

Minutes of the Meeting of Council  
February 7, 2011

The Council of the City of Sylvania, Ohio met in regular session on Monday, February 7, 2011 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: V. Michael Brown, Katie Cappellini, Doug Haynam, Sandy Husman, Mark Luetke, Todd Milner, Mary J. Westphal (7); absent: (0). Roll call: all present.

Mayor Stough 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.

- 6a. Finance Committee report.
- 11. Replacement Ordinance 9-2011.
- 13a. Utilities & Environment Committee report.
- 13b. Report on the wind turbine seminar in Blissfield.
- 13c. Zoning & Annexation Committee report.

Mr. Haynam moved, Mrs. Cappellini seconded, to approve the agenda as amended; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

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

Mr. Milner presented the January 18 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 January 18, 2011 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried. Approval of the January 18 minutes.

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

Mr. Luetke presented and read aloud by title only, proposed Resolution No. 5-2011, a written copy of same having been previously furnished to each member of Council, "Appointing Bruce Groves to the Board of Trustees of Sylvania Area Joint Recreation District (SAJRD) to fill the unexpired term of Gregory D. Stalter; and declaring an emergency." Mr. Luetke moved, Mr. Milner seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini (7) yeas; (0) nays. The motion carried. Resolution 5-2011, "Appoint... Bruce Groves... SAJRD..."

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Mr. Luetke moved, Mrs. Husman seconded, that Resolution No. 5-2011 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

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

Mr. Milner reported that the Finance Committee met on January 28 to review the budget. They also discussed providing a private contractor to cut ash trees on private property, and allow the cost to be assessed to the property owner. Another topic was the contract for public defender services. Mr. Milner noted that the Administration did cut the deficit amount. Mr. Milner presented and read aloud by title only, proposed Ordinance No. 4-2011, a written copy of same having been previously furnished to each member of Council, "To make appropriations for current expenditures and other expenditures of the City of Sylvania, Ohio, for the fiscal year ending December 31, 2011; 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: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman (7) yeas; (0) nays. The motion carried.

Ordinance 4-2011, "To make appropriations... December 31, 2011..."

Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 4-2011 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke (7) yeas; (0) nays. The motion carried.

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

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 5-2011, 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 with the Board of County Commissioners of Lucas County, Ohio, for after hours animal control services by the Dog Warden of Lucas County, Ohio; and declaring an emergency." Mrs. Westphal moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner (7) yeas; (0) nays. The motion carried.

Ordinance 5-2011, "...agreement...Lucas County...After Hours Animal Control Services ..."

Mrs. Westphal moved, Mr. Haynam seconded, that Ordinance No. 5-2011 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

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

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Mr. Milner presented and read aloud by title only, proposed Ordinance No. 6-2011, 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, Ohio, with the Board of Lucas County Commissioners, for the provision of Public Defender Services to the Sylvania Municipal Court for the year 2011; 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, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Ordinance 6-2011, "...Lucas County...Public Defender Services...Court ..."

Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 6-2011 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini (7) yeas; (0) nays. The motion carried.

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

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 7-2011, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to expend an amount not to exceed \$14,400 for landscaping and irrigation relative to the Gateway Project; appropriating funds therefore; and declaring an emergency." Mrs. Cappellini moved, Mr. Brown 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 7-2011, "...\$14,400 for landscaping and irrigation... Gateway Project ..."

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

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

Service Director Jeffrey Ballmer's report on the bids received for the Centennial/Little Waterline Project, for work to be done in preparation for the new water tower, was placed on file. Mr. Brown presented and read aloud by title only, proposed Ordinance No. 8-2011, a written copy of same having been previously furnished to each member of Council, "Accepting the bid of Underground Utilities, Inc., and awarding the contract for the Centennial/Little Waterline Project to same; authorizing the expenditure for the improvements in the amount of \$430,518.30; appropriating funds therefore; and declaring an emergency." Mr. Brown moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call

Ordinance 8-2011, "Accepting the bid of Underground Utilities... Centennial/Little Waterline..."

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

Mr. Brown moved, Mrs. Husman seconded, that Ordinance No. 8-2011 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner (7) yeas; (0) nays. The motion carried.

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

Mr. Brown reported that the Utilities & Environment Committee met on January 28, and the regulations for illicit discharge and illegal connection control regarding sanitary sewers was one of the items considered. Mr. Brown presented and read aloud by title only, proposed Ordinance No. 9-2011, a written copy of same having been previously furnished to each member of Council, "Amending Part Nine - Streets, Utilities and Public Services Code of the Sylvania Codified Ordinances by adding Chapter 930 - Illicit Discharge and Illegal Connection Control; 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: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner (7) yeas; (0) nays. The motion carried.

Ordinance 9-2011, "Amending Part Nine...by addition Chapter 930..."

Mr. Brown moved, Mr. Luetke seconded, that Ordinance No. 9-2011 be enacted as an emergency measure as declared therein. After discussion, Mr. Haynam moved, Mr. Milner seconded, to amend Section 930.02 of the regulations by deleting references to Section 930.07, and substituting 930.05; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

Amendments to "Exhibit A."

Mrs. Husman moved, Mr. Milner seconded, to change BMOs to BMPs in Section 930.03; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Vote on final passage of amended Ordinance No. 9-2011 as an emergency measure 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 12.

Mrs. Westphal moved, Mr. Luetke seconded, not to request a hearing on the transfer of a D1, D2 liquor permit from Charlies Homemade Pizza & Edibles, Inc. d/b/a Charlies Homemade Pizza, 6600 Sylvania Ave., Unit 3C to C Saw LLC, d/b/a Charlies Homemade Pizza, 6600 Sylvania Ave., Unit 3C; roll call vote being: Luetke, Milner,

No hearing requested for liquor license transfer, Charlies

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

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

Mr. Brown gave the balance of his report on the January 28 Utilities & Environment Committee meeting. The committee is looking at additional ways to offset the cost of water to our citizens. Sylvania is working with TMACOG on creating a regional water district. Mr. Brown attended the wind turbine seminar in Blissfield, Michigan on February 5. The main theme was the effects of a wind farm on a community. Wind can only supplement power as energy companies are required to have enough energy during peak usage times. The cost for wind energy is high, but it is subsidized by the government. The site is west of the city limits. Mr. Brown recommends a resolution of preference that the turbines be at least two miles from the city limits. Mr. Milner moved, Mrs. Husman seconded, to refer further study on the wind farms impact on the City to the Utilities & Environment Committee; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke (7) yeas; (0) nays. The motion carried. Utilities Comm. report.

Mr. Haynam reported that the Zoning & Annexation Committee met at 7:00 for finishing work on the new zoning code. Poggemeyer will prepare the final draft, and a public meeting will be held at 5:30 p.m. on March 7 in Council Chambers to get public input prior to the code being referred to the Municipal Planning Commission. Zoning code hearing March 7, 5:30 p.m.

Mayor Stough stated that all items on the agenda had been considered. Mrs. Westphal moved, Mr. Brown seconded, that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 9:00 p.m. Adjournment.

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Clerk of Council

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Mayor