

Minutes of the Meeting of Council
April 4, 2011

The Council of the City of Sylvania, Ohio met in regular session on Monday, April 4, 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, Doug Haynam, Sandy Husman, Mark Luetke, Todd Milner, Mary J. Westphal (6); absent: Katie Cappellini, excused by Mayor Stough (1).

Roll call:
Cappellini absent,
excused.

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 additions to the agenda:

Amendments to
the agenda.

- 4a. Report on the 7:15 public hearing.
- 4b. Chamber awards.
5. Withdrawn.
8. Extension of the 45 day report back from the Planning Commission.
- 10a. Rite Aid liquor permit transfer.
- 12a. Safety Committee report.
- 14a. Update on the Highland Meadows/Griffith Park street paving project.
- 14b. Waterline repair on Convent Blvd.

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

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

Mr. Milner presented the March 21 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 March 21, 2011 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown (6) yeas; (0) nays. The motion carried.

Approval of the
March 21
minutes.

Mr. Haynam reported that no one present at the public hearing for SUP-1-2011 objected to designating the Kingston Care Center, 4121 and 4125 King Road, a special use of the property. The change will correct the zoning classification that was not maintained when the property was annexed into the City. Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 22-2011, a written copy of same having been previously furnished to each member of Council, "Granting a Special Use permit to allow the operation of an assisted living facility at 4121 and 4125 King

Ordinance 22-
2011, "Granting a
special use permit
...Kingston Care
Center..."

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Road, Sylvania, Ohio on the application of Kent A. Libbe, Vice President of Kingston Care Center of Sylvania, LLC, on the recommendation of the Municipal Planning Commission; and declaring an emergency.” Mr. Haynam moved, Mr. Milner seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Haynam (6) yeas; (0) nays. The motion carried.

Mr. Haynam moved, Mr. Luetke seconded, that Ordinance No. 22-2011 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Milner, Westphal, Brown, Haynam, Husman (6) yeas; (0) nays. The motion carried.

Mayor Stough reported that the Chamber of Commerce awarded the City the Non-Profit Chamber Champion of the year at the Chamber Expo’s preview. The City will also be honored at the April 5 meeting as the Organization of the Month.

Chamber awards.

Since item 5 had been withdrawn by Ms. Gootte Mayor Stough stated that Council will now consider agenda item 6.

Assistant Law Director Leslie Brinning explained the changes made to the Cingular Wireless lease. Mr. Haynam requested more time to review it since Council received the revised lease today. After discussion, Mr. Brown presented and read aloud by title only, for the First 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.”

First Reading of Ordinance 16-2011, Cingular Wireless lease agreement.

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

Service Director Jeffrey Ballmer’s report on the demolition proposals received was placed on file. Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 21-2011, a written copy of same having been previously furnished to each member of Council, “Accepting the proposal of Paschal Bihn and Sons Excavating to demolish the existing structures at 6715 Maplewood and 6453 Monroe; appropriating funds therefore in the amount of \$18,720; and declaring an emergency.” Mrs. Husman moved, Mr. Milner seconded, that Council dispense with the Second and

Ordinance 21-2011, “Accepting the proposal of Paschal Bihn... demolish...”

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Third Readings of said Ordinance; roll call vote being: Milner, Westphal, Brown, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

Mrs. Husman moved, Mrs. Westphal seconded, that Ordinance No. 21-2011 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Brown, Haynam, Husman, Luetke, Milner (6) yeas; (0) nays. The motion carried.

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

Mayor Stough presented the Planning Commission's report on their review of the final draft of the zoning code amendments. The commission requests an extension of the 45 day report back deadline, and will have their recommendation to Council by the April 18 meeting. Mr. Haynam objected to the extension and encouraged the Planning Commission to submit their report by April 11. Zoning code amendments.

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

Mr. Haynam presented zoning ordinance amendment petition no. PD-1-2011, a request from Tom Cline, Sylvania Tam O'Shanter, to amend the existing planned development of the property at 7060 Sylvania Avenue to allow for an addition for office space and storage. Mr. Haynam moved, Mrs. Westphal seconded, to refer PD-1-2011 to the Municipal Planning Commission for review and recommendation; roll call vote being: Brown, Haynam, Husman, Luetke, Milner, Westphal (6) yeas; (0) nays. The motion carried. PD-1-2011 to Planning Comm.

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

Mrs. Westphal moved, Mr. Milner seconded, not to request a hearing on liquor permit no. 4619131, a transfer of the C1, C2, and D6 liquor permit from Sylvan Pantry, Ltd, d/b/a Sylvan Pantry, 4900 McCord Rd., Unit B6 to Khodal India, LLC, d/b/a Sylvan Pantry, 4900 McCord Rd., Unit B6; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown (6) yeas; (0) nays. The motion carried. No hearing requested for liquor permit transfer, Sylvan Pantry.

Mrs. Westphal moved, Mr. Luetke seconded, not to request a hearing on liquor permit no. 50093602390, a transfer of the C2, C2X liquor permit from Rite Aid of Ohio, Inc., d/b/a Rite Aid 2354, 4018 N. McCord Rd., to Lane Drug Company, d/b/a Rite Aid 2354, 4018 N. McCord Rd.; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Haynam (6) yeas; (0) nays. The motion carried. No hearing requested for Rite Aid liquor permit transfer.

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

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Mayor Stough gave an update on the TMACOG Water Study. He said that committee meetings are ongoing, and the Policy Committee meets on April 13. Water study update.

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

Mrs. Westphal reported on the April 1 Safety Committee meeting. The committee discussed the Police Department fee schedule. Mrs. Westphal moved, Mr. Milner seconded, to authorize legislation increasing the fees and penalties for the code as described by Mrs. Westphal; roll call vote being: Luetke, Milner, Westphal, Brown, Haynam, Husman (6) yeas; (0) nays. The motion carried. Legislation authorized, increase fees in Police Dept.

Mrs. Westphal said that the committee also considered juvenile curfew times. They recommend no action on this based on the Police Chief's report that a review of the past six months of records show no juvenile crime problem. Safety Comm.

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

Mayor Stough said the Highland Meadows/Griffith Park Phase 1 street improvement project was not completed before winter, and some settling in driveways and other places has occurred. These areas will be restored, and the paving will be done and trees will be planted by the end of the month. Street project update.

The Mayor also reported that Convent Blvd. is closed until Thursday due to a waterline repair. The break occurred at a fire hydrant. Convent Blvd. waterline repair.

There was a brief discussion on the anticipated cuts in local government funds and its effect on the budget.

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 (6); (0) nays. The motion carried and the meeting adjourned at 8:25 p.m. Adjournment.

Clerk of Council

Mayor