

**Sylvania City Council**  
September 3, 2013

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

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mr. Milner.
3. Additions to the agenda.
4. Approval of the meeting minutes of August 19, 2013.
5. Zoning Ordinance Amendment Petition No. PD-3-2013, a request from Flower Hospital/HCRMC and ProMedica JV, LLC to amend the existing planned development of the Flower Hospital Campus to accommodate the a nursing care facility at the northwest portion of the Campus; for referral to the Planning Commission.
6. Zoning Ordinance Amendment Petition No. ZA-5-2013, a request from Dearborn Land Investments, LLC c/o Zaremba Group, LLC. to change zoning from M-2 Heavy Industrial to B-2 General Business to enable the demolition of existing building and construct a 13,225sf freestanding CVS/pharmacy store; for referral to the Planning Commission.
7. 2013 Resurfacing Project:
  - a. Service Director's report on Change Order No. 1 (Final); and
  - b. proposed Ordinance 69-2013, approving Change Order No. 2 (Final).
8. Brint & King Roundabout Project:
  - a. Service Director's report on Roundabout; and
  - b. proposed Resolution 11-2013, to appropriate certain property for the project.
  - c. Memo from Law Director on Roundabout.
9. Great Lakes Basin Program for Soil Erosion and Sediment Control:
  - a. Service Director's report on 2013 Request for Proposals (Round Two)
  - b. proposed Resolution 12-2013, authorizing the application to be filed.
10. Committee reports.
  - a. Report of Zoning & Annexation Committee meeting held 8/28/13.
  - b. Report of Employee & Community Relations Committee meeting held 8/28/13.
11. Committee referrals.

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 1<sup>st</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 28<sup>th</sup> 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.

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Clerk of Council

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Mayor

PETITION FOR ZONING ORDINANCE AMENDMENT

To: City of Sylvania, Ohio  
City Council and  
Municipal Planning Commission

Application No. PD-3-2013  
Date 8-8-13

Petitioner Name(s) Flower Hospital/HCRMC - ProMedica JV, LLC

Petitioner Address c/o Mark H. Rose Patricia A. McCormick  
Marshall & Melhorn, LLC Assistant General Counsel  
Four SeaGate, Eighth Floor Manor Care Health Services, LLC  
Toledo, Ohio 43604 333 N. Summit St.  
Telephone (419) 249-7100 Toledo, Ohio 43699

Location of property for which zoning amendment is requested:

Flower Hospital Campus

Purpose of amendment request: Amend Master Development Plan  
pursuant to Sections 1155.06, 1109.11 -.13, and 1153.04

Current Zoning: R-3 with Planned Development Overlay Requested Zoning: R-3/Planned Development Overlay

The undersigned, being one or more of the owners, lessees or occupants within the area proposed to be changed by the amendment, hereby petition for an Amendment to the Zoning Code, pursuant to Chapter 1107 of the Codified Ordinances of the City of Sylvania, Ohio, as amended.

- Attachments: 1. Full legal description of the property for which the Zoning Amendment is proposed.  
2. Area location map.  
3. Site plan - if plan is larger than 11" x 17", eighteen (18) copies must be submitted.

A check for \$150.00, payable to the City of Sylvania, is attached for processing of said Petition. It is understood that no refund is to be made after the filing of the Petition.

Flower Hospital/HCRMC - ProMedica JV, LLC

By: Mark H. Rose  
Mark H. Rose, Attorney

Date referred by Council: 9/2/13

Date of Commission Action: \_\_\_\_\_

Date of Council Action: \_\_\_\_\_

Action: \_\_\_\_\_

PETITION FOR ZONING ORDINANCE AMENDMENT

To: City of Sylvania, Ohio  
City Council and  
Municipal Planning Commission

Application No. ZA-5-2013

Date 8/26/13

Petitioner Name(s) Dearborn Land Investment, LLC  
c/o Zaremba Group, LLC  
Petitioner Address 14600 Detroit Ave., Suite 1500  
Lakewood, OH 44107  
Telephone (216) 221-6600 X160, Contact: John Wojtila

Location of property for which zoning amendment is requested:

Northwest corner of Sylvania Ave. and King Ave. Property address is 7510 W. Sylvania Ave.

Purpose of amendment request: Amendment request is to enable the demolition of the existing building and construction of a new 13,225 sf freestanding CVS/pharmacy store.

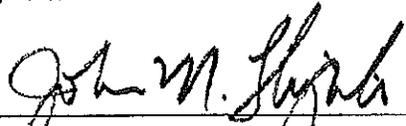
Current Zoning: M-2 Heavy Industrial

Requested Zoning: B-2 General Business

The undersigned, being one or more of the owners, lessees or occupants within the area proposed to be changed by the amendment, hereby petition for an Amendment to the Zoning Code, pursuant to Chapter 1107 of the Codified Ordinances of the City of Sylvania, Ohio, as amended.

- Attachments: 1. Full legal description of the property for which the Zoning Amendment is proposed.  
2. Area location map.  
3. Site plan - if plan is larger than 11" x 17", eighteen (18) copies must be submitted.

A check for \$150.00, payable to the City of Sylvania, is attached for processing of said Petition. It is understood that no refund is to be made after the filing of the Petition.

By:   
JOHN M. WOJTILA, P.E.

Date referred by Council: 9/2/13  
Date of Commission Action: \_\_\_\_\_  
Date of Council Action: \_\_\_\_\_  
Action: \_\_\_\_\_

7a



# City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE  
KEVIN G. ALLER, PE DIRECTOR

August 23, 2013

To: The Mayor and Members of Sylvania City Council

Re: **2013 RESURFACING PROJECT  
CHANGE ORDER #1 (FINAL)**

Dear Mr. Mayor and Council Members:

Gerken Paving, Inc. recently completed roadway resurfacing improvements as a part of the 2013 Resurfacing Project. The project included pavement rehabilitation and resurfacing to Lane Street, Winding Way, Country Place and Balfour Street (north of Marshall Road). Gerken's bid for the project was \$125,761.78 and received Council approval on July 15, 2013.

Now that the project is completed, the final installed quantities have been resolved and a change order is necessary to adjust the final contract price. Various pay items were installed at less than the anticipated bid quantity. As a result Change Order No. 1 is a deduction in the amount of \$4,938.42.

We recommend approval of the final change order to Gerken Paving, Inc. which will reduce the final contract amount from \$125,761.78 to \$120,823.36.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.  
Director of Public Service  
KGA/dsw

CITY OF SYLVANIA, OHIO

**CHANGE ORDER**      Number 1 (FINAL)

Project Ordinance No.: 55-2013      Purchase Order No. 47285

Contract: 2013 Resurfacing Project

Title of Change Order: \_\_\_\_\_

Date: 8/22/2013

Description of Change: Final installed quantities resulted in a reduction in the Contract amount (see attached).

RECOMMENDED FOR APPROVAL BY: Kevin G. Aller, P.E. Date  
Public Service Director

Original Contract Amt	\$ 125,761	78	REVIEWED BY:	<u>Joseph E. Shaw, P.E., P.S.</u> <i>Public Service Deputy Director</i>
Previous Changes (+ or --)	\$ 0	00	DATE:	_____
This Change (+ or --)	\$ -4,938	42	SUBMITTED BY:	_____
Adjusted Contract Amt	\$ 120,823	36	DATE:	_____
				<i>Signature</i>
				<i>Name of Contractor</i>
				<i>Contractor's Signature</i>

City of Sylvania, Ohio

The above proposal is hereby approved.

The above proposal is hereby approved.

Craig A. Stough, Mayor

Date

Toby Schroyer, Finance Director

Date

**ORDINANCE NO. 69-2013**

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 1 (FINAL) TO THIS CITY'S AGREEMENT WITH GERKEN PAVING, INC. FOR THE 2013 RESURFACING PROJECT WHICH REFLECTS THE ACTUAL MATERIALS USED AND WORK PERFORMED ON THIS PROJECT; DECREASING THE CONTRACT AMOUNT BY \$4,938.42; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 55-2013, passed July 15, 2013, accepted the bid of Gerken Paving, Inc. for the 2013 Resurfacing Project, which bid was in the amount of One Hundred Twenty-Five Thousand Seven Hundred Sixty-One and 78/100 Dollars (\$125,761.78); and,

WHEREAS, the Director of Public Service, by report dated August 23, 2013, has recommended the acceptance of Change Order No. 1 (Final) of Gerken Paving, Inc. for said 2013 Resurfacing Project to reflect the actual quantities of materials used and work performed on this project; and,

WHEREAS, the actual quantities of materials used and work performed on the project resulted in a net decrease to the contract in the amount of Four Thousand Nine Hundred Thirty-Eight and 42/100 Dollars (\$4,938.42), for a total contract amount of \$120,823.36.

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

SECTION 1. That said change order decreasing the contract amount by the sum of Four Thousand Nine Hundred Thirty-Eight and 42/100 Dollars (\$4,938.42), authorized to be appropriated be, and the same hereby is, approved, and the Mayor and the Director of Finance be, and they hereby are, authorized to sign said change order on behalf of this City, thereby indicating such approval and changing the total contract amount.

SECTION 2. That 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 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the adjustments in the contract for said additional improvements should be approved immediately so as not to delay the project completion. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

SECTION 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.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2013, as an emergency measure.

ATTEST:

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

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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

8a



# City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE  
KEVIN G. ALLER, PE DIRECTOR

August 27, 2013

To: The Mayor and Members of Sylvania City Council

Re: **Brint & King Roundabout**  
**Appropriation of Right-of-Way**  
**7527 Brint Road**

Dear Mr. Mayor and Council Members:

Additional right-of-way is required for construction and long-term use of this project. The Lucas County Engineers office has attempted to negotiate purchase agreements for the additional right-of-way with the affected property owners. However, they have not been able to complete all of the agreements. One of those properties is within the City of Sylvania. Hence, appropriation of the property needed is an action that the City would proceed with rather than Lucas County.

The property noted above is located on the southwest corner of the intersection. The property owner has been offered \$23,750.00 for the land requested but has not accepted that offer to date. Therefore, we ask that you approve legislation to initiate appropriation proceedings. We will continue to negotiate with the property owner in hopes of coming to a mutual agreement.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.  
Director of Public Service  
KGA/dsw

**RESOLUTION NO. 11-2013****A RESOLUTION DECLARING IT NECESSARY AND DECLARING COUNCIL'S INTENT TO APPROPRIATE CERTAIN PROPERTY FOR THE BRINT AND KING ROUNDABOUT PROJECT FROM LOUISVILLE TITLE AGENCY FOR N.W. OHIO, INC., TRUSTEE; AUTHORIZING THE MAYOR TO CAUSE WRITTEN NOTICE TO BE GIVEN; AND DECLARING AN EMERGENCY.**

WHEREAS, Lucas County has decided to construct a roundabout at the Brint Road and King Road intersection to provide for better traffic flow and safety at that intersection; and,

WHEREAS, through the roundabout design process, it was determined that additional property is needed to construct the roundabout; and,

WHEREAS, the Lucas County Engineer's Office has been working with the property owners to acquire the necessary property for the project; and,

WHEREAS, one of the properties for which the Lucas County Engineer's Office has been unable to reach an agreement is located within the City of Sylvania and therefore, the City is the appropriate party to commence the appropriation action; and,

WHEREAS, the City has need to acquire 0.342 acre owned by Louisville Title Agency for N.W. Ohio, Inc., Trustee, whose legal description is attached hereto as "Exhibit A," which is designated by the City and County's engineers as necessary for the Brint and King Roundabout Project; and,

WHEREAS, the City of Sylvania and Lucas County have made good faith efforts to agree with the owner, but negotiations for the acquisition of said property between the Lucas County, the City of Sylvania and the property owner have reached an impasse and cannot be resolved by negotiations within the near future; and,

WHEREAS, it is necessary to immediately acquire the property set forth on "Exhibit A" for said project so as not to delay the commencement of the project.

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

SECTION 1. That this Council considers it necessary and declares its intention to appropriate certain property from Louisville Title Agency for N.W. Ohio, Inc., Trustee, for the purpose of the Brint and King Roundabout Project, the fee simple interest in and to the property described on the attached "Exhibit A."

SECTION 2. That the Mayor is hereby authorized to cause written notice of the passage of this Resolution to be given to the owners and persons in possession or having an interest of record in said property, which notice shall be served or given and returned according to law.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 Resolution 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 Resolution 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 reason that so as not to delay the commencement of the construction of a roundabout at the Brint and King intersection. Provided this Resolution 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, \_\_\_\_\_, 2013, as an emergency measure.

ATTEST:

\_\_\_\_\_  
Clerk of Council  
APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

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

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

8C

**MEMORANDUM**

TO: Mayor and Members of Council  
FROM: James E. Moan, Director of Law  
RE: Brint/King Roundabout Appropriation  
DATE: September 3, 2013

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The Brint/King Roundabout Project is a joint project between the City of Sylvania and Lucas County. The Lucas County Engineer's Office has been negotiating with the property owners to acquire the necessary property to construct the roundabout. The Lucas County Engineer's Office has indicated that they have been unable to reach an agreement with the beneficial owner of the property held in title by Louisville Title Agency for N.W. Ohio, Inc., Trustee.

This property is located in the City of Sylvania and therefore, the City is the appropriate entity to begin the appropriation proceedings. The City has previously had to initiate appropriation proceedings against a property owner in conjunction with the Brint Road Extension Project in 1997 and against two property owners in conjunction with the Holland-Sylvania Road Sewer Extension Project in 2001. The Resolution on tonight's agenda is the first step in the appropriation process.

9a



DEPARTMENT OF PUBLIC SERVICE  
KEVIN G. ALLER, PE, DIRECTOR

September 3, 2013

To: The Mayor and Members of Sylvania City Council

Re: **GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL  
2013 REQUEST FOR PROPOSALS (ROUND TWO)**

Dear Mr. Mayor and Council Members:

Second round funding is available as a part of the Great Lakes Basin Program for Soil Erosion and Sediment Control. In accordance with the agreement between the Great Lakes Commission (GLC) and the National Resources Conservation Service (NRCS), these grants can be used to reduce sedimentation into the Great Lakes. It is anticipated that \$800,000 will be available and approximately 1 or 2 larger watershed-scale grants and 5 to 8 small scale grants up to \$30,000 each may be funded.

The City currently has an ongoing erosion and sedimentation issue in Harroun Community Park adjacent to the St. Joe's Church parking lot. Approximately one acre of uncontrolled runoff from the parking lot travels down the embankment into the Ten Mile Creek floodplain. This point source runoff creates large washouts and unnecessary sediment deposits. To alleviate the problem, the Department would like to install curbing, storm sewer and a storm water filtration system which will control runoff and remove sedimentation from the floodplain.

The total anticipated cost of the project is \$36,000. The Department wishes to apply for one of the small scale grants in the amount of \$18,000 to cover topographic survey and materials costs for the project. The Department will commit funds in the amount of \$18,000 to provide the engineering design, labor and equipment to construct the project.

We are requesting approval to submit an application to the Great Lakes Basin Program for Soil Erosion and Sediment Control to help cover costs associated with this improvement.

Sincerely,

Kevin G. Aller  
Director of Public Service



DEPARTMENT OF PUBLIC SERVICE  
OPINION OF PROBABLE CONSTRUCTION COSTS

8/30/2013

HARROUN COMMUNITY PARK  
SOIL EROSION AND SEDIMENT REMOVAL PROJECT

ITEM	TOTAL QUANT.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
<b>GRANT REQUESTED FUNDS</b>					
<b>TOPOGRAPHIC SURVEY</b>					
SPEC	1	LUMP	TOPOGRAPHIC SURVEY	\$2,500.00	\$2,500.00
<b>MATERIALS</b>					
<b>ROADWAY</b>					
207	500	FT	PERIMETER FILTER FABRIC FENCE	\$1.00	\$500.00
<b>PAVEMENT</b>					
304	11	CU YD	AGGREGATE BASE	\$25.00	\$275.00
407	4	GALLON	TACK COAT FOR INTERMEDIATE COURSE	\$1.25	\$5.00
448	3	CU YD	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 2, PG64-22	\$100.00	\$300.00
448	2	CU YD	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22	\$112.50	\$225.00
609	353	FT	CURB, TYPE A	\$7.50	\$2,647.50
<b>DRAINAGE</b>					
603	235	FT	10" CONDUIT, TYPE B (707.45)	\$20.00	\$4,700.00
604	1	EACH	CATCH BASIN, TYPE A-2 (LUCAS COUNTY)	\$1,250.00	\$1,250.00
604	1	EACH	MANHOLE, NO. 3	\$1,250.00	\$1,250.00
SPEC	1	EACH	CATCH BASIN INSERT & FILTER	\$1,500.00	\$1,500.00
<b>MISCELLANEOUS</b>					
623	1	LUMP	CONSTRUCTION LAYOUT STAKES	\$250.00	\$250.00
<b>GRANT REQUESTED FUNDS SUBTOTAL</b>					<b>\$15,403</b>
<b>CONTINGENCY (15%)</b>					<b>\$2,310</b>
<b>TOTAL GRANT REQUESTED FUNDS</b>					<b>\$17,713</b>

<b>CITY PROVIDED FUNDS</b>					
<b>LABOR</b>					
<b>ROADWAY</b>					
201	1	LUMP	CLEARING AND GRUBBING	\$1,000.00	\$1,000.00
201	2	EACH	TREE REMOVED, 12" SIZE	\$300.00	\$600.00
202	47	SQ YD	PAVEMENT REMOVED, ASPHALT	\$5.00	\$235.00
202	47	SQ YD	CONCRETE BASE REMOVED	\$15.00	\$705.00
207	500	FT	PERIMETER FILTER FABRIC FENCE	\$1.00	\$500.00
<b>PAVEMENT</b>					
304	11	CU YD	AGGREGATE BASE	\$25.00	\$275.00
407	4	GALLON	TACK COAT FOR INTERMEDIATE COURSE	\$1.25	\$5.00
448	3	CU YD	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 2, PG64-22	\$100.00	\$300.00
448	2	CU YD	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22	\$112.50	\$225.00
609	353	FT	CURB, TYPE A	\$7.50	\$2,647.50
<b>DRAINAGE</b>					
603	235	FT	10" CONDUIT, TYPE B (707.45)	\$20.00	\$4,700.00
604	1	EACH	CATCH BASIN, TYPE A-2 (LUCAS COUNTY)	\$1,250.00	\$1,250.00
604	1	EACH	MANHOLE, NO. 3	\$1,250.00	\$1,250.00
SPEC	1	EACH	CATCH BASIN INSERT & FILTER	\$750.00	\$750.00
<b>MISCELLANEOUS</b>					
623	1	LUMP	CONSTRUCTION LAYOUT STAKES	\$250.00	\$250.00
624	1	LUMP	MOBILIZATION	\$1,000.00	\$1,000.00
<b>CITY PROVIDED FUNDS SUBTOTAL</b>					<b>\$15,693</b>
<b>CONTINGENCY (15%)</b>					<b>\$2,354</b>
<b>TOTAL CITY PROVIDED FUNDS</b>					<b>\$18,046</b>
<b>TOTAL PROJECT COST</b>					<b>\$35,759</b>

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**RESOLUTION NO. 12-2013**

**A RESOLUTION AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO FILE A GRANT APPLICATION WITH THE GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL; AND DECLARING AN EMERGENCY.**

WHEREAS, the City has an ongoing erosion and sedimentation issue in Harroun Community Park adjacent to the St. Joseph's Church parking lot; and,

WHEREAS, the Director of Public Service, in a report dated September 3, 2013, has indicated that second round funding is available as a part of the Great Lakes Basin Program for Soil Erosion and Sediment Control; and,

WHEREAS, pursuant to the agreement between the Great Lakes Commission and the Natural Resources Conservation Service, these grants can be used to reduce sedimentation into the Great Lakes; and,

WHEREAS, approximately one acre of uncontrolled runoff from the St. Joseph's Church parking lot travels down the embankment into the Ten Mile Creek floodplain and creates large washouts and unnecessary sediment deposits; and,

WHEREAS, in order to alleviate the problem, curbing, storm sewer and a storm water filtration system could be installed to control runoff and remove sedimentation from the floodplain; and,

WHEREAS, the total estimated cost of the improvements is \$36,000, with a grant application being made for the amount of \$18,000 with the City's share being \$18,000 to provide the engineering design, labor and equipment to construct the project.

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

SECTION 1. That the Mayor and Director of Finance of the City of Sylvania are hereby authorized to file a grant application for the Great Lakes Basin Program for Soil Erosion and Sediment Control.

SECTION 2. It is hereby found and determined that for all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Resolution in the office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12 of the Charter of this City.

SECTION 4. That this Resolution 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 file its application for the grant at the earliest possible time so as not to miss the deadline and therefore this Resolution should be made effective immediately. Provided this Resolution 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, \_\_\_\_\_, 2013, as an emergency measure.

ATTEST:

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
President of Council

APPROVED AS TO FORM:

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