

Agenda
Sylvania City Council
November 21, 2011 7:30 p.m.

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 November 7 meeting minutes.
5. Proposed Ordinance 93-2011, entering into an annual contract with Bender Communications for the Division of Police radio communication equipment.
6. Service Director's report on the elevated tank, and authorize the clerk to advertise for bids for the project.
7. Service Director's report on the Norfolk Southern Railroad crossing at Monroe Street.
8. Discussion of CRA District #3 (inactive) at Southbriar Shopping Center; for referral to the Finance Committee.
9. Committee reports.
10. Committee referrals.

Information

- A. 2012 Council and Planning Commission meetings schedule.
- B. Rule increasing the annual fee for refuse and recycling collection and disposal to \$128.
- C. Minutes of the November 16 Board of Architectural Review meeting.
- D. Minutes of the November 16 Planning Commission meeting.
- E. Confirmation of Governor Kasich's receipt of Resolution No. 11-2011.
- F. 2nd and 3rd Quarter reports from the Utilities Division.
- G. October Sylvania Township Fire Department report.

Minutes of the Meeting of Council
November 7, 2011

The Council of the City of Sylvania, Ohio met in regular session on Monday, November 7, 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.

Mrs. Husman 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.

- 9a. Employee & Community Relations report.
- 11. Ordinance 92-2011, Harroun Park Improvements Change Order.
- 12. Monroe Street railroad crossing.
- 13. S.C.A.T. notice.
- C. October bank reconciliation.
- D. Senator Mark Wagoner's acknowledgment of receipt of Res. 11-2011.

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 October 17 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 October 17, 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 Oct. 17 minutes.

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

Lucas County Citizen Review Study members Dr. Dick Ruppert, Neema Bell, Tom Palmer, and Bob Reinbolt were present. They represent a number of people in the community who want to study a way to improve and streamline Lucas County government. Mr. Palmer said they are not asking for an endorsement at this time, their goal is to visit communities to gauge public interest in putting a county charter issue on the November 2012 ballot. Council members asked questions focused on the level of legislative functions a county can have, such as enacting laws like cities can, and what the payroll costs will be for the new employees.. The study members did not have answers at this time, but are grateful for the input and will look into those aspects in more detail, and provide answers.

Lucas County Citizen Review study.

Minutes of the Meeting of Council
November 7, 2011

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

Mr. Milner presented the notice from the Ohio Division of Liquor Control of a D5, spirituous liquor for on premises consumption only, beer and wine for on premises, and off premises in original sealed containers, until 2:30 a.m., permit for Pappoulis LLC, 5127 S. Main St., and a letter from the restaurant's owner explaining the license request. Mr. Milner moved, Mr. Haynam seconded, not to request a hearing on permit number 6692876; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini (7) yeas; (0) nays. The motion carried.

No hearing requested for Pappoulis liquor permit.

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

Mr. Milner presented the notice from the Ohio Division of Liquor Control of a C1, beer only in original containers for carry out only until 1:00 a.m., and a C2, wine and certain prepackaged mixed drinks in sealed containers for carry out only until 1:00 a.m., permit for Dolgen Midwest, LLC, d/b/a Dollar General Store 8890, 6730 W. Sylvania Ave. Mr. Milner moved, Mr. Luetke seconded, not to request a hearing on permit number 22348151125; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

No hearing requested for Dollar General carry out liquor permit.

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

Mayor Stough presented the clerk's report on holidays in 2012 that fall on regular Council meeting dates. Mr. Milner moved, Mr. Brown seconded, to change these meeting dates to Tuesdays because the Monday is a holiday: January 2 to January 3, February 20 to February 21, September 3 to September 4, to change the January 16 meeting to Wednesday, January 18; and to waive the July 2 and August 6 meetings unless needed; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

2012 meeting schedule.

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

Mr. Luetke reported that the Employee & Community Relations Committee met on October 21 and November 4 to consider the criteria for an honorary designation of a street after a notable local citizen. The City and Sylvania Schools are collaborating to name a street for Chip Davis of Mannheim Steamroller, a 1967 graduate of Sylvania High School. The street will not be re-named, but it will be an honorary name. Further information will be provided when a response is received from Mr. Davis.

Honorary street name.

There were no items for 10, and Mayor Stough stated that Council will now consider agenda item 11.

Minutes of the Meeting of Council
November 7, 2011

Service Director Kevin Aller's report on the Change Order for a decrease in the contract for the Harroun Park improvements was placed on file. Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 92-2011, 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 Paschal Bihn & Sons Excavating, Inc., for the Harroun Park Improvements project which reflects the actual materials used and work performed on this project; decreasing the contract amount by \$1,168.90; and declaring an emergency." Mrs. Cappellini moved, Mr. Milner 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 92-2011, "...Change Order...Harroun Park..."

Mrs. Cappellini moved, Mrs. Husman seconded, that Ordinance No. 92-2011 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 12.

Mr. Aller said that last week the railroad assured him that the Monroe Street crossing will be repaired before the asphalt plants close for the season. However, he was not able to talk with anyone today for confirmation. Railroad tracks.

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

Mrs. Husman reported the Sylvania Community Action Team (S.C.A.T.) and Lourdes University have collaborated to sponsor "Hidden in Plain Sight" on November 10. The program is about how to recognize high risk behavior in teens. Hidden in Plain Sight.

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 8:30 p.m. Adjournment.

Clerk of Council

Mayor

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ORDINANCE NO. 93 -2011

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.

WHEREAS, the City has previously entered into service maintenance agreements with Bender Communications to service the police radio communication equipment; and,

WHEREAS, in order to provide maintenance for the radio communication equipment for the year 2011, Bender Communications, Inc. has submitted a proposal to provide maintenance for the Police Division's radio communication equipment at a cost of \$800.00 per month, an increase of \$212.10 per month over last year, a copy of the service agreement is now on file with the Clerk of Council; and,

WHEREAS, the increase in the monthly fee for maintenance and repair service is due to warranties on ten of the Mobile Data Units expiring and also to provide maintenance/repair coverage on the Police Division's portable radios, which was previously provided by Lucas County 911; and,

WHEREAS, the Director of Public Safety and Chief of Police have recommended that the proposal of Bender Communications to service the radio communication equipment be approved.

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 a Service Agreement for said radio communication equipment with Bender Communications, Inc., for service during 2012, at a monthly cost of Eight Hundred Dollars (\$800.00) per month for the year 2012, in the form and substance of the Service Agreement for 2012 that is now on file with the Clerk of this Council.

SECTION 2. That all payments under said Service Agreement herein authorized shall be charged to and paid from **Account No. 110-7110-51823 - Communications Equipment Maintenance Agreement.**

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 the radio communication equipment of the Division of Police should be maintained in such condition that it functions reliably at all times. Provided this Ordinance received the affirmative vote of five (5) of 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

PROVISIONS FOR MAINTENANCE AGREEMENT

1. Bender Communications agrees to provide maintenance service for the equipment listed on the front side of this agreement. Customer is responsible for providing a tax exemption certificate if applicable.
2. Service hours are Monday through Friday, 8:00AM – 5:00PM, excluding holidays unless otherwise indicated on front side.
3. Automatic renewal for Maintenance Agreement shall continue, unless Bender Communications or Customer gives thirty (30) days written notice for cancellation.
4. Bender Communications may revise (upgrade) the rates set fourth by written notice ninety (90) days prior to revision date.
5. One (1) Preventive Maintenance & FCC check on equipment one (1) time per year per Customer request. No additional charge to Customer.
6. All programming will be by quote only.
7. This Maintenance Agreement does not include service on transmission line, antenna, or tower lighting unless special instructions are noted on the front side.
8. Service performed at location specified on front. Customer location shall provide shelter, heat, light, and power. Equipment such as mobiles, portables, chargers, and/or any removable product is to be brought to service facility for repair.
9. This Maintenance Agreement does not replace any equipment that has become defective through normal wear and tear or have parts no longer available.
10. Parts and labor on equipment will be covered for normal wear and tear under this agreement.
11. Maintenance Agreement does not cover mobile or portable antennas, batteries, carry cases and/or any option unless specified on front side of contract.
12. Damage due to neglect, misuse, vandalism, lightening, flood, and /or hail will be billed at the current billable rates.
13. Removal and installation of bases and mobiles are billed at current billable rates at the time of request, unless prior arrangements have been made.
14. Customer shall comply with all Federal Communication Commissions rules (FCC).
15. Monthly price to reflect activity on equipment adds and deletes.
16. Bender Communications will not cross over any company picket lines.



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City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

November 16, 2011

To: The Mayor and Members of Sylvania City Council

Re: **Elevated Tank**

Dear Mr. Mayor and Council Members:

Plans and specifications for the above-mentioned project are complete. This project consists of a 2 million gallon elevated tank located west of Fossil Park and will provide much needed water storage for the city.

The estimated cost of this project is \$4,065,000.00. We have previously secured \$975,600.00 of this amount through a combined OPWC grant/loan.

We would request that the Clerk of Council be authorized to advertise for bids for the Elevated Tank project.

Sincerely,

Kevin G. Aller, P.E.
Director of Public Service
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City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

November 17, 2011

To: Mayor Stough & Members of Council

Re: **Norfolk Southern Railroad @ Monroe St.**

Dear Mayor and Council Members:

I have been informed that Norfolk Southern does not plan to make any repairs to the Monroe Street crossing until the spring of 2012. This is unfortunate news of course. I expressed our displeasure with their decision and again stressed our safety concerns with the current condition of the tracks.

In the meantime, we will continue to do periodic short-term maintenance in order to make the crossing slightly less severe to our citizens. We will do our best to minimize this unfortunate circumstance.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.
Director of Public Service
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**CITY OF SYLVANIA, OHIO
SCHEDULE OF REGULAR MEETINGS FOR THE YEAR 2012**

City Council meets in Council Chambers located in the Municipal Building (also the Police Division) at 6635 Maplewood Ave., Sylvania Ohio 43560 at **7:30 p.m.** unless otherwise noted

The **Municipal Planning Commission** meets in Council Chambers at **5:30 p.m.** unless otherwise noted

The **Board of Appeals (Zoning)** meets in Council Chambers at **7:00 p.m.** as needed

JANUARY

3 City Council Tuesday
11 Planning Comm Wed
18 City Council Wed

FEBRUARY

6 City Council Monday
15 Planning Comm Wed
21 City Council Tuesday

MARCH

5 City Council Monday
14 Planning Comm Wed
19 City Council Monday

APRIL

2 City Council Monday
11 Planning Comm Wed
16 City Council Monday

MAY

7 City Council Monday
16 Planning Comm Wed
21 City Council Monday

JUNE

4 City Council Monday
13 Planning Comm Wed
18 City Council Monday

JULY

11 Planning Comm Wed
16 City Council Monday

AUGUST

15 Planning Comm Wed
20 City Council Monday

SEPTEMBER

4 City Council Tuesday
12 Planning Comm Wed
17 City Council Monday

OCTOBER

1 City Council Monday
10 Planning Comm Wed
15 City Council Monday

NOVEMBER

5 City Council Monday
14 Planning Comm Wed
19 City Council Monday

DECEMBER

3 City Council Monday
12 Planning Comm Wed
17 City Council Monday

B

**RULE PROMULGATED BY THE DIRECTOR OF PUBLIC SERVICE
OF THE CITY OF SYLVANIA**

RULE 1 -2011

**INCREASING THE ANNUAL FEE OF \$126.00 FOR
REFUSE AND RECYCLING COLLECTION AND DISPOSAL TO \$128.00**

WHEREAS, Section 941.021 of the Codified Ordinances of the City of Sylvania, 1979, as Amended, subsection (1) thereof, provides that the Director of Public Service, whenever there is a change in the annual cost to the City of collection and disposal of refuse and recyclable materials, shall review the annual fee imposed on the owner(s) of residences in the City of Sylvania, Ohio for the removal and disposal of refuse and recyclable materials and, by rule, adjust such annual fee upwards or downwards so that the annual fee charged, when paid as so imposed, will equal the City's estimated annual cost of removal and disposal of refuse and recyclable materials; and,

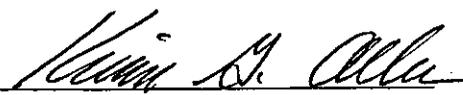
WHEREAS, the annual cost to the City of refuse and recyclable materials collection and disposal has changed as the result of increased refuse and recyclable materials collection and disposal costs; and,

WHEREAS, the current annual fee in the amount of \$126.00 has been reviewed, in the light of the increased estimated annual cost to the City for refuse collection and disposal, and it has been determined that such annual fee should be increased by \$2.00, from \$126.00 to \$128.00.

NOW, THEREFORE, pursuant to the authority granted to me as Director of Public Service of the City of Sylvania, Ohio, by said Section 941.021(a), I, Kevin G. Aller, hereby promulgate this rule:

- I Commencing January 1, 2012, and thereafter, the annual fee provided for in said Section 941.021(a) shall be \$128.00, instead of \$126.00 as provided for in said section for the calendar year of 2012.

- II This rule shall be effective on and after the 15th day of November, 2011, and it shall be published by the Clerk of Council by posting thereof pursuant to the Charter.


Kevin G. Aller
Director of Public Service

November 15, 2011

C

Board of Architectural Review

Minutes of the regular meeting of November 16, 2011. Mr. Lindsley called the meeting to order.

Members present: Ken Marciniak, Thomas Lindsley, Mayor Craig Stough, (3) present. Read Backus (1) excused.

Item 2 - Regulated Sign - app. no. 25-2011 requested by Harmon Sign for Barneys Convenience Mart (BP), 6127 Monroe Street, Sylvania. Mr. Scott Brady present. They want to replace the existing static fuel prices and make them electronic modules. They will only have two prices on the sign, for unleaded and diesel fuels, it makes it easier to update the sign. There are no changes to the size of the sign. Mayor Stough mentioned that the city would prefer them to not have pole signs like this and the change is relatively minor. City council will be considering offering financial assistance to businesses that change from pylon signs to monument signs starting next year. Mayor Stough moved, Mr. Marciniak seconded to give a Certificate of Appropriateness for the replacement of the static fuel prices with the electronic modules for Barneys Convenience Mart, 6127 Monroe Street as requested on app. no. 25-2011. Vote being: Lindsley, Marciniak, Stough (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 3 - Regulated Sign - app. no. 26-2011 requested by Signs & More for Ross College, 5834 Monroe Street, Sylvania. Mr. Larry Foster present. Ross Medical Education Center will be changing their name to Ross College. They will be changing the sign completely, it will go from 62 square feet to 25 square feet on the wall, they will also be changing the tenant panels on the large sign at the street. Mr. Marciniak moved, Mayor Stough seconded to give a Certificate of Appropriateness for app. no. 26-2011, the new Ross College sign at 5834 Monroe Street, as depicted on the drawing. Vote being: Marciniak, Stough, Lindsley (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 4 - Regulated Sign - app. no. 27-2011 requested by Harmon Sign Co. for Sylvania Dialysis Center, 7635 Sylvania Avenue, Sylvania. Mr. Scott Brady present. Sylvania Dialysis is moving into the former Blockbuster location. The sign will be on the east elevation, facing the parking lot. They moved the door and the sign will be centered over the door. They have approximately 150 feet of frontage on the building, so the sign will be less than allowed by the sign code. Mr. Brady asked if they had a problem with a possible change in the font, he is dealing with a committee and there is some discussion about changing to an italic font, the letters would still be 30 inches high. They have agreed to black non-illuminated letters, but there was some discussion about changing the color to a dark green or dark blue. Mr. Marciniak moved, Mayor Stough seconded to give a Certificate of Appropriateness for 7635 Sylvania Avenue, app. no. 27-2011, Sylvania Dialysis Center sign as discussed, with the possible font change to italic and possible color change as long as it is a dark green or dark blue instead of black. Vote being: Stough, Lindsley, Marciniak (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 5 - Regulated Sign - app. no. 28-2011 requested by American Sign & Neon for Sylvania Diner, 5623 Alexis Road, Sylvania. Ms. Kassie Lands present. She will use the existing sign faces, strip off the old layers of vinyl, clean up the plastic, and install new vinyl letters. The old colors were dark blue and grey and the light does not come through the layers of vinyl. Since the diner is open

Item 5 - continued:

in the evening, this will give him more visibility. The sign structure was painted last year so it is in good shape. Mr. Marciniak moved, Mayor Stough seconded to give a Certificate of Appropriateness for the new lettering on the sign faces for Sylvania Diner, 5623 Alexis Road, as depicted on the drawing submitted with app. no. 28-2011. Vote being: Lindsley, Stough, Marciniak (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

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

Submitted by,

A handwritten signature in cursive script that reads "Barbara Taylor".

Barbara Taylor, Secretary
Municipal Planning Commission

D

Sylvania Municipal Planning Commission

Minutes of the regular meeting of November 16, 2011. Mr. Lindsley called the meeting to order.

Members present: Ken Marciniak, Thomas Lindsley, Mayor Craig Stough, (3) present. Read Backus (1) excused.

Mr. Marciniak moved, Mayor Stough seconded to approve the Minutes of the October 12, 2011, meeting as submitted. Vote being: Marciniak, Lindsley, Stough (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 3 - Lot Split - app. no. 5-2011 requested by E & A Family, LLC for property located at 5825 Glasgow Road, Sylvania. The Board of Appeals granted a variance to create a lot that has a frontage that is less than 60 feet, which will allow them to build another house. Mr. Marciniak said he has some concerns for the neighbors having their homes and this one could be 840 square feet. It is 36 feet but part of that is a garage. The secretary stated that the adjacent neighbors were notified of the variance request. The Planning Commission has to grant the lot split. The new house will be comparable to the existing house and the garage is bigger than the house. Mayor Stough moved, Mr. Marciniak seconded to grant Lot Split app. no. 5-2011 as requested for the property at 5825 Glasgow Road. Vote being: Stough, Marciniak, Lindsley (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

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

Submitted by,



Barbara Taylor, Secretary
Municipal Planning Commission



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

3

November 2, 2011

Ms. Margaret Lintner, Clerk
City of Sylvania
6730 Monroe Street
Sylvania, OH 43560-1948

Dear Ms. Lintner:

This will confirm receipt by the Governor's Office of Resolution # 11-2011 passed by the City of Sylvania on October 17, 2011 regarding the opposition to the centralization of municipality income tax collection.

Expression of your views on this important matter is appreciated and duly noted.

Sincerely,

A handwritten signature in black ink that reads "Brad Reynolds".

Brad D. Reynolds
Director of Constituent Affairs

BDR/dcd

RECEIVED

NOV 9 2011

CITY OF SYLVANIA
CITY COUNCIL