

**Sylvania City Council  
September 19, 2011**

**5:30 p.m. Committee-of-the-Whole- site of the elevated water tank**

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

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mr. Brown.
3. Additions to the agenda.
4. Approval of the September 6 meeting minutes.
5. Report on the 5:30 Committee-of-the-Whole meeting.
6. Elizabeth Edwards - re. City's purchase of downtown properties for parking lots.
7. Amending Chapter 1105 - Board of Appeals, of the Codified Ordinances;
  - a. report from the Board of Appeals (Zoning); and,
  - b. Second Reading of proposed Ordinance No. 64-2011.
8. Service Director's request for funds to replace the decorative light poles along Monroe and Main Streets. An accompanying ordinance, no. 81-2011, will be provided prior to the meeting.
9. Set the date and time for Trick or Treat in the City. October 31 is on Monday in 2011.
10. Planning Commission's recommendation on Ordinance No. 75-2011.
11. Proposed Ordinance No. 82-2011, authorizing an amendment to the City's agreement with the Village of Holland for prosecutor services; for referral to the Finance Committee.
12. Committee reports.
13. Committee referrals.

**Information**

- A. August bank reconciliation.
- B. Minutes of the September 14 Board of Architectural Review meeting.
- C. Minutes of the September 14 Planning Commission meeting.

Minutes of the Meeting of Council  
September 6, 2011

The Council of the City of Sylvania, Ohio met in regular session on Tuesday, September 6, 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, Mary J. Westphal (6); absent: Todd Milner (1), excused by Mayor Stough.

Roll call: Milner absent, excused.

Mayor Stough 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.

- 3a. Election of a President Pro Tem.
- 6a. Water tower location.
- 6b. Report on railroad crossing repairs.
- 14. Resolution 9-2011, amending the solid waste plan.
- 15. Clean Ohio Fund discussion.
- 16. Executive Session to discuss a personnel issue.

Mr. Haynam moved, Mrs. Westphal seconded, to approve the agenda as amended; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Westphal (6) yeas; (0) nays. The motion carried.

Due to Mr. Milner's absence, Mr. Brown moved, Mr. Luetke seconded, to nominate Mary Westphal as President Pro Tem. There were no other nominations, and all present voted yea (6); (0) nays. The motion carried.

Westphal  
President Pro  
Tem.

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

Mrs. Westphal presented the August 15 minutes. Mrs. Westphal moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of August 15, 2011 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Cappellini, Haynam, Husman, Luetke, Westphal, Brown (6) yeas; (0) nays. The motion carried.

Approval of the  
August 15  
minutes.

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

Mr. Luetke reported on the 7:15 public hearing for proposed Ordinance 64-2011. He said that no one present objected to the amendment. Mr. Haynam presented and read aloud by title only, the First Reading of proposed Ordinance No. 64-2011, "Amending Chapter 1105 - Board of the Appeals of the Sylvania Codified Ordinances by amending Section 1105.07 - Variances; and declaring an emergency."

First Reading,  
Ordinance 64-  
2011.

Minutes of the Meeting of Council  
September 6, 2011

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

Art Holtfreter, 5780 Sun Valley, presented the original petition of those opposing the proposed location of Fire Station #1 at 7610 Erie. He did note that the Sylvania Township Trustees took that site off the table at their meeting earlier in the day.

Fire station  
location petition.

Rosemary Thorn, 5849 Winterhaven, Sylvania Township, expressed her opposition to the proposed location of the new elevated water tank at the rear of 8425 Sylvania-Metamora Road. She said it should not be in a residential area, and suggested a vacant development at Centennial and Little Roads. She said that petitions are being circulated.

Elevated water  
tank opposition.

Service Director Kevin Aller reported that the railroad will be in town at the end of September or early October to make repairs to the Monroe Street tracks.

Railroad repairs.

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

The Service Director's report on the River Trail Improvements Phase 1 bids was placed on file. Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 76-2011, "Accepting the bid of Hank's Plumbing and Heating Co., and awarding the contract for the River Trail Improvements Phase 1 Project to same; authorizing the expenditure for the improvements in the amount of \$1,295,819.50; appropriating funds therefore; and declaring an emergency." Mr. Luetke moved, Mr. Brown seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

Ordinance 76-  
2011, "Accepting  
the bid of Hank's  
Plumbing... River  
Trail Improve-  
ments..."

Mr. Luetke moved, Mrs. Husman seconded, that Ordinance No. 76-2011 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

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

The Service Director's report on the change order for the Highland Meadows and Griffith Park West project was placed on file. Mr. Brown presented and read aloud by title only, proposed Ordinance No. 77-2011, 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 E.R. Zeiler Excavating, Inc., for the Highland Meadows and Griffith Park West Improvement Project which reflects the as-built materials used and actual materials used and work performed on this project; increasing the contract amount by \$28,681.41; appropriating

Ordinance 77-  
2011, "...approve  
Change Order...  
Highland  
Meadows and  
Griffith Park...  
project..."

Minutes of the Meeting of Council  
September 6, 2011

funds therefore; and declaring an emergency.” Mr. Brown moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Luetke, Westphal, Brown, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried.

Mr. Brown moved, Mrs. Husman seconded, that Ordinance No. 77-2011 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

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

Mr. Brown presented and read aloud by title only, proposed Ordinance No. 78-2011, a written copy of same having been previously furnished to each member of Council, “Ordinance approving the assessments heretofore authorized by Resolution No. 8-2011 for street lighting; levying said assessments; 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: Brown, Cappellini, Haynam, Husman, Luetke, Westphal (6) yeas; (0) nays. The motion carried.

Ordinance 78-2011, “...approving the assessments...street lighting...”

Mr. Brown moved, Mrs. Westphal seconded, that Ordinance No. 78-2011 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Haynam, Husman, Luetke, Westphal, Brown (6) yeas; (0) nays. The motion carried.

Mr. Brown presented and read aloud by title only, proposed Ordinance No. 79-2011, a written copy of same having been previously furnished to each member of Council, “To assess a special tax upon the lots and lands described in the schedule referred to herein to pay a part of the cost and expense of providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches within the corporate limits of the City of Sylvania for the year ending December 31, 2011; 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: Haynam, Husman, Luetke, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

Ordinance 79-2011, “To assess a special tax...ditches...”

Mr. Brown moved, Mrs. Westphal seconded, that Ordinance No. 79-2011 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 80-2011, a written copy of same having been previously furnished to each member of Council, “To assess a special tax upon the lots and lands described in the schedule referred to herein to pay a part of the cost and expense of providing for the removal and

Ordinance 80-2011, “To assess a special tax...trees...”

Minutes of the Meeting of Council  
September 6, 2011

special treatment of shade trees for the purpose of controlling blight and disease of same; and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City for the year ending December 31, 2011; 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: Luetke, Westphal, Brown, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried.

Mrs. Cappellini moved, Mr. Haynam seconded, that Ordinance No. 80-2011 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

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

Mrs. Westphal moved, Mrs. Husman seconded, to authorize the auction of items no longer needed by the City on GovDeals.com; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Westphal (6) yeas; (0) nays. The motion carried.

Authorize auction  
of items on  
GovDeals.com.

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

Mrs. Westphal moved, Mr. Haynam seconded, to refer the Job Creation and Retention Program application from Mobile Care Group/Mobile Care Physicians of Ohio to the Finance Committee for review and recommendation; roll call vote being: Cappellini, Haynam, Husman, Luetke, Westphal, Brown (6) yeas; (0) nays. The motion carried.

Application to  
Finance Comm.

There were no items for 12 and 13, and Mayor Stough stated that Council will now consider agenda item 14.

The Service Director explained the County’s Solid Waste Management amended plan, and after lengthy discussion Mr. Brown presented and read aloud by title only, proposed Resolution No. 9-2011, a written copy of same having been previously furnished to each member of Council, “A Resolution of the Council of the City of Sylvania approving the Lucas County Solid Waste Management District’s Second Amended Draft Solid Waste Management Plan; and declaring an emergency.” Mr. Brown moved, Mrs. Cappellini seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Haynam, Husman, Luetke, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

Resolution 9-  
2011, “...approv-  
ing the Lucas  
County..Amended  
Draft Solid Waste  
Management  
Plan...”

Mr. Brown moved, Mr. Haynam seconded, that Resolution No. 9-2011 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

Minutes of the Meeting of Council  
September 6, 2011

Mrs. Cappellini asked for Council's review and support of the Clean Ohio Funding. Mr. Luetke moved, Mrs. Westphal seconded, to refer the request to the Parks & Forestry Committee for recommendation; roll call vote being: Luetke, Westphal, Brown, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried. The committee will meet on September 15 at 8:00 a.m. at City Hall.

Clean Ohio  
Funding to  
Finance Comm.,  
Sept. 15 8:00 a.m.

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

At 8:45 p.m. Mrs. Westphal moved, Mrs. Cappellini seconded, to adjourn to Executive Session of Council to discuss personnel matters; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

Executive  
Session.

At 9:35 p.m. Mrs. Cappellini moved, Mrs. Husman seconded, to return to Regular Session of Council; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Westphal, (6) yeas; (0) nays. The motion carried.

Regular Session.

Mayor Stough stated that Council discussed personnel issues during Executive Session, and no action was taken and none needs to be taken at this time. He also gave a brief update on the September 11 ceremonies.

There were no further items for consideration. Mrs. Westphal moved, Mrs. Husman seconded, that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 9:37 p.m.

Adjournment.

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Clerk of Council

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Mayor



7

# City Of Sylvania

DIVISION OF ZONING

ROBERT H. OBERLY, ZONING ADMINISTRATOR

September 13, 2011

To: Mayor and City Council

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

Dear Mayor and Members:

The Board of Appeals discussed the proposed changes to Chapter 1105 during their September 7, 2011 meeting. The members concurred that the proposed amendment is a significant improvement.

Thank you for including the Board of Appeals in the legislative process.

Very truly yours,

Barbara Taylor  
Secretary, Board of Appeals (Zoning)

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**ORDINANCE NO. 64 -2011**

**AMENDING CHAPTER 1105 – BOARD OF APPEALS OF THE SYLVANIA CODIFIED ORDINANCES BY AMENDING SECTION 1105.07 – VARIANCES; AND DECLARING AN EMERGENCY.**

WHEREAS, in continuing the review of the Zoning Code, the Director of Law has recommended that Chapter 1105 – Board of Appeals, Section 1105.07 – Variances, be amended as set forth on the attached “Exhibit A”; and,

WHEREAS, at the June 20, 2011 meeting of Sylvania City Council, this matter was referred to the Sylvania Municipal Planning Commission for its review and recommendation; and,

WHEREAS, the Sylvania Municipal Planning Commission, at its July 13, 2011 meeting, considered this matter and thereafter recommended that the proposed changes to Section 1105.07 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 Section 1105.07 – Variances, of the Codified Ordinances of Sylvania, 1979, be, and the same hereby is, amended to read as set forth on “Exhibit A.”

**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 this ordinance must be immediately effective to provide for the

change to the Board of Appeals 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.

ATTEST:

\_\_\_\_\_  
President of Council  
APPROVED AS TO FORM:

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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

1105.07 VARIANCES.

\* \* \*

- (b) A variance from the terms of this Zoning Ordinance shall not be granted by the Board unless the required public hearing is held, and after the Board considers the following:
- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
  - (2) Literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by owners of other properties in the same district under the terms of this Zoning Ordinance.
  - (3) The special conditions and circumstances do not result from the actions of the applicant.
  - (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to the owners of other lands, structures or buildings in the same district.
  - (5) The variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

And after considering the above, the Board thereafter finds that:

- (6) The granting of the variance will be in harmony with the general purpose and intent of this Zoning Ordinance, will not be injurious to the neighborhood, will not impair the adequate supply of light and air to adjacent property, will not unreasonably increase the congestion in public streets, will not unreasonably diminish property values within the surrounding area or otherwise be detrimental to the public interest.

\* \* \*

(Ord. \_\_\_\_-2011. Passed \_\_\_\_\_-2011.)

“Exhibit A”



8

# City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 14, 2011

To: The Mayor and Members of Sylvania City Council

Re: **Street Light Repairs**

Dear Mr. Mayor and Council Members:

We have performed a thorough inspection of the condition of the decorative light poles along Monroe and Main Streets. Several of these poles are in extremely poor condition, some being a safety concern. It is my recommendation that we proceed with immediate replacement of these light poles.

Therefore, I am requesting an appropriation of \$100,000 for the Capital Projects fund, 401-7610-53609.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.  
Director of Public Service  
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10

# City Of Sylvania

MUNICIPAL PLANNING COMMISSION

September 15, 2011

To: Mayor and Members of City Council

Re: **Ordinance No. 75-2011**  
**Amending Chapter 1149 of the Sylvania Codified Ordinances**

Dear Mayor and Members:

Following is an excerpt from the minutes of the September 14, 2011, meeting of the Sylvania Municipal Planning Commission, regarding a request for review and recommendation for proposed Ordinance No. 75-2011 amending Chapter 1149 Flood Plain Districts of the Sylvania Codified Ordinances:

... "Mayor Stough moved, Dr. Backus seconded to recommend approval of Ordinance No. 75-2011 Amending Chapter 1149 Flood Plain Districts of the Sylvania Planning and Zoning Code. Vote being: Backus, Lindsley, Stough, (3) aye; (0) nay. Motion passed by a 3 to 0 vote." ...

Very truly yours,

Barbara Taylor, Secretary  
Municipal Planning Commission

**ORDINANCE NO. 82 -2011**

**AUTHORIZING AN AMENDMENT TO THIS CITY’S AGREEMENT WITH THE VILLAGE OF HOLLAND FOR CONDUCTING CRIMINAL PROSECUTIONS FOR WHICH HOLLAND IS RESPONSIBLE UNDER THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.**

WHEREAS, between December 7, 1981 and May 15, 1989, the Village of Holland and the City of Sylvania had an agreement whereby the Sylvania Law Department provided all legal services necessary for the conducting of criminal prosecution in Sylvania Municipal Court for which Holland was responsible under Ohio Revised Code Section 1901.34 and whereby Holland reimbursed Sylvania for all actual direct costs arising from the provision of such legal services; and,

WHEREAS, this agreement was cancelled by the Village of Holland on May 15, 1989; and,

WHEREAS, Ordinance No. 100-94, passed September 7, 1994, authorized an Agreement between the City of Sylvania and the Village of Holland whereby the Sylvania Law Department would provide all legal services necessary for the conducting of criminal prosecutions for which Holland is responsible under Ohio Revised Code Section 1901.34 and Holland will reimburse Sylvania for all actual direct costs arising from the provision of such legal services and in administering the Agreement; and,

WHEREAS, the Director of Law met with the Mayor of the Village of Holland to discuss an increase in the hourly rate charged for handling the criminal prosecution of Holland cases as this amount has not been changed since the 1994 Agreement; and,

WHEREAS, attached hereto as “Exhibit A” is a proposed Amendment to the Agreement between the City of Sylvania and the Village of Holland for handling criminal prosecution of

Holland cases increasing the hourly rate to be charged to the Village of Holland to reflect the actual direct costs of prosecution.

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 the Director of Finance be, and they hereby are, authorized to sign the Amendment to the Agreement between the City of Sylvania and the Village of Holland for conducting criminal prosecutions for which Holland is responsible, on behalf of this City.

**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 Amendment to the Agreement should be enacted at the earliest possible time to increase the amount charged hourly for prosecution to reflect the actual direct costs of prosecution. 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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**AN AMENDMENT TO THE AGREEMENT**

**BETWEEN**

**THE CITY OF SYLVANIA**

**AND**

**THE VILLAGE OF HOLLAND**

**TO PROVIDE PROSECUTION SERVICES**

**WHEREAS, Ohio Revised Code § 1901.34 requires the Village of Holland to provide for the prosecution, in Sylvania Municipal Court, of criminal cases arising within the corporate limits of the Village of Holland; and,**

**WHEREAS, the City of Sylvania currently maintains a Prosecutor's Office in the Sylvania Municipal Court Building at 6700 Monroe Street, Sylvania, Ohio; and,**

**WHEREAS, the Village of Holland is authorized by Ohio Revised Code § 733.46 to provide for legal counsel to serve the needs of the Village; and,**

**WHEREAS, the City of Sylvania has regularly provided legal services for Holland prosecutions in Sylvania Municipal Court, most recently by contract agreement since September 1, 1994; and,**

**WHEREAS, effective January 1, 1997, the City of Sylvania directly employs the Prosecutors of the Sylvania Municipal Court and no longer outside contracts for legal services for prosecution which requires the modification of the previous agreement between the City of Sylvania and the Village of Holland dated September 7, 1994; and,**

**WHEREAS, the interests of efficiency, improved public service and justice would best be served by handling of Holland prosecutions by the Sylvania Prosecutors office.**

NOW, THEREFORE, BE IT AGREED by and between the Village of Holland (hereinafter referred to as "Holland") and the City of Sylvania (hereinafter referred to as "Sylvania") that;

1. Sylvania, through its Department of Law, shall provide all legal and incidental services necessary for the conduct of criminal prosecutions for which Holland is responsible under Ohio Revised Code § 1901.34.

2. Provision of these services shall be under supervision of the Sylvania Law Director.

3. When performing legal services as set forth in paragraph one above the Sylvania Law Director and the City of Sylvania Prosecutors shall act as assistant solicitors for Holland and they shall have all the authority and responsibility of a Village Solicitor as provided in Ohio Revised Code § 1901.34.

4. Holland shall reimburse Sylvania for all actual direct costs arising from the provision of said legal services including but not limited to the direct cost of the Sylvania Law Director and the City of Sylvania Prosecutors in providing the services called for herein. The cost of services of the Director of Law shall be billed at the same rate per hour as for those services rendered to Sylvania by the Sylvania Director of Law. The cost of services of the Sylvania Prosecutors shall be billed based upon a per hour calculation taking into account the total compensation package for prosecution including office overhead expense, which is currently \$95.74 per hour. This amount will be increased annually in accordance with the salary increase for the Chief Prosecutor of Sylvania Municipal Court, which is set forth annually by Ordinance.

5. Sylvania will bill Holland monthly for all such costs of Holland prosecutions accruing during the preceding month, said billing to itemize in detail all charges included therein. Payment on such billings shall be due within thirty days of the receipt thereof.

6. Services provided for under this contract shall terminate at the end of any month in which either party has given to the other, a prior thirty (30) day notice of cancellation; or upon Holland's failure to pay billings for such services within the time required and upon written notice thereof to the Holland Clerk-Treasurer.

IN WITNESS WHEREOF, Holland and Sylvania have caused this contract to be executed by their duly authorized officers on the dates set forth below.

CITY OF SYLVANIA:

By \_\_\_\_\_  
Craig A. Stough, Mayor

By \_\_\_\_\_  
Scott S. Smith, Director of Finance

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
James E. Moan, Director of Law

VILLAGE OF HOLLAND:

By \_\_\_\_\_  
Michael L. Yunker, Mayor

By \_\_\_\_\_

\_\_\_\_\_  
Date

**City of Sylvania**  
**Bank Reconciliation**  
**August 2011**

*a*

**CHECKBOOK BALANCE**

Ending balance for July 2011	\$ 28,312,794.14
Add: Monthly Receipts	<u>2,659,986.97</u>
Subtotal	\$ 30,972,781.11
Less: Monthly Disbursements	<u>2,818,700.08</u>
Ending balance for August 2011	\$ 28,154,081.03

Less:

Certificates of Deposit	\$ (1,000,000.00)
Star Ohio	(76,854.31)
Petty Cash (1)	(2,150.00)
Cemetery Savings	(1,062.86)
Toledo Community Fund	(26,618.11)
5/3rd Securities	(17,646,624.09)
SJS Account	(5,175,627.62)
PNC MoneyMarket	(1,023,565.77)
Key Bank Securities	(1,004,622.96)
Sylvania Township Bonds	<u>(785,000.00)</u>
	\$ 1,411,955.31

Less:

(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
Division of Forestry	150.00
Division of Zoning	100.00

Petty Cash Balance \$ 2,150.00

**BANK BALANCE**

EOM 5/3rd Bank Balance	\$ 1,826,517.88
Deposit in Transit	103,486.75

Subtotal \$ 1,930,004.63

Less: Outstanding Checks (2) 518,049.32

Adjusted Bank Balance \$ 1,411,955.31

(2)  
 July Outstanding Checks \$ 7,224.92

Checks written this month 2,001,157.63

Voided Ck # 58899 (19.90)

Subtotal \$ 2,008,362.65

Checks Cleared (1,490,313.33)

August Outstanding Checks \$ 518,049.32



Treasurer, City of Sylvania

Board of Architectural Review

Minutes of the regular meeting of September 14, 2011. Mr. Lindsley called the meeting to order.

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

Dr. Backus moved, Mayor Stough seconded to approve the Minutes of the August 10, 2011, meeting as submitted. Vote being: Lindsley, Backus, Stough (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 3 - Regulated Sign - app. no. 21-2011 requested by Reason Sign for V Concept, 5604 Main Street, Sylvania. Mr. Matt Uhl present. They will be installing three signs on the building. The first sign will be letters mounted on the EFFIS above the windows facing Main Street. There will also be a projecting sign mounted above the door and a third sign beside the rear door to let customers know they can enter from that side of the building. They will also install a directional sign off Summit Street near the driveway into the parking lot. The brushed aluminum letters on the front of the building stand out from the building, and all of the signs are non-illuminated. Mayor Stough moved, Dr. Backus seconded to give a Certificate of Appropriateness for the new signs for V Concept, 5604 Main Street, as depicted on the drawings submitted with app. no. 21-2011. Vote being: Backus, Stough, Lindsley (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 4 - Regulated Sign - app. no. 22-2011 requested by Paul Devers for Audi Sylvania, 5570 Monroe Street, Sylvania. Mr. Jason Perry present. They are adding a new sign for Audi in front of their showroom. The Board of Appeals granted a variance for the additional free standing sign. The sign will be eight feet tall and six feet four inches wide, and it will be on a brick base with some plants around the base. The sign is internally illuminated only Audi and the rings will be lit, the remained of the sign is solid. They were before the board a few months ago to get approval for refacing the existing Mercedes Benz pylon sign that is located at the westerly portion of the property. Dr. Backus moved, Mayor Stough seconded to give a Certificate of Appropriateness for app. no. 22-2011, the new Audi monument sign with a brick base and landscape area around the base as shown on the drawing submitted for Audi Sylvania, 5570 Monroe Street. Vote being: Stough, Lindsley, Backus, (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 5 - Regulated Sign - app. no. 23-2011 requested by Toledo Sign for Flower Hospital, 5200 Harroun Road, Sylvania. Ms. Myra Gueli and Mr. Bill Chalmers present. Mayor Stough stated that they needed the variance for the size and number of proposed signs, and also because one sign is mounted above the roof. The Board of Appeals granted a variance for the signs based on the size of the campus and the importance of identifying Flower Hospital. The signs are very large but this is a large building, all of the signs are mounted on the building. The signs are illuminated but only the lettering and the logo are illuminated, the letter will be white and the logo will be green. Pro Medica is putting their name on all their facilities. There will be one sign facing Harroun Road and one facing the expressway. Mayor Stough moved, Dr. Backus seconded to give a Certificate of Appropriateness for the new signs on Flower Hospital, 5200 Harroun Road, as depicted on the drawings submitted with app. no. 23-2011. Vote being: Lindsley, Backus, Stough (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 6 - Regulated Sign - app. no. 24-2011 requested by Mahoning Lighting and Maintenance for Planet Fitness, 6758 Sylvania Avenue, Sylvania. Planet Fitness is taking over the former hardware store in this center. The sign will be mounted above the doors on the entrance canopy. The sign appears to be too large for the size of the building, but only the entrance is shown on the drawing, their portion of the building is 139 feet wide, so the size of the sign meets the code requirements. Dr. Backus moved, Mayor Stough seconded to give a Certificate of Appropriateness for the new sign for Planet Fitness, 6758 Sylvania Avenue, as shown on the drawing submitted with app. no. 24-2011. Vote being: Backus, Lindsley, Stough (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Dr. Backus 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

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Sylvania Municipal Planning Commission

Minutes of the regular meeting of September 14, 2011. Mr. Lindsley called the meeting to order.

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

Item 2 - Council Referral - Ordinance No. 75-2011 Amending Chapter 1149 Flood Plain Districts of the Sylvania Planning and Zoning Code for comment and recommendation. The Ohio Department of Natural Resources has advised that recent changes to the National Flood Insurance Program requirements must be incorporated into the City of Sylvania's Flood Plain Management Code or the city would be suspended from the National Flood Insurance Program. Mr. Kevin Aller present. Mr. Aller explained that the National Flood Insurance Program and FEMA updated flood maps for Sylvania were to become effective August 16, 2011. On August 15, 2011, city council passed, as an emergency measure, the changes to Chapter 1149 Flood Plain Districts so the citizens of the city did not lose the ability to participate in the National Flood Insurance Program. City council realizes that this chapter is included in the planning and zoning code and needs to be reviewed by the planning commission for comments, but it was important to pass the changes to protect the citizens. Mayor Stough commented that the administration recommends approval of the changes. Mayor Stough moved, Dr. Backus seconded to recommend approval of Ordinance No. 75-2011 Amending Chapter 1149 Flood Plain Districts of the Sylvania Planning and Zoning Code. Vote being: Backus, Lindsley, Stough, (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

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

Submitted by,



Barbara Taylor, Secretary  
Municipal Planning Commission