

Minutes of the Meeting of Council  
April 18, 2011

The Council of the City of Sylvania, Ohio met in regular session on Monday, April 18, 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(6); absent: Mary Westphal, excused by Mayor Stough (1). Roll call: Westphal absent, excused.

Mr. Milner led the Pledge of Allegiance to the United States of America. Pledge of Alleg.

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

Requests were made for the following additions to the agenda:

Additions to the agenda.

- 5a. Criterium bike race.
- 10b. Replacement to Ordinance 27-2011.
- 10c. Ordinance 32-2011.
- 13a. Schedule a Zoning & Annexation Committee meeting.
- 17. Miss Ohio signage.
- 18. Proposed mural painting at Burnham Park.

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

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

Mr. Milner presented the April 4 minutes. Mr. Milner moved, Mrs. Husman 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 April 4, 2011 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Brown (6) yeas; (0) nays. The motion carried. Approval of the April 4 minutes.

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

Mayor Stough presented framed Resolution No. 7-2011 to the Southview Cougarettes Dance Team, and Coach Heather Smith in commendation of their First Place finish in the Jazz Division in the state competition. Cougarettes Resolution.

John Card, San Benito, was present and explained a Criterium bike race which is a course of less than one mile usually set in historic neighborhoods. The group wants to have the race August 7 in the neighborhood around Burnham Park. Economic Criterium Race, August 7.

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Development/Administrative Services Coordinator Bill Sanford reported that letters were sent to 75 households in the area around the park and he received one negative response. Police Chief Bill Rhodus said that residents will be accommodated, and will be given access to their driveways. Mr. Card said that Frank Kistler is sponsoring the event and will provide financial supports for extra police. Mr. Haynam moved, Mrs. Cappellini seconded, to endorse the Criterium Race with the understanding that Bill Sanford will be the point person in coordinating it, and will update Council; roll call vote being: Haynam, Husman, Luetke, Milner, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

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

Mr. Brown presented and read aloud by title only, for the Second Reading, proposed Ordinance No. 16-2011, a written copy of same having been previously furnished to each member of Council, "Authorizing a lease between the City of Sylvania, as lessor, and New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, as lessee, of a portion of the water tower within Burnham Park and additional land in Burnham Park, for the purpose of installing, constructing, maintaining, repairing, operating, altering, inspecting and removing communications fixtures, determining said City owned property not to be needed for municipal purposes during the time of the proposed lease; authorizing the Mayor and Director of Finance to sign such a lease on behalf of the City of Sylvania, Ohio; and declaring an emergency." Mr. Brown moved, Mr. Milner seconded, that Council dispense with the Third Reading of said Ordinance; roll call vote being: Husman, Luetke, Milner, Brown, Cappellini (5) yeas; Haynam (1) nay. The motion carried.

Ordinance 16-2011, "Authorizing a lease.. New Cingular Wireless ...water tower... Burnham Park..."

Mr. Brown moved, Mr. Milner seconded, that Ordinance No. 16-2011 be enacted as an emergency measure as declared therein. Mr. Haynam said he is voting against the ordinance as he has specific concerns about some of the terms and conditions, among them that the lease can be renewed for 25 years, and this is longer than the expected life of the water tower, and that the City may have to reimburse the company should there be loss of service. Law Director James Moan replied that the terms are the same that the City has with other tower tenants. The aggregate revenue is \$183,000 for the first five years. Mrs. Husman suggested that some of the funds be set aside to restore the park. Vote on the motion for final passage being: Luetke, Milner, Brown, Cappellini, Husman (5) yeas; Haynam (1) nay. The motion carried.

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

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 23-2011, a

Ordinance 23-

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written copy of same having been previously furnished to each member of Council, “An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances; to repeal ordinances in conflict therewith; to publish the enactment of new matter; and declaring an emergency.” Mr. Milner moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Milner, Brown, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

2011, “...approve, adopt and enact... replacement pages ...Codified Ordinances...”

Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 23-2011 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner (6) yeas; (0) nays. The motion carried.

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

Service Director Jeffrey Ballmer’s reports on the bids received for the Highland Meadows and Griffith Park Improvements, and the proposal for daily construction inspection for the project were placed on file. Mr. Brown presented and read aloud by title only, proposed Ordinance No. 24-2011, a written copy of same having been previously furnished to each member of Council, “Accepting the bid of PHC, Inc., and awarding the contract for the Highland Meadows and Griffith Park Improvements Project to same; authorizing the expenditure for the improvements in the amount of \$1,275,701.35; appropriating funds therefore; 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: Cappellini, Haynam, Husman, Luetke, Milner, Brown (6) yeas; (0) nays. The motion carried.

Ordinance 24-2011, “Accepting the bid of PHC... Highland Meadows and Griffith Park Improvements...”

Mr. Brown moved, Mr. Haynam seconded, that Ordinance No. 24-2011 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Milner, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

Mr. Brown presented and read aloud by title only, proposed Ordinance No. 25-2011, a written copy of same having been previously furnished to each member of Council, “Accepting the proposal of Northwest Consultants, Inc., to provide construction inspection for the Highland Meadows and Griffith Park Improvements - East Phase; appropriating funds therefore in an amount not to exceed \$91,248; and declaring an emergency.” Mr. Brown moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Milner, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

Ordinance 25-2011, “Accepting the proposal of Northwest Consultants... inspection... Highland Meadows Griffith Park...”

Mr. Brown moved, Mrs. Husman seconded, that Ordinance No. 25-2011 be enacted as

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an emergency measure as declared therein; roll call vote being: Luetke, Milner, Brown, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried.

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

Mr. Brown presented and read aloud by title only, proposed Ordinance No. 26-2011, 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 Stephen G. Scarvellis Builder, LLC, developers in Sylvania Township, Lucas County, Ohio, relative to the connection of others to a sanitary sewer line constructed by developer along Corey Road; and declaring an emergency.” Mr. Brown moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Milner, Brown, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

Ordinance 26-2011, “...agreement...Scarvellis Builder...sanitary sewer...”

Mr. Brown moved, Mr. Milner seconded, that Ordinance No. 26-2011 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner (6) yeas; (0) nays. The motion carried.

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

Mayor Stough presented the scope of increases in the work of JDRM Engineering for the engineering of the relocation of utility services on Monroe Street in downtown. Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 27-2011, a written copy of same having been previously furnished to each member of Council, “Accepting the proposal of JDRM Engineering, Inc., to provide engineering design for the Monroe Street Utilities Relocation Project; appropriating funds therefore in the amount of \$19,740; and declaring an emergency.” Mr. Luetke 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, Brown (6) yeas; (0) nays. The motion carried.

Ordinance 27-2011, “Accepting the proposal of JDRM Engineer... design for the Monroe Street Utilities Relocation...”

Mr. Luetke moved, Mr. Brown seconded, that Ordinance No. 27-2011 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Milner, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 32-2011, a written copy of same having been previously furnished to each member of Council, “Accepting the proposal of Poggemeyer Design Group, Inc., to provide downtown planning services to assist the City in preparing a Downtown Plan; appropriating funds therefore in an amount not to exceed \$30,000; and declaring an emergency.” Mr.

Ordinance 32-2011, “Accepting the proposal of Poggemeyer... downtown

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Luetke moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Milner, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.      planning services ...”

Mr. Luetke moved, Mrs. Husman seconded, that Ordinance No. 32-2011 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Milner, Brown, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried.

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

It was noted that the following ordinances increase some fees to recover costs to the City, and will not increase revenue. Mr. Brown presented and read aloud by title only, proposed Ordinance No. 28-2011, a written copy of same having been previously furnished to each member of Council, “Amending Chapter 735 of the Sylvania Codified Ordinances by amending Section 735.03 - Sales on Private Property; license; registration; 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: Milner, Brown, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.      Ordinance 28-2011, “Amending Chapter 735... Sales on Private Property...”

Mr. Brown moved, Mrs. Husman seconded, that Ordinance No. 28-2011 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner (6) yeas; (0) nays. The motion carried.

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 29-2011, a written copy of same having been previously furnished to each member of Council, “Amending Chapter 755 of the Sylvania Codified Ordinances by amending Section 755.05 - False Alarms; fees, exceptions; 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: Cappellini, Haynam, Husman, Luetke, Milner, Brown (6) yeas; (0) nays. The motion carried.      Ordinance 29-2011, “Amending Chapter 755... False Alarms...”

Mr. Milner moved, Mrs. Husman seconded, that Ordinance No. 29-2011 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Milner, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 30-2011, a written copy of same having been previously furnished to each member of Council, “Amending Chapter 351 of the Sylvania Codified Ordinances by amending Section 351.20 - Offenses and Fines for which payment may be made to City under certain conditions; and declaring an emergency.” Mr. Haynam moved, Mr. Luetke seconded,      Ordinance 30-2011, “Amending Chapter 351... Offenses and Fines....”

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that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Milner, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

Mr. Haynam moved, Mrs. Husman seconded, that Ordinance No. 30-2011 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Milner, Brown, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried.

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

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 31-2011, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into an agreement on behalf of the City of Sylvania between the City of Sylvania and the Board of Lucas County Commissioners for the Suburban Court Services Program; agreeing to participate in funding a portion of the local share for Suburban Courts' Services; appropriating \$25,000 therefore; and declaring an emergency." Mr. Milner moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Milner, Brown, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

Ordinance 31-2011, "...enter into an agreement... Suburban Court Services..."

Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 31-2011 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner (6) yeas; (0) nays. The motion carried.

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

Mr. Haynam presented the Planning Commission's recommendations on the proposed zoning code changes. He said the Zoning & Annexation Committee will meet prior to the public hearing to discuss the recommendations. The Zoning & Annexation Committee will meet on May 16 at 5:30 p.m., and on May 23 at 4:00 p.m. if a second meeting is necessary.

Zoning Comm. meets May 16, 5:30 p.m., May 23, 4:00 p.m.

Mr. Haynam moved, Mr. Luetke seconded, to set the public hearing for the zoning code changes for June 6 at 6:00 p.m., and to authorize the clerk to advertise for same; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Brown (6) yeas; (0) nays. The motion carried.

June 6, 6:00 p.m. public hearing for zoning changes.

Mayor Stough stated that Council will now consider agenda item 14.

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Mr. Haynam presented the Planning Commission's recommendation for zoning ordinance amendment petition no. PD-1-2011, Tam O'Shanter. Mr. Haynam moved, Mr. Luetke seconded, to set the public hearing date for June 6 at 7:20 p.m., and to authorize the clerk to advertise for same; roll call vote being: Haynam, Husman, Luetke, Milner, Brown, Cappellini (6) yeas; (0) nays. The motion carried. June 6, 7:20 p.m. public hearing for PD-1-2011.

There were no items for 15 and 16, and Mayor Stough stated that Council will now consider agenda item 17.

There was discussion on signage to recognize Becky Minger as Miss Ohio. The Service Director will consider the options and make a recommendation. Honorary signage.

Mayor Stough stated that Council will now consider agenda item 18.

Mrs. Cappellini said the wall around Burnham Park is due to be painted, and the Hudson Gallery suggest doing a few sections in a mural. Northview and Southview art teachers will be asked to recommend students to do the artwork. Council agreed and will have final approval. Burnham Park mural.

Mayor Stough stated that all items on the agenda had been considered. Mr. Haynam moved, Mr. Brown seconded, that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 9:20 p.m. Adjournment.

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Clerk of Council

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Mayor