Tax Commissioner

c: Mr. Scott Smith, Finance Director

City of Sylvania
Bank Reconciliation
June 2011

B

CHECKBOOK BALANCE		
Ending balance for May 2011	$	22,508,229.78
Add: Monthly Receipts		3,893,248.33
Subtotal	$	26,401,478.11
Less: Monthly Disbursements		4,899,875.15
Ending balance for June 2011	$	21,501,602.96
Less:		
Certificates of Deposit	$	(1,000,000.00)
Star Ohio		(76,850.79)
Petty Cash (1)		(2,150.00)
Cemetery Savings		(1,062.86)
Toledo Community Fund		(26,618.11)
5/3rd Securities		(11,638,902.62)
SJS Account		(5,172,944.79)
PNC MoneyMarket		(1,023,201.23)
Key Bank Securities		(1,004,281.72)
Sylvania Township Bonds		(785,000.00)
	$	770,590.84
Less:		
DEA Funds / Duplicate posting		(307.13)
Bank Encoding Error		(0.02)
	$	770,283.69

(1)

Division of Public Service	$	150.00
Department of Finance		200.00
Division of Water		400.00
Division of Police		200.00
Municipal Court		800.00
Division of Taxation		150.00
Divisiion of Forestry		150.00
Division of Zoning		100.00
Petty Cash Balance	$	2,150.00

BANK BALANCE		
EOM 5/3rd Bank Balance	$	797,459.09
Deposit in Transit		1,479.87
Paramount Pmt in Transit		(25,393.40)
Subtotal	$	773,545.56
Less: Outstanding Checks (2)		3,261.87
Adjusted Bank Balance	$	770,283.69

(2)

May Outstanding Checks	$	306,852.61
Checks written this month		1,058,602.70
Subtotal	$	1,365,455.31
Checks Cleared		(1,362,193.44)
June Outstanding Checks	$	3,261.87

Treasurer, City of Sylvania

C

Sylvania Municipal Planning Commission

Minutes of the regular meeting of July 13, 2011. Mr. Lindsley called the meeting to order.

Members present: Read Backus, Ken Marciniak, Thomas Lindsley, Mayor Craig Stough, (4) present. Mr. Robert Oberly present.

Dr. Backus moved, Mr. Marciniak seconded to approve the Minutes of the June 15, 2011, meeting as submitted. Vote being: Backus, Lindsley, Marciniak, Stough (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 3 - Council Referral - for review and recommendation of proposed Ordinance No. 64-2011, amending Chapter 1105 - Board of Appeals, Section 1105.07 - Variances. This is a recommended change from city law director and zoning committee of city council. Some members of the board of appeals could not vote for a variance because it did not benefit the entire area. It should not harm the neighbors but it does not need to benefit the area, it cannot hurt the area. The requirements listed were mandatory, with the change the board has to consider the requirements. Mr. Marciniak said it is an improvement to the code. Mr. Marciniak moved, Dr. Backus seconded to recommend Ordinance No. 64-2011 be adopted, amending Chapter 1105 - Board of Appeals, Section 1105.07 - Variances. Vote being: Stough, Marciniak, Backus, Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Mr. Marciniak moved, Mayor Stough seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,

Barbara Taylor

Barbara Taylor, Secretary
Municipal Planning Commission

D

Board of Architectural Review

Minutes of the regular meeting of July 13, 2011. Mr. Lindsley called the meeting to order.

Members present: Read Backus, Ken Marciniak, Thomas Lindsley, Mayor Craig Stough, (4) present. Mr. Robert Oberly present.

Mr. Marciniak moved, Dr. Backus seconded to approve the Minutes of the June 15, 2011, meeting as submitted. Vote being: Marciniak, Lindsley, Stough, Backus (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 3 - Unregulated District - app. no. 14-2011 requested by Steve Israel for Simply Sensational, 5163 Main Street, Sylvania. Mr. Steve Israel present. The new sign has been installed and now they wish to dress up the front of their space. The plan to paint the wood siding and add some live plants in front. This area faces north but with all the concrete and asphalt the plant will require watering. Mayor Stough mentioned that this area is in the Unregulated District but it would be hard to recommend against anyone wanting to improve their business. Mr. Marciniak moved, Dr. Backus seconded to give a Certificate of Appropriateness for the Simply Sensational, 5163 Main Street, to improve the front facade of the building by painting the wood siding and adding plants, as depicted on the drawing submitted with app. no. 14-2011. Vote being: Backus, Stough, Lindsley, Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 4 - Regulated Sign - app. no. 15-2011 requested by Harmon Sign for Lourdes University Bookstore, 4900 McCord Road, Sylvania. Mr. Scott Smith present. The space is located next to Sylvan Pantry on the east-west portion of the building. They will install letters mounted on a raceway and the sign will be illuminated. This is a good location for Lourdes, close to the student housing. Dr. Backus moved, Mr. Marciniak seconded to give a Certificate of Appropriateness for the new wall sign as shown on drawing submitted with app. no. 15-2011 for Lourdes University Bookstore, 4900 McCord Road. Vote being: Stough, Lindsley, Marciniak, Backus (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 5 - Regulated Sign - app. no. 16-2011 requested by Beth Sheely for Curves, 5810 Monroe Street, Sylvania. Ms. Beth Sheely present. She has moved from River Crossing Center to the building across from Tony Packos, and it was Jackson Hewitt Tax Service, to give her great visibility. She will be installing a new face in the existing sign cabinet. Mr. Marciniak moved, Dr. Backus seconded to give a Certificate of Appropriateness for the new face in the existing sign cabinet for Curves, 5810 Monroe Street as shown on app. no. 16-2011. Vote being: Lindsley, Marciniak, Backus, Stough (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 6 - Regulated Sign - app. no. 17-2011 requested by Donna Schroyer-Riesen for Little Miracles, 7800 Erie Street, Sylvania. Ms. Donna Schroyer-Riesen present. She is leasing space in St. Stephen Lutheran Church for extended day homework help program. The proposed sign will face east toward Highland Elementary, and will be beside the door. The code allows a sign not larger than ten square feet, her sign will be two feet by five feet and will not be illuminated. Dr. Backus moved, Mr. Marciniak seconded to grant a Certificate of Appropriateness for the new sign for Little Miracles at 7800 Erie Street, as requested with app. no. 17-2011. Vote being: Marciniak, Backus, Stough, Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Mr. Marciniak moved, Dr. Backus seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,

Barbara Taylor

Barbara Taylor, Secretary
Municipal Planning Commission