

Minutes of the Meeting of Council
August 19, 2013

The Council of the City of Sylvania, Ohio met in regular session on August 19, 2013 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: Mike Brown, Katie Cappellini, Doug Haynam, Sandy Husman, Mark Luetke, Todd Milner, Mary J. Westphal (7), Absent (0).

Roll call:
All present.

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

Pledge of Alleg.

Mayor Stough stated that Council will now consider agenda item 3.

Requests were made for the following changes/additions to the agenda:

Additions to the
agenda.

- 9a. Moved agenda item 16b here.
- 11a. Moved agenda item 16c here.
- 15. Ordinance 65-2013, Ordinance 66-2013, Ordinance 67-2013, Ordinance 68-2013, Zoning Public Hearings.
- 16d. Report on Committee-of-the-Whole Meeting.
- 17a. Council appointments to CRA's Housing Council.

Mr. Haynam moved, Mrs. Westphal 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.

Mrs. Westphal presented the July 15 minutes. Mrs. Westphal moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of July 15, 2013 be approved; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Approval of the
July 15 minutes.

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

Ashlee Harris representing Paul Mitchel, the School, Toledo provided an overview of the school. She stated the school will open September 1st and have 250 students. She provided information that the school embraces the community with many fund-raising events.

Paul Mitchell
School overview.

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

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Steven Livingston spoke regarding his dissatisfaction of the extra traffic on Old Farm Lane during the Erie Street Bridge Project.

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

Mr. Haynam presented and read aloud by title only, proposed Ordinance 56-2013, a written copy of same having been previously furnished to each member of Council, "Accepting for Annexation to the City of Sylvania, Ohio, the territory described in Annexation Petition Number 2013-1 for which James E. Moan is the Agent, and as hereinafter described; providing for the interim zoning of said territory; and declaring an emergency." Mr. Haynam moved, Mrs. Westphal 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.

Ordinance 56-2013, "Accepting Annexation Petition No. 2013-1.... Arbor Way...."

Mr. Haynam moved, Mr. Milner seconded, that Ordinance 56-2013 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 Sought stated that Council will now consider agenda item 8.

Mr. Brown presented and read aloud by title only, proposed Ordinance 57-2013, a written copy of same having been previously furnished to each member of Council, "To assess a special tax upon the lots and lands described in the schedule referred to herein to pay a part of the cost and expense of providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches within the corporate limits of the City of Sylvania for the year ending December 31, 2013; and declaring an emergency." Mr. Brown moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Ordinance 57-2013, "To assess a special tax... open drainage ditches..."

Mr. Brown moved, Mrs. Westphal seconded, that Ordinance 57-2013 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.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance 58-2013, a written copy of same having been previously furnished to each member of Council, "To assess a special tax upon the lots and lands described in the schedule referred to herein to pay a part of the cost and expense of providing for the removal and special

Ordinance 58-2013, "To assess a special tax... shade trees...."

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treatment of shade trees for the purpose of controlling blight and disease of same; and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City for the year ending December 31, 2013; and declaring an emergency.” Mrs. Cappellini moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

Mrs. Cappellini moved, Mr. Milner seconded, that Ordinance 58-2013 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.

Mr. Brown presented and read aloud by title only, proposed Ordinance 59-2013, a written copy of same having been previously furnished to each member of Council, “Ordinance approving the assessments heretofore authorized by Resolution No. 8-2013 for Street Lighting; levying said assessments; and declaring an emergency.” Mr. Brown moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried.

Ordinance 59-2013, “approving the assessments for street lighting...”

Mr. Brown moved, Mrs. Westphal seconded, that Ordinance 59-2013 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Milner Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

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

Mr. Luetke reported on the Economic Development Sub-Committee meeting held on August 6th to discuss the proposed draft legislation on Revision to the Job Creation and Retention Program Application and Guidelines. The changes are necessary to make the policy more functional and reflect the current economic development environment.

Mr. Luetke presented and read aloud by title only, proposed Ordinance 60-2013, a written copy of same having been previously furnished to each member of Council, “Revising the Job Creation and Retention Program Application and Guidelines; and declaring an emergency.” Mr. Luetke moved, Mrs. Westphal 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 60-2013, “Revising the Job Creation & Retention Program App & Guidelines...”

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Mr. Luetke moved, Mr. Milner seconded, that Ordinance 60-2013 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 10.

The Service Director's report on the Safe Routes to School Change Order No. 2 (Final) was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance 61-2013, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to approve Change Order No. 2 (Final) to this City's agreement with Midwest Contracting, Inc. for the Safe Routes to Schools Project which reflects the actual quantities used on this project; decreasing the contract amount by \$13,020.42; and declaring an emergency." Mr. Milner moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ord. 61-2013
"Authorizing
C.O. No.2...
Safe Rts to
School
...decreasing
contract by
\$13,020.42..."

Mr. Milner moved, Mr. Haynam seconded, that Ordinance 61-2013 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.

Mrs. Husman reported on the Buildings and Grounds Committee meeting held on August 6th to discuss the proposed agreement with the Sylvania Historical Village, Inc. for the management of Sylvania Historical Village. All parties approve of the agreement.

Mrs. Husman presented and read aloud by title only, proposed Ordinance 62-2013, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance, on behalf of the City of Sylvania, Ohio, to enter into an agreement with Sylvania Historical Village, Inc. for the management of Sylvania Historical Village; and declaring an emergency." Mrs. Husman moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

Ordinance
62-2013,
"Authorizing
agreement with
Syl. Historical
Village, Inc.
....management
of Syl. Hist.
Village..."

Mrs. Husman moved, Mr. Milner seconded, that Ordinance 62-2013 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.

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

Mr. Luetke presented and read aloud by title only, proposed Ordinance 63-2013, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a 3-year Collective Bargaining Agreement commencing January 1, 2013 with the Fraternal Order of Police/Ohio Labor Council, Inc. on behalf of the Sylvania Police Telecommunicators; and declaring an emergency." Mr. Luetke moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance
63-2013,
"Authorizing
3-yr Agreement
with FOP...
Telecommunicat
ors...."

Mr. Luetke moved, Mrs. Husman seconded, that Ordinance 63-2013 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 13.

Mrs. Westphal presented and read aloud by title only, proposed Resolution 10-2013, a written copy of same having been previously furnished to each member of Council, "A Resolution authorizing the Mayor and Director of Finance to file an application with the Ohio Department of Development, Office of Community Development, for fiscal year 2013 Ohio Small Cities Community Development Block Grant Discretionary Grant Program, 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: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Resolution No.
10-2103, "file an
application with
Ohio Dept. of
Development...
Block Grant...."

Mrs. Westphal moved, Mrs. Husman seconded, that Resolution 10-2013 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 14.

Mayor Stough introduced Mr. Brian McCann as his appointment to the Planning Commission to fill the vacant seat with the term ending 12/31/14.

Mr. Milner moved, Mr. Haynam seconded to confirm the Mayor's appointment, Mr. Brian McCann, to the Planning Commission to fill the vacant seat; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

Brian McCann
appointment to
Planning
Commission.

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

Mrs. Westphal reported on the public hearings on ZA-1-2013 (5441 N. Main St.), ZA-2-2013 (5445 Main St.), ZA-3-2013 (5453 N. Main St.), and ZA-4-2013 (5457 Main St.) held at 7:00p.m. on this date. All applications were requesting changes from "R-3 Multiple Dwelling Medium Density District" to "B-2 General Business Zoning District". The recommendation is to approve these zoning changes.

Mr. Haynam presented and read aloud by title only, proposed Ordinance 65-2013, a written copy of same having been previously furnished to each member of Council, "Approving the recommendation of the Municipal Planning Commission to approve petition for Zoning Ordinance Amendment No. ZA-1-2013 on the petition of Renee Mason to change the zoning of her property at 5441 N. Main St., Sylvania, Ohio; and declaring an emergency" Mr. Haynam moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried.

Ordinance
65-2013,
"Approving
petition for
zoning change
...5441 N. Main
....R-3 to B-2"

Mr. Haynam moved, Mr. Luetke seconded, that Ordinance 65-2013 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 66-2013, a written copy of same having been previously furnished to each member of Council, "Approving the recommendation of the Municipal Planning Commission to approve petition for Zoning Ordinance Amendment No. ZA-2-2013 on the petition of David M. Garner of behalf of Edifice Rex, Ltd. to change the zoning of its property at 5445 N. Mains St., Sylvania, Ohio; 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: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried.

Ordinance
66-2013,
"Approving
petition for
zoning change
...5445 N. Main
....R-3 to B-2"

Mrs. Cappellini moved, Mr. Luetke seconded, that Ordinance 66-2013 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.

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Mr. Brown presented and read aloud by title only, proposed Ordinance 67-2013, a written copy of same having been previously furnished to each member of Council, "Approving the recommendation of the Municipal Planning Commission to approve petition for Zoning Ordinance Amendment No. ZA-3-2013 on the petition of David M. Garner of behalf of Edifice Rex, Ltd. to change the zoning of its property at 5453 N. Mains St., Sylvania, Ohio; and declaring an emergency." Mr. Brown moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ordinance
67-2013,
"Approving
petition for
zoning change
...5453 N. Main
....R-3 to B-2"

Mr. Brown moved, Mr. Milner seconded, that Ordinance 67-2013 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.

Mr. Haynam presented and read aloud by title only, proposed Ordinance 68-2013, a written copy of same having been previously furnished to each member of Council, "Approving the recommendation of the Municipal Planning Commission to approve petition for Zoning Ordinance Amendment No. ZA-4-2013 on the petition of David M. Garner of behalf of Edifice Rex, Ltd. to change the zoning of its property at 5457 N. Mains St., Sylvania, Ohio; and declaring an emergency." Mr. Haynam moved, Mrs. Westphal 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
68-2013,
"Approving
petition for
zoning change
...5457 N. Main
....R-3 to B-2"

Mr. Haynam moved, Mr. Luetke seconded, that Ordinance 68-2013 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 16.

Mr. Haynam reported on the Zoning & Annexation Committee meeting held at 6:00p.m. to discussed the current dog ordinances, classification of kennels and number of dogs in different zoning classifications. Several residents spoke in favor of a change in the number of dogs to the current code. He stated the committee felt no change to the current code was warranted.

Mr. Haynam set a Zoning & Annexation Committee meeting for August 28, 2013 at 8:00a.m. to discuss the RV/Boats Storage. (Section 1117.07-Accessory Building and uses).

Z & A
Committee
Meeting... 8-28-
13, 8:00a.m.

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

Mrs. Westphal reported on the Committee of the Whole meeting held at 5:30p.m. to discuss the proposed Ordinance 64-2013, elected officials compensation. It was recommended from the Committee to Council to approve this legislation.

Mr. Luetke presented and read aloud by title only, proposed Ordinance 64-2013, a written copy of same having been previously furnished to each member of Council, "Adjusting the annual compensation of council members of the City of Sylvania to provide for \$12,000 annually for the term of office commencing January 1, 2014 and \$12,000 annually for the term of office commencing January 1, 2016; providing for the Mayor and all members of Council for an annual cost of living adjustment based on the consumer price index (CPI) for the previous 12 months not to exceed 4% commencing January 1, 2016 and thereafter; providing for medical and dental insurance benefits for the Mayor consistent with those benefits received by other city employees effective January 1, 2014; and declaring an emergency." Mr. Luetke moved, Mrs. Husman 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
64-2013,
"adjusting annual
compensation of
council
members....."

Mr. Luetke moved, Mr. Haynam seconded, that Ordinance 64-2013 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner Westphal, (7) yeas; (0) nays. The motion carried.

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

Mr. Luetke stated the Employee & Community Relations Committee will meet on August 28th at 8:00a.m. to discuss City Council's appointments to the CRA Housing Councils.

Emp. & Comm
Relations
Committee
8/28/13, 8:00a.m.

Mayor Stough stated that all items on the agenda had been considered.

Mr. Westphal moved, Mr. Luetke seconded, that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned 8:43p.m.

Adjournment.

Clerk of Council

Mayor