

**Sylvania City Council  
June 20, 2011**

**6:00 p.m. Economic Development sub-Committee - SOMO Market Study**

**7:00 p.m. Committee-of-the-Whole - meet with Fire Chief Kowalski and John Zeitler on the location of Fire Station #1**

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

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mr. Haynam.
3. Additions to the agenda.
4. Approval of the minutes;
  - a. regular meeting on June 6, and,
  - b. special meeting on June 13.
5. First Reading of proposed Ordinance 55-2011, amending the zoning code.
6. River Trail improvements;
  - a. Service Director's report on JJR's proposal to provide construction administration and as-built drawings; and,
  - b. proposed Ordinance 56-2011, accepting the proposal of JJR in the amount of \$53,600.
7. Dave White Chevrolet Storm Sewer Repair project;
  - a. Service Director's report on the additional scope of the work; and,
  - b. proposed Ordinance 57-2011, approving the amendment to the proposal of Anderzack-Pitzen for the project in the amount of \$24,034.52.
8. Main Street improvements;
  - a. Service Director's report on construction inspection services; and,
  - b. proposed Ordinance 58-2011, approving the proposal of Mannik and Smith Group in the amount of \$68,840.
9. Annual providing ordinances for the maintenance assessments;
  - a. proposed Ordinance 59-2011, providing for the ditch maintenance and providing for the assessment of same; and,
  - b. proposed Ordinance 60-2011, providing for tree control and providing for the assessment of same.

10. Planning Commission's recommendation for SUP-2-2011, water tank and salt storage building, 8425 Sylvania-Metamora Road. Note that there is a revised copy of the drawing. The public hearing has been set for August 15, 6:30 p.m.
11. Committee reports.
12. Committee referrals.

#### Information

- A. Notice of the Special Meeting on June 29 at 5:30 p.m. to award the bids for the Main Street repaving project.
- B. Minutes of the June 15 Board of Architectural Review meeting.
- C. Minutes of the June 15 Planning Commission meeting.

**The next regular meeting of Sylvania City Council is July 18, 2011 at 7:30 p.m.**



SYLVANIA CITY COUNCIL  
MARGARET LINTNER, MMC, CLERK

**Notice of Committee Meetings**  
**Sylvania City Council**

All meetings to be held in Council Chambers, located in the Police and Council Chambers Building, 6635 Maplewood Avenue, Sylvania, Ohio 43560

**Monday, June 20 2011 6:00 p.m. Economic Development sub-Committee**, follow up to the SOMO market study, and any other business the committee members vote to discuss.

**Monday June 20, 2011 7:00 p.m. - Committee-of-the-Whole**, meet with Sylvania Township Fire Chief Kowalski and John Zeitler on the location of Fire Station No. 1, and any other business the committee members vote to discuss.

**Wednesday June 22, 2011 8:00 a.m. - Economic Development sub-Committee** - continuing discussion on the JDRM study about moving the utility wires underground along part of Monroe Street, consideration of the conduits in the area of the proposed bike path, and any other business the committee members vote to discuss.

4a

Minutes of the Meeting of Council  
June 6, 2011

The Council of the City of Sylvania, Ohio met in regular session on Monday, June 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, Todd Milner, Mary J. Westphal (7); absent: (0).

Roll call: all present.

Mr. Brown 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 amendments to the agenda:

Amendments to the agenda.

8c. & 8d. Move items 10a. & 10b. here.

8e. & 8f. Move items 14a. & 14b. here.

13. Delete this item, Ordinance 47-2011.

20a. Report of the May 26 Streets Committee meeting.

20b. Report of the June 1 Committee-of-the-Whole meeting.

20c. Report of the June 1 Safety Committee meeting.

21a. Report on the 6:00 public hearing for the zoning code changes.

21b. Report on the 7:20 public hearing for PD-1-2011, Tam O'Shanter addition.

22. Council to adjourn to Executive Session to discuss the possible purchase of real estate.

Mr. Haynam moved, Mrs. Husman 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 May 16 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 May 16, 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 May 16 minutes.

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

Mayor Stough presented Miss Ohio Becky Minger with a small version of the street signs which honor her reign. They are in place of the Jamie Farr LPGA Golf tournament winner signs along Monroe Street. Miss Minger reported on her official activities in the last year.

Presentation to Miss Ohio.

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

Mayor Stough explained the City's plan to construct a two million gallon water tower and a salt storage building to the rear of the Parks & Forestry Division building. Service Director Jeffrey Ballmer also talked about the project. Mr. Haynam presented zoning ordinance amendment petition no. SUP-2-2011, from City of Sylvania, 6730 Monroe Street, Sylvania, Ohio 43560. The petition is to construct a 2 MG elevated water tank and a salt storage building on the rear of City owned property at 8425 Sylvania-Metamora Road. Mr. Haynam moved, Mrs. Husman seconded, to refer application no. SUP-2-2011 to the Municipal Planning Commission for review and recommendation; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal; Brown, Cappellini (7) yeas; (0) nays. The motion carried.

SUP-2-2011  
referred to  
Planning Comm.

Mayor Stough invited residents to speak. Several of them were displeas with the proposed location of the water tower, and the view of it they will have from their houses. Another concern was interference with the fireworks display at Centennial Terrace. Council discussed considering other locations. Mayor Stough noted that on hot days the current water tank cannot refill in a 24 hour period due to customer usage, and this new tank is needed for the community. Due to the summer meeting schedule, Mr. Haynam moved, Mr. Milner seconded, to set the public hearing date for August 15, 2011 at 6:30 p.m., and to authorize the clerk to advertise for same; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

Residents  
concerned about  
water tower  
location. Public  
hearing set for  
August 15 at 6:30  
p.m.

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

Mayor Stough presented the Service Director's report on the repaving project on Main Street from Maplewood to the Michigan state line. Mr. Milner moved, Mr. Brown seconded, to authorize the clerk to advertise for bids for the paving project; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman (7) yeas; (0) nays. The motion carried.

Clerk authorized  
to advertise for  
Main Street  
repaving.

Mr. Ballmer requested that Council set a special meeting since the bids will be opened on June 24, and Council doesn't meet after that until July 18. Mr. Milner moved, Mr. Luetke seconded, to set a special meeting of Council for June 29 at 5:30 p.m. to award the bids for the Main Street repaving project; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke (7) yeas; (0) nays. The motion carried.

Special meeting  
set for June 29 at  
5:30 p.m.

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

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The Service Director's reports on inspection, bids, and equipment for the Harroun Park Site Improvements were placed on file. Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 42-2011, a written copy of same having been previously furnished to each member of Council, "Accepting the proposal of Feller-Finch and Associates, Inc., to provide project inspection for the Harroun Park Site Improvement Project; appropriating funds therefore in the amount of \$34,500; and declaring an emergency." Mrs. Cappellini 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 42-2011, "...proposal ...Feller-Finch... inspection... Harroun Park Site Improvement..."

Mrs. Cappellini moved, Mr. Haynam seconded, that Ordinance No. 42-2011 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.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 44-2011, a written copy of same having been previously furnished to each member of Council, "Accepting the bid of Paschal Bihn and Sons Excavating and awarding the contract for the Harroun Park Improvement Project to same; authorizing the expenditure for the improvements in the amount of \$251,125.25; appropriating funds therefore; 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: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Ordinance 44-2011, "Accepting the bid of Paschal Bihn and Sons... Harroun Park..."

Mrs. Cappellini moved, Mr. Brown seconded, that Ordinance No. 44-2011 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.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 48-2011, a written copy of same having been previously furnished to each member of Council, "Accepting the proposal of Craun Liebing Company for a sewage grinder pump station for the Lathrop House as part of the Harroun Park Improvement Project; appropriating funds therefore in the amount of \$4,500; 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: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

Ordinance 48-2011, "...proposal ...Craun Liebing Company... sewage grinder pump station for the Lathrop House..."

Mrs. Cappellini moved, Mrs. Westphal seconded, that Ordinance No. 48-2011 be enacted as an emergency measure as declared therein; roll call vote being: Luetke,

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Milner, Westphal, Brown, Cappellini, Haynam, Husman (7) yeas; (0) nays. The motion carried.

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

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 43-2011, a written copy of same having been previously furnished to each member of Council, "Authorizing a request to the Ohio Board of Building Standards to certify the City of Sylvania for enforcement of the Residential Code of Ohio with the condition that the Lucas County Residential Building Department exercise enforcement authority and accept and approve plans and specifications, and make inspections, and authorizing an agreement for such enforcement between the City of Sylvania and Lucas County; and declaring an emergency." Mr. Milner moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke (7) yeas; (0) nays. The motion carried.

Ordinance 43-2011, "Authorizing a request to the Ohio Board of Building Standards... enforcement... Lucas County..."

Mr. Milner moved, Mr. Brown seconded, that Ordinance No. 43-2011 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 11 since 10 had been previously considered.

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 45-2011, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance of the City of Sylvania, Ohio to enter into an agreement with the Ohio Department of Transportation for the purchase of roadway de-icing salt; and declaring an emergency." Mr. Milner moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

Ordinance 45-2011, "...Ohio Department of Transportation... purchase of roadway de-icing salt ..."

Mr. Milner moved, Mrs. Husman seconded, that Ordinance No. 45-2011 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

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

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 46-2011, a written copy of same having been previously furnished to each member of

Ordinance 46-2011, "...teachers

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Council, "Authorizing the Mayor and Director of Finance to enter into agreements with a head teacher, teachers, and aides for the Sylvania Safety City Program being conducted by the Sylvania Division of Police; providing funds therefore; and declaring an emergency." Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini (7) yeas; (0) nays. The motion carried.

...Safety City Program..."

Mrs. Westphal moved, Mrs. Husman seconded, that Ordinance No. 46-2011 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 15 since item 13 was previously deleted and 14 was considered at agenda item 8.

Finance Director Scott Smith's report on the issuance of bonds was placed on file. Mayor Stough presented the Fiscal Officer's Certificate in connection with the issuance of bonds. Mr. Milner moved, Mr. Haynam seconded, to accept the Fiscal Officer's Certificate for filing in connection with the proposed issue of bonds in the amount of \$630,000 to pay a portion of the costs of improving the City's recreational facilities by constructing pedestrian walkways from Main Street to Harroun Road and from Monroe Street to Ten Mile Creek, including a pedestrian bridge over Ten Mile Creek, all together with the necessary related equipment, improvements and appurtenances thereto; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman (7) yeas; (0) nays. The motion carried.

Fiscal Officer's Certificate accepted for filing.

Mr. Brown presented and read aloud by title only, proposed Ordinance No. 49-2011, a written copy of same having been previously furnished to each member of Council, "An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$630,000 to pay a portion of the costs of improving the City's recreational facilities by constructing pedestrian walkways from Main Street to Harroun Road and from Monroe Street to Ten Mile Creek, including a pedestrian bridge over Ten Mile Creek, and declaring an emergency." Mr. Brown moved, Mr. Milner 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.

Ordinance 49-2011, "...issuance ...bonds... \$630,000... recreational..."

Mr. Brown moved, Mrs. Husman seconded, that Ordinance No. 49-2011 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.

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

Mrs. Cappellini moved, Mr. Milner seconded, to accept the Fiscal Officer's Certificate for filing in connection with the proposed issue of bonds in the amount of \$3,060,000 to pay a portion of the costs of improving the City's waterworks system by constructing an elevated water tower, including related site improvements, and constructing a related water line, all together with the necessary related equipment, improvements and appurtenances thereto; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

Fiscal Officer's  
Certificate  
accepted for  
filing.

Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 50-2011, a written copy of same having been previously furnished to each member of Council, "An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$3,060,000 to pay a portion of the costs of improving the City's waterworks system by constructing an elevated water tower, including site improvements, and constructing a related water line, and declaring an emergency." Mr. Haynam moved, Mr. Brown 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 50-  
2011, "...issuance  
...bonds...  
waterworks..."

Mr. Haynam moved, Mr. Milner seconded, that Ordinance No. 50-2011 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 17.

Mr. Luetke moved, Mr. Haynam seconded, to accept the Fiscal Officer's Certificate for filing in connection with the proposed issue of bonds in the amount of \$3,005,000 to pay costs of improving (A) (i) San Reno Drive from Orvieto Drive to Gillingham Drive, (ii) Gillingham Drive from Gregory Drive to Grenlock Drive, (iii) Grenlock Drive from Gillingham Drive westerly approximately 300', (iv) Gillingham Court from Gillingham Drive to its northerly terminus and (v) Altara Drive from Gillingham Drive easterly approximately 100' by removing existing pavement and curbing, pouring asphalt concrete over an aggregate base and installing concrete curbing, catch basins, manholes, underdrains and drainage facilities, water lines, hydrants, valves, and sanitary sewers and sanitary facilities, (B) Main Street from Maplewood Avenue northerly to the City's jurisdictional limit by removing existing pavement and curbing, installing rubber asphaltic surface, installing concrete curbing, installing water lines, hydrants and valves between the intersection of Main Street with Erie Street and Long Street and on Summit Street from Erie Street northerly approximately 500', and (C) Monroe Street from Silica Drive to Erie Street by removing existing pavement and

Fiscal Officer's  
Certificate  
accepted for  
filing.

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curbing, installing rubber asphaltic surface, installing concrete curbing, signalization and pavement markings, all together with the necessary related improvements and appurtenances thereto; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 51-2011, a written copy of same having been previously furnished to each member of Council, "An Ordinance providing for the issuance and sale of bonds in the maximum principle amount of \$3,005,000 to pay costs of improving (A)(i) San Reno Drive from Orvieto Drive to Gillingham Drive, (ii) Gillingham Drive from Gregory Drive to Grenlock Drive, (iii) Grenlock Drive from Gillingham Drive westerly approximately 300', (iv) Gillingham Court from Gillingham Drive to its northerly terminus and (v) Altara Drive from Gillingham Drive easterly approximately 100' by removing existing pavement and curbing, pouring asphalt concrete over an aggregate base and installing concrete curbing, catch basins, manholes, underdrains and drainage facilities, water lines, hydrants, valves, and sanitary sewers and sanitary facilities, (B) Main Street from Maplewood Avenue northerly to the City's jurisdictional limit by removing existing pavement and curbing, installing rubber asphaltic surface, installing concrete curbing, installing water lines, hydrants and valves between the intersection of Main Street with Erie Street and Long Street and on Summit Street from Erie Street northerly approximately 500', and (C) Monroe Street from Silica Drive to Erie Street by removing existing pavement and curbing, installing rubber asphaltic surface, installing concrete curbing, signalization and pavement markings, and declaring an emergency." Mrs. Westphal moved, Mrs. Husman 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 51-2011, "...issuance ...bonds...San Reno..."

Mrs. Westphal moved, Mr. Luetke seconded, that Ordinance No. 51-2011 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 18.

Mrs. Husman moved, Mr. Milner seconded, to accept the Fiscal Officer's Certificate for filing in connection with the proposed issue of bonds in the amount of \$1,110,000 for the purpose of refunding at a lower interest cost certain of the City's Various Purpose Bonds, Series 1998, dated as of August 15, 1998 (the Refunded Bonds) which were issued for the purpose of acquiring and improving real property and interests therein by constructing, furnishing and equipping a new building thereon to house operations of the Sylvania Municipal Court, together with all necessary appurtenances

Fiscal Officer's Certificate accepted for filing.

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and related improvements; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner (7) yeas; (0) nays. The motion carried.

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 52-2011, a written copy of same having been previously furnished to each member of Council, "An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,110,000 for the purpose of refunding at a lower interest cost certain of the City's outstanding Various Purpose Bonds, Series 1998, dated as of August 15, 1998, and declaring an emergency." Mr. Milner moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

Ordinance 52-2011, "...issuance ...bonds...refund- ing at a lower interest...Various Purpose Bonds, Series 1998..."

Mr. Milner moved, Mrs. Husman seconded, that Ordinance No. 52-2011 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 19.

Mr. Brown moved, Mr. Milner seconded, to accept the Fiscal Officer's Certificate for filing in connection with the proposed issue of bonds in the amount of \$7,045,000 to pay costs of improving (A)(i) Acres Road from its intersection with Marshall Road northerly to the City's corporate boundary, (ii) Elliott Road from its intersection with West Alexis Road northerly to its intersection with Marshall Road, (iii) Roan Road from its intersection with West Alexis Road northerly to Marshall Road, (iv) the entire length of Indian Trail, and Fairway Lane from a point approximately 200' southerly of its intersection with Indian Trail to a point approximately 150' northerly of its intersection with Indian Trail, (v) the entire length of Arrowhead Drive by removing the existing pavement and curbing, pouring asphalt concrete over an aggregate base and installing concrete curbing, catch basins, manholes, water mains, underdrains and drainage facilities, and (vi) Olde Post Road by improving the existing bridge over Ten Mile Creek by removing the existing bridge deck, approach slabs, curbing, box beams and bearings and constructing and installing new elastomeric bearings, pre-stressed concrete box beams, approach slabs, deck and sidewalks, and (B) (i) Graystone Drive from Grenlock Drive to its southerly terminus, (ii) Gregory Drive from Gillingham Drive to Grenlock Drive, (iii) Gillingham Drive from Graystone Drive to San Reno Drive, (iv) Orvieto Drive from Graystone Drive to San Reno Drive, (v) Grenlock Drive from Graystone Drive to Gillingham Drive, (vi) Orvieto Drive from Brainard Drive to Angleview Drive, (vii) Angleview Drive from Orvieto Drive to a point approximately 100' northerly of its intersection with Altara Drive, (viii) Angleview Court from Angleview Drive to its northerly terminus by removing the existing pavement and

Fiscal Officer's Certificate accepted for filing.

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curbing, pouring asphalt concrete over an aggregate base and installing concrete curbing, catch basins, manholes, underdrains and drainage facilities, water lines, hydrants, valves, and sanitary sewers and sanitary facilities, and (ix) Alexis Road from Acres Road to Whiteford Road by removing the existing pavement, pouring asphalt concrete over an aggregate base and improving pavement and curbing, and installing thermoplastic pavement markings and video vehicular detection cameras, all together with the necessary appurtenances thereto; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini (7) yeas; (0) nays. The motion carried.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 53-2011, a written copy of same having been previously furnished to each member of Council, "An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$7,045,000 to pay costs of improving certain streets in the City by removing the existing pavement and curbing, pouring asphalt concrete over an aggregate base and installing concrete curbing, improving catch basins, manholes, underdrains and drainage facilities, water lines, hydrants, valves, and sanitary sewers and sanitary facilities, related bridges by removing the existing bridge deck, approach slabs, curbing, box beams and bearings and constructing and installing new elastomeric bearings, pre-stressed concrete box beams, approach slabs, deck and sidewalks, and Alexis Road by removing the existing pavement, pouring asphalt concrete over an aggregate base and improving pavement and curbing, and installing thermoplastic pavement markings and video vehicular detection cameras, 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: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

Ordinance 53-2011, "...issuance ...bonds... improving certain streets..."

Mrs. Cappellini moved, Mr. Milner seconded, that Ordinance No. 53-2011 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 20.

Mr. Milner reported on the May 26 Streets Committee meeting to discuss a new salt dome to be located behind the Parks & Forestry Building on Sylvania-Metamora Road. The dome on Harroun Road will no longer be used, and this will allow for development along that part of the river. The committee also discussed the condition of the train tracks on Monroe Street. The repairs still have not been done, and the Service Director is meeting with railroad representatives next week to discuss the project as Monroe Street will be closed during the work.

Streets Comm. report.

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Mr. Milner also reported on the June 1 Committee-of-the-Whole meeting to consider creating a Landmark Homes designation for the City. This will apply to residential buildings, and will not be mandatory. It will be initiated by the homeowner. The Administration will research the proposal.

Committee-of-the-Whole report.

Mrs. Westphal said the Safety Committee met on June 1 after the Committee-of-the-Whole meeting, so the whole Council was present. Sylvania Township identified six possible locations for Fire Station No. 1. City Council supports keeping the current site for the new station, and this is not on the Township's latest list. There are two proposed by the Township that Council agrees with, 5017 Harroun and 7610 Erie, but it was noted that public input is necessary before anything is finalized. The other four locations are not an option for Council. Council will tentatively meet in Committee-of-the-Whole on June 20 at 7:00 p.m. with the Fire Chief, if he is available. Township Trustee Kevin Haddad asked if approval is needed for a zoning change, and Mayor Stough replied that the special use permit process has to be followed. Mr. Brown asked for a guarantee that the City can buy the current location if it is sold. Mr. Haddad agreed.

Safety Committee report.

Mayor Stough stated that Council will now consider agenda item 21.

Mr. Haynam reported that no one appeared to comment at the 6:00 public hearing for the zoning code changes. He noted that the Zoning & Annexation Committee held multiple meetings to get input from developers and other heavy users of the code. He said legislation will be presented at the June 20 meeting for a First Reading to allow for any comment.

Zoning code public hearing.

Mr. Haynam reported that no one objected to the Tam O'Shanter addition at the 7:20 public hearing. The adjacent property owners had been contacted early in the process. Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 54-2011, a written copy of same having been previously furnished to each member of Council, "Approving the recommendation of the Municipal Planning Commission relative to Planned Development application PD-2-2011 of Tom Cline, General Manager of Sylvania Tam O'Shanter; and declaring an emergency." Mr. Haynam moved, Mr. Brown 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.

Ordinance 54-2011, "Approving ...Tam O'Shanter ..."

Mr. Haynam moved, Mrs. Husman seconded, that Ordinance No. 54-2011 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.

Minutes of the Meeting of Council  
June 6, 2011

Mayor Stough recognized two people in attendance, and they asked to address Council on the banning of mosquito spray in the City. Susan Searles, 5357 Claxton, Toledo, is speaking for her parents who live in Sylvania, and Kristina Moazed, Toledo, Sierra Club representative, both spoke of the dangers to humans and the environment from mosquito spraying. The spray spreads toxins that do not go away. They named several large cities who have banned spraying. The City will post the information on our website. Citizens are able to opt out of the spraying program by calling the Toledo Area Sanitary District. It was noted that Council will not take any formal action unless a majority of citizens request it. Mosquito spray dangers.

Mayor Stough stated that Council will now consider agenda item 22.

At 9:25. Mr. Milner moved, Mr. Haynam seconded, to adjourn to Executive Session of Council to discuss the possible acquisition of property; roll call vote being: Brown, Cappellini, Haddad, Haynam, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried. Executive Session.

At 9:50 p.m. Mr. Luetke moved, Mr. Milner seconded, to return to Regular Session of Council; roll call vote being: Cappellini, Haddad, Haynam, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried. Regular Session.

Mayor Stough reported that the acquisition of property by the City was discussed during the Executive Session, and no action was taken then, and will not be taken at this time.

Mayor Stough stated that all items on the agenda had been considered. Mrs. Westphal moved, Mr. Luetke seconded, that this meeting adjourn. All present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 9:51 p.m. Adjournment.

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Clerk of Council

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Mayor

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Minutes of the Special Meeting of Council  
June 13, 2011

The Council of the City of Sylvania, Ohio met in special session on Monday, June 13, 2011 at 8:00 a.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, Todd Milner, Mary J. Westphal (6); absent: Mark Luetke (1), excused by Mayor Stough.

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

Mayor Stough stated that the purpose of the meeting is to fill the upcoming vacancy for the Public Service Director position. He said that it was a challenge due to the job's complexity. The City put an ad in the newspaper and it resulted in 45 resumes being received. The list was narrowed down to six strong candidates. Although being a certified engineer was one criteria, the right person also must be able to handle public relations duties, and managing multiple employees.

The Mayor said that the selected candidate has the credentials and experience needed and is a registered engineer. His background includes government management and administration. Mayor Stough noted that there will be an overlap when the new person starts and Jeff Ballmer leaves. Since the Construction Supervisor position is currently vacant, the appointee will come in at that title from June 27 through 30, moving into the Service Director's job on July 1. Mr. Milner said that Mark Luetke, Chairman of the Employee & Community Relations Committee is on vacation, but is aware of and approves the appointment.

Mr. Milner moved, Mrs. Cappellini seconded, to confirm Mayor Stough's appointment of Kevin Aller as Director of Public Service effective July 1, 2011; roll call vote being: Brown, Cappellini, Haynam, Husman, Milner, Westphal (6) yeas; (0) nays. The motion carried.

There were no further items for consideration or discussion and Mrs. Westphal moved, Mr. Haynam seconded, that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 8:15 a.m.

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Clerk of Council

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Mayor

**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 ; 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 greater than 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, “The 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

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

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.

ATTEST:

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

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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



6a

# City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

JEFFREY P. BALLMER, PE. PS. DIRECTOR

June 15, 2011

To: The Mayor and Members of Sylvania City Council

Re: **River Trail Improvements**

Dear Mr. Mayor and Council Members:

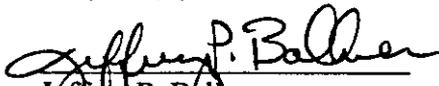
We have received a proposal from JJR, LLC to provide construction administration and "as-built" drawings of the River Trail project. With the change to a new Service Director upcoming, we thought that more involvement by JJR during the construction phase would be beneficial for coordination between the contractor, inspector(s), designer and the City administration.

The proposal includes review and approval of shop drawings, substitute materials and equipment, weekly or bi-weekly project meetings, periodic site visits at appropriate times during the construction, preparation of the punch list, review of the periodic applications for payment and a set of as-built drawings for the project. JJR anticipates making up to 36 visits to the site.

We feel that we will still need an inspector to watch the daily construction of the trail, conduit, grading and bridgework as well as testing the subgrade, concrete and asphalt. JJR's expertise in the wetland areas, restoration and plantings will be helpful for that part of construction.

We would, therefore, recommend that the proposal from JJR, LLC in an amount not to exceed \$53,600 be accepted.

Very truly yours,

  
\_\_\_\_\_  
Jeffrey P. Ballmer

Director of Public Service

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June 2, 2011

Mr. Jeffrey Ballmer, Director  
City of Sylvania  
Department of Public Services  
6730 Monroe Street  
Sylvania, Ohio 43560-1948

Re: Construction Administration Services  
Sylvania River Trail – Phase 1  
Sylvania, Ohio

Dear Mr. Ballmer:

JJR, LLC (JJR) is pleased to submit the following proposal to the City of Sylvania (hereinafter referred to as "City") to provide additional construction administration services for the Sylvania River Trail. Partial approval (\$3,700) for Construction Administrative services, Task 5, was granted from our proposal dated November 11, 2010. The following scope of services shall supersede the previously approved scope due to the expanded role JJR will serve during the construction period. This scope of services is in addition to the Bidding Assistance services, Task 4 (\$2,700), already approved in our proposal dated November 11, 2010.

#### **SCOPE OF SERVICES**

##### **TASK 1: CONSTRUCTION ADMINISTRATION**

JJR understands that we will act as the City's representative during the construction period and serve as the primary point of contact for the contractor. Prior to the start of construction, the City shall designate their manager for the project. The designated City manager and JJR will establish the protocol for our correspondence during construction and the process for facilitating any Contractor change order requests through the City. The City will make all final decisions that relate to overall project costs.

JJR understands that the City will provide daily on-site inspection services for the proposed construction. The Daily Inspector shall report to JJR and also provide written daily inspection reports.

As the City's project and technical representative, JJR will perform the following tasks:

1. Review and approve shop drawings, samples and other data the Contractor is required to submit, but only for conformance with the design concept of the project and compliance with the information given in the Construction Contract Documents. Such reviews and approvals or other action will not extend to means,



Mr. Jeffrey Ballmer, Director  
City of Sylvania  
Construction Administration Services  
Sylvania River Trail - Phase 1  
June 2, 2011  
Page 2

- methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto.
2. Issue necessary interpretations and clarifications of the Construction Contract Documents, as required. If work directive changes and change orders are required, JJR shall make recommendations to the City in order to facilitate any changes to the Contractor's contract. JJR will provide recommendations on decisions that require Contractor contract modifications and the City will make all final decisions that relate to overall project costs.
  3. Evaluate and determine the acceptability of substitute materials and equipment proposed by the Contractor to the extent provided in the General Conditions of the Construction Contract. If the City chooses to accept substitutes and drawing revisions are required, they will be performed as an extra service.
  4. Establish appropriate lines of communication with the Contractor to respond to field related questions and coordinate with the City to provide appropriate directives.
  5. Facilitate and attend weekly Coordination Meetings between the Contractor, Daily Inspector, JJR and City.
  6. Make visits to the site at intervals appropriate to the various stages of construction in order to observe progress and quality of the various aspects of the Contractor's work (in addition to the weekly coordination meeting). Based on information obtained during such visits and on such observations, JJR will endeavor to determine, in general, if such work is proceeding in accordance with the contract documents. On the basis of site observations, JJR will notify the City of any work JJR believes will not produce a completed project that conforms generally to the contract documents or that will prejudice the integrity of the design concept of the project as reflected in the Construction Contract Documents. JJR will prepare and distribute a site observation report for each site visit.
  7. JJR will make a site visit for substantial completion and prepare a punch list of uncompleted or unacceptable work items. Upon notice that all punch list items are complete, a final site review will be held to determine if the completed work is acceptable. JJR will give written notice of substantial completion to the City when the work is complete.
  8. Review applications for payment, in conjunction with the Daily Inspector, noting particularly the relationship of the payment requested to the schedule of values, work completed and materials and equipment delivered to the site but not incorporated in the work and forward recommendations to the City for processing. It is assumed that the City's Finance Director will prepare and submit all necessary payment documents related to the City's grant sources.

JJR anticipates that the project duration will be approximately three (3) months. JJR will make up to 36 site visits during the project duration, including final site and punch list reviews.



Mr. Jeffrey Ballmer, Director  
 City of Sylvania  
 Construction Administration Services  
 Sylvania River Trail - Phase 1  
 June 2, 2011  
 Page 3

**TASK 2: AS-BUILT DRAWINGS**

Upon the completion of construction, JJR will obtain as-built markups of construction plans from both the Contractor and the Daily Inspector. JJR will create a record set of drawings incorporating these markups and JJR's field observations to depict the as-built condition of the River Trail project. No additional survey, measurements, inspections or observations will be performed. JJR will provide one full size set of as-built drawings and one electronic copy as a pdf document of these record drawings to the City.

**ADDITIONAL SERVICES**

In addition to the above services, JJR will be pleased to provide Additional Services that are requested by the City. These include, but are not limited to:

Grant Administration Assistance.

Additional work efforts related to any further changes in project scope including meetings, graphics, additional bid documents, etc. not otherwise provided herein.

Additional meetings or site visits required due to prolonged or extended construction schedule not otherwise provided herein.

**SCHEDULE**

JJR anticipates that the City would like to request bids on the project as soon as Ohio EPA approval is granted. Construction would begin as soon as possible in the summer 2011. Construction shall be completed by fall 2011 with the exception that final restoration approval is assumed to be completed in spring 2012.

**COMPENSATION**

Basic Services

As noted previously, the City has already approved the following hourly not-to-exceed fees:

|   |          |
|---|----------|
| Bidding Assistance.....                         | \$ 2,700 |
| Partial Construction Administration Tasks ..... | \$ 3,700 |

The City shall compensate JJR for the SERVICES and in accordance with the Conditions of this Agreement for an hourly not-to-exceed fee as follows:

|   |                         |
|---|-------------------------|
| Task 1: Construction Administration .....                     | \$ 42,900               |
| Task 2: As-Built Drawings .....                               | \$ 2,300                |
| <b><i>Additional Labor Included in this proposal.....</i></b> | <b><i>\$ 45,200</i></b> |



Mr. Jeffrey Ballmer, Director  
 City of Sylvania  
 Construction Administration Services  
 Sylvania River Trail - Phase 1  
 June 2, 2011  
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Reimbursables

Reimbursable expenses are excluded from JJR's basic compensation as described, and the City shall, in addition to payment for the Basic Services, reimburse JJR for these expenditures made in the interest of the project. Such reimbursable expenses include, but are not limited to, those items noted in the attached Standard Fee and Reimbursement Schedule. The total reimbursable cost to perform the SERVICES is estimated to be \$2,000 (two thousand dollars) and JJR will not exceed this amount without prior approval by the City.

**Total Additional Fee (Labor and Reimbursables)..... \$47,200**

**Total Fee for Bidding Assistance,  
 Construction Administration and As-Built..... \$53,600**

If the scope of services meets with your approval, please sign below and return to JJR.

Thank you for contacting JJR. We look forward to having an opportunity to continue working with you on this project.

Sincerely,

Cheryl F. Zuellig, RLA  
 Principal

Hank L. Byma, ASLA  
 Vice President

AUTHORIZED CLIENT REPRESENTATIVE: CITY OF SYLVANIA

BY: \_\_\_\_\_ TITLE: Mayor  
 Craig A. Stough

BY: \_\_\_\_\_ TITLE: Director of Finance  
 Scott S. Smith

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Date: \_\_\_\_\_

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ORDINANCE NO. 56 -2011

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ACCEPT THE PROPOSAL OF 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.**

WHEREAS, Ordinance No. 40-2006, passed May 1, 2006, accepted the bid of Gerken Paving for the Monroe Street Improvement Project; and,

WHEREAS, at the September 6, 2006 meeting of Sylvania City Council, a discussion was held regarding continued improvement of the Monroe Street corridor and thereafter the matter was referred to the Streets Committee for review; and,

WHEREAS, Ordinance No. 92-2006, passed September 18, 2006, accepted the proposal of JJR, LLC for planning and landscape architectural services to develop streetscape design guidelines for the Monroe and Main Street Corridors and authorized the expenditure for the planning and design services in the amount not to exceed \$58,000; and,

WHEREAS, in meeting with JJR, the Gateway Committee decided to expand the study area to include all of the Central Business District, which expanded the study area by more than 20%; and,

WHEREAS, Ordinance No. 70-2007, passed August 20, 2007, authorized the Mayor and Director of Finance to approve the amendment to the City's Agreement with JJR, LLC for the Gateway District Plan to reflect the additional planning services required as a result of an expansion of the study area and increased the proposal amount by \$13,700; and,

WHEREAS, Ordinance No. 92-2007, passed November 5, 2007, authorized the Mayor and Director of Finance to accept the proposal of JJR, LLC to provide surveying, landscape

architecture and engineering services through Task 2 of their proposal dated October 15, 2007 and revised October 22, 2007 for the Monroe Street Corridor Improvement Project and appropriated \$85,300 for same; and,

WHEREAS, Ordinance No. 73-2008, passed July 21, 2008, authorized the Mayor and Director of Finance to accept the proposal of JJR, LLC to provide planning and engineering work relative to the Monroe Street Corridor Improvement Project and appropriated funds therefore in an amount not to exceed \$37,640; and,

WHEREAS, Ordinance No. 106-2008, passed November 3, 2008, accepted the proposal of JJR, LLC for traffic engineering services relative to the Monroe Street Corridor Improvement Project and appropriated funds therefore in an amount not to exceed \$17,900; and,

WHEREAS, Ordinance No. 108-2008, passed November 3, 2008, accepted the proposal of JJR, LLC to assist the City of Sylvania in the development of a Trailway/Riverwalk relative to the Monroe Street Corridor Improvement Project and appropriated funds therefore in an amount not to exceed \$28,800; and,

WHEREAS, Ordinance No.35-2009, passed April 20, 2009, accepted the proposal of JJR, LLC to provide professional topographic surveying services for the development of a trailway/riverwalk relative to the Monroe Street Corridor Improvement Project and appropriating \$45,700 for said study; and,

WHEREAS, Ordinance No. 52-2009, passed June 1, 2009, accepted the proposal of JJR, LLC to provide professional engineering, landscape architecture and environmental professional services for Phase 1 of the Sylvania River Train Project relative to the Monroe Street Corridor Improvement Project and appropriated funds therefore in an amount not to exceed \$232,200; and,

WHEREAS, Ordinance No. 101-2010, passed December 6, 2010, accepted the proposal of JJR, LLC for additional professional services for the River Trail Project and appropriated funds therefore in an amount not to exceed \$27,000; and,

WHEREAS, the Director of Public Service has received a proposal from JJR, LLC dated June 2, 2011 to provide construction administration and “as-built” drawings of the River Trail Project; and,

WHEREAS, the proposal includes review and approval of shop drawings, substitute materials and equipment, weekly or bi-weekly project meetings, periodic site visits at appropriate times during the construction, preparation of the punch list, review of the periodic applications for payment and a set of as-built drawings for the River Trail Project at a cost not to exceed Fifty-Three Thousand Six Hundred Dollars (\$53,600.00); and,

WHEREAS, the Director of Public Service, in a report dated June 15, 2011, has recommended acceptance of the proposal of JJR, LLC to provide construction administration and “as-built” drawings for the River Trail Project at a cost not to exceed \$53,600.

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 proposal of JJR, LLC on behalf of this City, thereby indicating such approval and acceptance said proposal for construction administration and “as-built” drawings for the River Trail Improvement Project.

SECTION 2. That to provide funds for said services hereby authorized, there is hereby allocated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore allocated to **Account No. 401-7750-53585 – River Trail Project**, an amount not to exceed Fifty-Three Thousand Six Hundred Dollars (\$53,600.00).

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 proposal for said professional services should be approved immediately so that the River Trail Project can proceed at the earliest possible time. 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



7a

# City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

JEFFREY P. BALLMER, PE, PS. DIRECTOR

June 15, 2011

To: The Mayor and Members of Sylvania City Council

Re: **Dave White Drainage**

Dear Mr. Mayor and Council Members:

During the replacement of existing 12" conduit with the new 24" conduit through a portion of the Dave White property, the contractor dug up several large table-sized concrete blocks within the trench. These blocks and other debris have probably been in the ground since the old ravine was filled in the early sixties. Because of the depth of the sewer excavation, the contractor was using a trench box that had to be removed and replaced each time that one of these blocks and other large boulders were encountered. This resulted not only in time delays but also extra work to remove and dispose of the concrete blocks.

There were also several sink holes around a catch basin to the rear of the building and along the path of the existing sewer that we requested the contractor to investigate and repair that were caused by the voids created, in part, by the concrete blocks and connections to the existing sewer. Repairs were made to these connections, grout was placed in the voids and premium backfill was placed.

Our Sewer Division was also able to run our camera through these lines to pin point the location of the trouble spots. We had asked that the contractor perform this extra work on a time and materials basis.

The contractor at the request of Dave White also ground up the existing parking lot and stabilized the base material so that it could be resurfaced and restriped. This cost was paid for by Dave White.

We feel that the extra work and subsequent delays for our portion of the construction were justified and result in an additional amount of \$24,034.52 in the contract with Anderzack-Pitzen.

Very truly yours,

Jeffrey P. Ballmer  
Director of Public Service

tid

72

ORDINANCE NO. 57-2011

**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.**

WHEREAS, Ordinance No. 36-2011, passed May 2, 2011, accepted the proposal of Anderzack-Pitzen Construction, Inc. for the Dave White Chevrolet Storm Sewer Repair Project and appropriated \$51,390 for said project; and,

WHEREAS, the Director of Public Service, in a report dated June 15, 2011, has recommended the approval of an amendment to the proposal in the amount of \$24,034.52 for additional work performed to complete this project, for a total project amount of \$75,424.52; and,

WHEREAS, the additional work included the removal of several table-sized concrete blocks within the trench and also the investigation and repair of several sink holes.

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

**SECTION 1.** That the amendment to the proposal of Anderzack-Pitzen Construction, Inc., in the amount of Twenty-Four Thousand Thirty-Four and 52/100 Dollars (\$24,034.52), for the Dave White Chevrolet Storm Sewer Repair Project, is hereby approved and accepted.

**SECTION 2.** That the Director of Finance of this City be, and he hereby is, authorized to draw his warrant or warrants for the purposes of said storm sewer repair hereby authorized to the extent of the appropriation to the respective accounts to which appropriation has hereinabove been made upon proper voucher or vouchers therefore duly approved by the Mayor.

**SECTION 3.** That to provide funds for said repairs hereby authorized, there is hereby appropriated from the **SEWER FUND** from funds therein not heretofore appropriated to **Account No. 702-7540-51686 – Maintenance of Infrastructure**, the total sum of Twenty-Four Thousand Thirty-Four and 52/100 Dollars (\$24,034.52).

**SECTION 4.** 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 5. 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 6. 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 proposal should be approved 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:

APPROVED AS TO FORM:

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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



8a

# City Of Sylvania

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

June 16, 2011

To: The Mayor and Members of Sylvania City Council

Re: **Main Street Improvements**

Dear Mr. Mayor and Council Members:

We have received a proposal from the Mannik and Smith Group to provide construction inspection services for the above-mentioned project. The proposal includes an inspector to monitor the daily activities of the contractor to make sure that the work is in compliance with the construction plans and specifications.

The project consists of the removal and replacement of the asphalt surface, replacement of the curb and replacement of an old 4" waterline with a new 8" main on Main Street and about 400 ft. on Summit Street.

Mannik and Smith has provided construction inspection on similar projects within the City. They will also provide review and preparation of payment requests, coordination of testing and preparation of as-built drawings.

We would recommend that the proposal from Mannik and Smith Group in the not to exceed amount of \$68,840 be accepted.

Very truly yours,

Jeffrey P. Ballmer  
Director of Public Service  
tid

82

**ORDINANCE NO. 58-2011**

**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.**

WHEREAS, as in years past, the City of Sylvania has several construction projects underway at the same time; and

WHEREAS, the Department of Public Service has solicited a proposal from the Mannik & Smith Group to provide construction inspection on a daily basis for the Main Street Improvement Project at a cost not to exceed Sixty-Eight Thousand Eight Hundred Forty Dollars (\$68,840); and,

WHEREAS, the Mannik & Smith Group has provided inspection services previously with the City of Sylvania with excellent results; for the Main Street Improvement Project they will monitor the daily activities of the contractor to ensure compliance with the construction plans and specifications, provide review and preparation of payment requests, coordination of testing and preparation of as-built drawings; and

WHEREAS, the Director of Public Service, by report dated June 16, 2011, has recommended the acceptance of above proposal.

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

SECTION 1. That the proposal of The Mannik & Smith Group for an amount not to exceed the total sum of Sixty-Eight Thousand Eight Hundred Forty Dollars (\$68,840.00) for providing construction inspection for the Main Street Improvement Project, is hereby accepted.

SECTION 2. That the Director of Public Service shall promptly give notice to said consultant to proceed under the proposal hereby approved and accepted.

SECTION 3. That to provide funds for said consultant services hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53595 – Main Street Improvement Project** an amount not to exceed Sixty-Eight Thousand Eight Hundred Forty Dollars (\$68,840.00

SECTION 4. 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 5. 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 6. 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 City should provide for the construction inspection of the Main Street Improvement Project at the earliest possible time. 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

9a

**ORDINANCE NO. 59 -2011**

**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 2010; 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.**

WHEREAS, it is immediately urgent and necessary that work is authorized for the purpose of constructing, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania during the year 2011;

WHEREAS, the Director of Public Service has recommended to Council the construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania during the year 2011 in accordance with plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council.

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

**SECTION 1.** That it is hereby declared necessary and conducive to public health, convenience and welfare to construct, maintain, repair, clean and enclose open drainage ditches located within the corporate limits of the City of Sylvania during the year 2011. That for said purpose there is hereby established one (1) district which shall include all territory within and coextensive with the boundaries of the City of Sylvania, pursuant to the provisions of Section 727.012 of the Revised Code of Ohio.

**SECTION 2.** That the work of such construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the district of the City shall be done within said district, as herein set forth, and through the proper officers of the City of Sylvania; and such officers be, and they hereby are, authorized and directed to purchase required materials; to purchase or rent the necessary tools, machinery and appliances; to employ the necessary labor to

do said work all in accordance with the plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council for inspection of all persons interested, which said plans, estimates and schedules, including approximate present estimates of the cost of said work, is in the aggregate sum of Two Hundred Forty-Two Thousand Dollars (\$242,000.00).

**SECTION 3.** That said cost and expense of construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City in the amount of Two Hundred Thirty-Nine Thousand, Five Hundred Dollars (\$242,000.00) shall be specially assessed by the front foot upon all of the lots and lands abutting and bounding upon each of said streets and public right-of-way in said district in the amount of thirty-five cents (35¢) per front foot as provided in Section 727.012 of the Ohio Revised Code, which said lots and lands are hereby determined to be specially benefitted by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include acquisition of the necessary materials, tools, machinery and appliances, the wages for the necessary labor, the cost of said plans, estimates and schedules, cost of publication and mailing of notices, and cost of this Ordinance, costs of the preparation, levy and collection of special assessments and interest on notes issued in anticipation of the levy and collection of the special assessments together with all necessary expenditures.

**SECTION 4.** That the special assessment so to be levied on said lots and lands shall be paid in one (1) installment in the manner provided in the case of special assessments pursuant to Section 727.01 of the Ohio Revised Code.

**SECTION 5.** That to provide a fund out of which shall be paid the assessed cost and expense of said work, bonds or notes or certificate of indebtedness of the City of Sylvania are hereby authorized to be issued and sold in anticipation of the levy and collection of said assessments.

**SECTION 6.** That the Director of Finance has prepared and filed in the Office of the Clerk of Council a list of the special assessments, pursuant to this Ordinance, and this Council finds and determines that such special assessments are in proportion to the special benefit derived by each property against which such assessments are to be levied and are not in excess of any statutory limitation.

**SECTION 7.** That, pursuant to Ohio Revised Code Section 727.14, the Clerk of Council is hereby directed to give notice of the passage of this Ordinance by publication of such notice once a week for two (2) consecutive weeks, and as to an owner of any lot or parcel of land the assessment upon which is estimated to exceed Two Hundred Fifty Dollars (\$250.00), the Clerk of Council is hereby directed to serve such notice in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. Objections to estimated assessments must be filed, in writing with the Clerk of Council within two (2) weeks after completion of the notice hereby required. An owner who fails to file an objection shall be deemed to have waived any objection. Any and all properly filed objections to estimated assessments shall be considered by Council at its first regular Council meeting held more than two (2) weeks after the completion of the notice hereby required and the estimated assessments so objected to shall at such meeting, be adjusted by Council by motion or other action reflected in the journal of the minutes of Council. Council, after adjusting such estimated assessments or, after the time for filing objections without any properly filed objections having been timely filed, may, by Ordinance, levy such estimated assessments and adjusted estimated assessments, as the case may be. No notice shall be required other than as herein required.

**SECTION 8.** That the method, manner, consideration and procedure for such drainage ditch work is hereby approved and this Council hereby determines the method, manner and procedure for levying assessments for such drainage ditch work to be as set forth in this Ordinance.

**SECTION 9.** 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 10.** 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 11.** 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 repair, cleaning, construction and maintenance of drainage ditches should be provided for immediately and therefore this Ordinance should be effective forthwith. 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

92

**ORDINANCE NO. 60 -2011**

**PROVIDING FOR THE CONTROLLING BLIGHT AND DISEASE OF SHADE TREES AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS AND WITHIN PUBLIC RIGHT-OF-WAY 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 727.011 OF THE REVISED CODE OF OHIO; PROVIDING FOR THE ASSESSMENT OF THE COST AND EXPENSE THEREOF UPON ABUTTING PROPERTY; AND DECLARING AN EMERGENCY.**

WHEREAS, it is immediately urgent and necessary that work is authorized for the purpose of controlling blight and disease of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2011;

WHEREAS, the City Forester, through the Director of Public Service has recommended to Council the removal or special treatment of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2011 in accordance with plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council.

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

**SECTION 1.** That it is hereby declared necessary and conducive to public health, convenience and welfare to remove and provide special treatment for 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 of Sylvania during the year 2011. That for said purpose there is hereby established one (1) district which shall include all territory within and coextensive with the boundaries of the City of Sylvania, pursuant to the provisions of Section 727.011 of the Revised Code of Ohio.

**SECTION 2.** That the work of such removal or 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 of Sylvania shall be done within said district, as herein set forth, and through the proper officers of the City of Sylvania; and such officers be, and they hereby are, authorized and directed to purchase required materials; to purchase or rent the necessary tools, machinery and appliances; to employ the necessary labor to do said work all in accordance with the plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council for inspection of all persons interested, which said plans, estimates and schedules, including approximate present estimates of the cost of said work, is in the aggregate sum of Two Hundred Forty-Two Thousand Dollars (\$242,000.00).

**SECTION 3.** That said cost and expense of removal or 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 of Sylvania in the amount of Two Hundred Forty-Two Thousand Dollars (\$242,000.00) shall be specially assessed by the front foot upon all of the lots and lands abutting and bounding upon each of said streets and public right-of-way in said district in the amount of thirty-five cents (35¢) per front foot as provided in Section 727.011 of the Ohio Revised Code, which said lots and lands are hereby determined to be specially benefitted by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include acquisition of the necessary materials, tools, machinery and appliances, the wages for the necessary labor, the cost of said plans, estimates and schedules, cost of publication and mailing of notices, and cost of this Ordinance, costs of the preparation, levy and collection of special assessments and interest on notes issued in anticipation of the levy and collection of the special assessments together with all other necessary expenditures.

**SECTION 4.** That the special assessment so to be levied on said lots and lands shall be paid in one (1) installment in the manner provided in the case of special assessments pursuant to Section 727.01 of the Ohio Revised Code.

**SECTION 5.** That to provide a fund out of which shall be paid the assessed cost and expense of said work, bonds or notes or certificate of indebtedness of the City of Sylvania are hereby authorized to be issued and sold in anticipation of the levy and collection of said assessments.

**SECTION 6.** That the Director of Finance has prepared and filed in the Office of the Clerk of Council a list of the special assessments, pursuant to this Ordinance, and this Council finds and determines that such special assessments are in proportion to the special benefit derived by each property against which such assessments are to be levied and are not in excess of any statutory limitation.

**SECTION 7.** That, pursuant to Ohio Revised Code Section 727.14, the Clerk of Council is hereby directed to give notice of the passage of this Ordinance by publication of such notice once a week for two (2) consecutive weeks, and as to an owner of any lot or parcel of land the assessment upon which is estimated to exceed Two Hundred Fifty Dollars (\$250.00), the Clerk of Council is hereby directed to serve such notice in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. Objections to estimated assessments must be filed, in writing with the Clerk of Council within two (2) weeks after completion of the notice hereby required. An owner who fails to file an objection shall be

deemed to have waived any objection. Any and all properly filed objections to estimated assessments shall be considered by Council at its first regular Council meeting held more than two (2) weeks after the completion of the notice hereby required and the estimated assessments so objected to shall at such meeting, be adjusted by Council by motion or other action reflected in the journal of the minutes of Council. Council, after adjusting such estimated assessments or, after the time for filing objections without any properly filed objections having been timely filed, may, by Ordinance, levy such estimated assessments and adjusted estimated assessments, as the case may be. No notice shall be required other than as herein required.

SECTION 8. That the method, manner, consideration and procedure for such shade tree work is hereby approved and this Council hereby determines the method, manner and procedure for levying assessments for such shade tree work to be as set forth in this Ordinance.

SECTION 9. 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 10. 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 11. 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 provision should be made immediately to provide for tree maintenance and therefore this Ordinance should be effective forthwith. 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



10

# City Of Sylvania

MUNICIPAL PLANNING COMMISSION

June 17, 2011

To: Mayor and Members of City Council

Re: **SUP-2-2011**  
**Water Tank and Salt Storage Building**  
**8425 Sylvania Metamora Road**

Dear Mayor and Members of Council:

Following is an excerpt from the minutes of the regular Municipal Planning Commission Meeting of June 15, 2011, regarding a petition by the City of Sylvania for a Special Use Permit to allow for the construction of a salt storage building and an elevated water tank at the rear of city owned property at 5425 Sylvania Metamora Road, Sylvania.

"Mr. Marciniak moved, Dr. Backus seconded to recommend approval of SUP-2-2011 to construct a two million gallon elevated water tank and a salt storage building at 8425 Sylvania Metamora Road subject to the drawing submitted June 15, 2011 with the water tank location being moved to the west, to accommodate the neighbors, there are trees to block the view, it is the city owned property, and it makes sense to put the water tank where city facilities are located. Vote being: Lindsley, Stough, Backus, Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote."

A copy of the revised drawing is attached.

Very truly yours,

Barbara Taylor, Secretary  
Municipal Planning Commission

attachment

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SYLVANIA CITY COUNCIL  
MARGARET LINTNER, MMC, CLERK

**NOTICE OF SPECIAL MEETING**

**SYLVANIA CITY COUNCIL**

Requested by Mayor Craig A. Stough

The Council of the City of Sylvania, Ohio will meet in special session on Wednesday, June 29, 2011 at 5:30 p.m. in Council Chambers, 6635 Maplewood Avenue, Sylvania, Ohio 43560 to award the bids for the Main Street north of Maplewood Repaving Project.

B

Board of Architectural Review

Minutes of the regular meeting of June 15, 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 May 11, 2011, meeting as submitted. Vote being: Stough, Marciniak, Lindsley, Backus (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 3 - Regulated Sign - app. no. 10-2011 requested by National Illumination for Herbally Radiant Cosmetics, 6600 Sylvania Avenue, Sylvania. Mr. Jim Bond present. This sign follows the shopping center guidelines for individual letters mounted on a raceway. It was previously e-mailed to the members for preliminary approval. Mr. Marciniak moved, Dr. Backus seconded to grant a Certificate of Appropriateness for Herbally Radiant Cosmetics, 6600 Sylvania Avenue as requested with app. no. 10-2011. Vote being: Lindsley, Backus, Marciniak, Stough (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 4 - Regulated Sign - app. no. 11-2011 requested by National Illumination for Pizza Hut, 7623 Sylvania Avenue, Sylvania. Mr. Jim Bond present. This will be a Pizza Hut corporate sign mounted on the building. Mr. Marciniak moved, Dr. Backus seconded to give a Certificate of Appropriateness for app. no. 11-2011 for Pizza Hut, 7623 Sylvania Avenue, as requested. Vote being: Marciniak, Stough, Backus, Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 5 - Regulated Sign - app. no. 12-2011 requested by Harmon Sign for Audi Sylvania - Vin Devers, 5570 Monroe Street, Sylvania. Mr. Brian Chase present. They will be installing the Audi Sylvania with the Audi logo on the front of the showroom and the Audi Service sign above the new drive-in service area. These are the same signs that were depicted on the drawings for the remodeling and addition for Vin Devers. The signs will be mounted on the south side of the building facing Monroe Street. Mr. Marciniak moved, Mayor Stough seconded to approve the signs as requested and grant a Certificate of Appropriateness for Audi Sylvania - Vin Devers, 5570 Monroe Street, as shown on the drawing submitted with app. no. 12-2011. Vote being: Backus, Marciniak, Lindsley, Stough (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 6 - Regulated District - app. no. 13-2001 requested by Valentine Ononye for V-Concepts, 5604 Main Street, Sylvania. Mr. Valentine Ononye and Mr. Richard Livecchi present. They will remove fifty feet of the mansard roof and return it back to the existing building matching the roof slope. That will be replaced with a sandstone colored EFFIS system with slightly darker colored bands. They will install six wall sconces and new windows that will be used for display. This will give his business a new street presence. They will have direct access from Main Street, they will have assigned parking spaces at the rear of the building and patrons can enter the lobby from the rear entrance, and people will still be able to enter the lobby from the existing entrance on Main Street. Mayor Stough asked if they had decided what they wanted to do for signage on the building and that they would need to come back to the board for approval of their signage. They do plan to add a sign

Item 6 - continued:

above the windows and add a projecting sign above the door, and they will submit an application when they have a completed design. Mr. Marciniak moved, Dr. Backus seconded to approve the proposed changes for 5604 Main Street as depicted on the drawings submitted with app. no. 13-2011 as discussed at the meeting. Vote being: Stough, Backus, Marciniak, Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote. The members agreed that with will be a welcome addition to the downtown area.

Dr. Backus moved, Mr. Marciniak 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 June 15, 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.

Item 2 - Council Referral - SUP-2-2011 requested by the City of Sylvania to construct a two million gallon elevated water tank and a salt storage building at 8425 Sylvania Metamora Road, Sylvania. Mr. Jeffrey P. Ballmer, Director of Public Service, present. Mr. Ballmer presented a revised drawing with an alternate site for the new water tank. The salt storage building will have eight feet high concrete walls with a soft fabric roof on a metal truss system. The building will be 65 feet wide by 100 feet long and will hold 38,000 tons of salt. The existing driveway is twelve feet, and it will be widened to twenty feet. The area is flat and the rock is just a little below the ground grade so the area does not drain well, the water has to evaporate. The new salt storage building is necessary because the city joined the ODOT contract salt program and we need to buy a minimum amount of salt. The new building will replace the salt dome on Harroun Road. The fabric roof has a fifteen-year guarantee. The revised drawing shows the water tank moved approximately 300 feet to the west, just to the west of a stand of trees. The tank will have an eight feet high fence with barbed wire at the top to keep anyone who should not be there out. The tank will be 92 feet in diameter and 140 feet high, the inside of the column is hollow, some places use the column for office space or storage of equipment. The quarry is about 600 feet away, there will be a 24-inch line to the quarry so the tank can be drained. The city uses two million gallons of water a day, another tank is needed, the tank will fill overnight. The estimated cost to move the tank to the alternate site is \$70,000.00. Mr. Pat Stark believes there are other alternatives. He wonders what will happen with the fireworks and what happens with the sound bouncing off the tank from concerts at Centennial Terrace. The water tank will ruin the landscape and the sky scape for the area. Mr. Marciniak said he drove around the area of the county water tank and there are a lot of houses around the county tank and there are new houses being built. Mr. Ballmer added that the tank will be 1,000 feet south of Sylvania Metamora Road. Mr. Stark contends that a ground storage tank with pumps would be preferable. The high tank will ruin the neighborhoods and Centennial Terrace, the crown jewel of Northwest Ohio. Mr. Todd Kaufman stated that he talked to Mayberry business owners and they are not happy losing their country setting and looking at a water tower right in front of them. He believes the city should look into moving the tower south of Fossil Park, and purchase the necessary land. Mayor Stough answered that the city looked at a number of sites such as Flower Hospital along the expressway and Memorial Field. We need an acre for the water tank and we need to keep it in our service area. Mr. Marciniak said you will have NIMBY's no matter where you build the water tank. Mr. Ballmer mentioned that the city owns the 25 acres, the northeast portion is used for overflow parking from Centennial Terrace and the basketball and volleyball courts are on the city property. Mr. Marciniak moved, Dr. Backus seconded to recommend approval of SUP-2-2011 to construct a two million gallon elevated water tank and a salt storage building at 8425 Sylvania Metamora Road subject to the drawing submitted June 15, 2011 with the water tank location being moved to the west, to accommodate the neighbors, there are trees to block the view, it is the city owned property, and it makes sense to put the water tank where city facilities are located. Vote being: Lindsley, Stough, Backus, Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

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

Submitted by,



Barbara Taylor, Secretary  
Municipal Planning Commission