

Minutes of the Meeting of Council
June 18, 2012

The Council of the City of Sylvania, Ohio met in regular session on Monday, June 18, 2012 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, Mary J. Westphal (6); absent: Todd Milner (1), excused by Mayor Stough. Roll call: Milner absent, excused.

Mrs. Cappellini 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.

- 3a. Election of a President Pro Tem.
- 4a. Proposed Ordinance 39-2012, Lourdes University PD.
- 11a. Report of the June 11 Economic Development sub-Committee.
- 11b. Report of the June 6 Employee & Community Relations Committee.
- 11c. Report on the June 7 Committee-of-the-Whole.
- 13. Report on the 7:15 public hearing.
- 14. Proposed Resolution 9-2012.
- 15. Discussion on the county charter issue.

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

Due to Mr. Milner's absence, Mrs. Cappellini moved, Mr. Haynam seconded, to nominate Mark Luetke as President Pro Tem. There were no other nominations, and all present voted yea (6); (0) nays. The motion carried. Luetke President Pro Tem.

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

Mr. Luetke presented the June 4 meeting minutes. Mr. Luetke 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 June 4, 2012 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Haynam, Husman, Luetke, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried. Approval of the June 4 meeting minutes.

Mr. Haynam was excused due to a possible conflict, as previously noted for any action or discussion on the Lourdes University PD. Haynam excused.

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Law Director Jim Moan explained that the history of the process in considering Zoning Ordinance Amendment Petition No. PD-1-2012, the planned development for Lourdes University, was detailed in Ordinance 39-2012. Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 39-2012, a written copy of same having been previously furnished to each member of Council, "Modifying the recommendation of the Municipal Planning Commission relative to Planned Development Application PD-1-2012 of Robert C. Helmer, President of Lourdes University; 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: Husman, Luetke, Westphal, Brown, Cappellini (5) yeas; (0) nays. The motion carried.

Ordinance 39-2012, "Modifying the recommendation... PD-1-2012...Lourdes University..."

Mr. Luetke moved, Mr. Brown seconded, that Ordinance No. 39-2012 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Westphal, Brown, Cappellini, Husman (5) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 5 and Mr. Haynam returned for the remainder of the meeting.

Haynam returns.

Mayor Stough reported his meeting with Flower Hospital President Alan Sattler requesting the led lights to be turned off at 10:00 p.m. The hospital is only committed to leaving them at 50% power. Mr. Sattler indicated he will discuss the request with his supervisor. Mr. Moan explained the options for changing the zoning code to address the issue of facade lighting. He referred to his memo dated June 14 detailing options. Mr. Haynam moved, Mrs. Husman seconded, to refer the memo to the Zoning & Annexation Committee and to authorize proposed legislation be provided for that meeting; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

Facade lighting issue referred to Zoning & Annexation Comm.

Nancy Ike, 5227 Harroun, referred to a letter Mr. Haynam wrote her sister that the lighting is against the current sign code. She believes Flower Hospital was not forthright with its intentions when seeking advice on the need for a permit. Mrs. Ike believes the sign code clearly prohibits that type of lighting. Norm Koenigseker, 6311 Oakland Ct., who lives on the corner of Harroun said he was never notified of neighborhood meetings. He said the led lights are not as bothersome as the emergency entrance lights. Jim Ike reiterated his stance that the lights be removed, and cited a May 17 memo from the Law Director. Mahlin Carroll, 5025 Brinthaven, suggested that a device be installed that will dim the lights as evening progresses to lessen the brightness.

Residents speak about Flower Hospital lights.

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

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Service Director Kevin Aller's report on the River Trail Improvements change order was placed on file. Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 35-2012, 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 Hank's Plumbing and Heating Co., for the River Trail Improvements- Phase I project which reflects the actual materials used and work performed on this project; increasing the contract amount by \$19,668.49 appropriating funds therefore; and declaring an emergency." Mrs. Cappellini 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, Westphal (6) yeas; (0) nays. The motion carried.

Ordinance 35-2012, "...approve Change Order... River Trail..."

Mrs. Cappellini moved, Mr. Haynam seconded, that Ordinance No. 35-2012 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Haynam, Husman, Luetke, Westphal, Brown (6) yeas; (0) nays. The motion carried.

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

The Service Director's report on the change order for the new water tank was placed on file. Mr. Brown presented and read aloud by title only, proposed Ordinance No. 36-2012, 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. 1 to this City's agreement with CB&I Constructors, Inc., for the 2 MG Elevated Water Tank project which reflects work to be performed on this project; increasing the contract amount by \$39,308.85; appropriating funds therefore; 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: Haynam, Husman, Luetke, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

Ordinance 36-2012, "...Change Order...water tank..."

Mr. Brown moved, Mr. Haynam seconded, that Ordinance No. 36-2012 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

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

Mayor Stough presented the Fiscal Officer's Certificate in connection with the issuance of bonds for the purpose of a lower interest cost.. Mr. Luetke moved, Mr. Haynam seconded to accept the Fiscal Officer's Certificate for filing in connection with the issuance and sale of bonds in the maximum principal amount of \$3,800,000 (the Bonds) for the purpose of refunding at a lower interest cost certain of the City's outstanding Street Improvement Bonds, Series 2004, dated April 28, 2004; roll call vote being:

Fiscal Officer's Certificate accepted for filing.

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Luetke, Westphal, Brown, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried.

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 37-2012, a written copy of same having been previously furnished to each member of Council, "An Ordinance providing for the issuance and sale of bonds in the maximum principle amount of \$3,800,000 for the purpose of refunding at a lower interest cost certain of the City's outstanding Street Improvement Bonds, Series 2004, dated April 28, 2004; 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: Westphal, Brown, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

Ordinance 37-2012, "...providing for the issuance and sale ...bonds...lower interest..."

Mr. Luetke moved, Mrs. Westphal seconded, that Ordinance No. 37-2012 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Westphal (6) yeas; (0) nays. The motion carried.

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

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 38-2012, a 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. Luetke moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Haynam, Husman, Luetke, Westphal, Brown (6) yeas; (0) nays. The motion carried.

Ordinance 38-2012, "...approve, adopt...current Replacement Pages to the Cod. Ordinances..."

Mr. Luetke moved, Mr. Brown seconded, that Ordinance No. 38-2012 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

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

Mr. Aller reported that one bid was submitted for the Safe Routes to Schools project, and it was well over 10% of the estimate. The consultant is reviewing the specs. Mr. Haynam moved, Mrs. Westphal seconded, to authorize the clerk to re-bid the project; roll call vote being: Husman, Luetke, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

Re-bidding for Safe Routes to Schools project.

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

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Mr. Luetke reported that the Economic Development sub-Committee met on June 11 to review the preliminary final report of the downtown plan. The public comment period expires June 30. The Committee will meet on Tuesday, July 10, 2012 at 8:15 a.m. in the Zimfper Conference Room, (1 st floor) at the Sylvania Schools Administration Offices, 4747 N. Holland-Sylvania Rd., Sylvania, OH 43560.	Economic Dev. sub-Comm., July 10, 8:15 a.m., Sylvania School Board offices.
Mr. Luetke reported on the June 6 Employee & Community Relations Committee meeting to meet with TARTA staff. After discussion of putting an initiative on the ballot in November versus further studying alternatives of providing public transportation, the general consensus is to continue seeking other transport modes. The committee will meet jointly with Utilities & Environment Committee on the matter. Mr. Haynam said now is the appropriate time to put the issue on the ballot. He feels that a provider can be found to furnish accessible service on a limited basis for less than we pay TARTA. Mr. Luetke moved, Mr. Brown seconded, to refer the issue of alternative transportation service to a joint meeting of the Employee & Community Relations and the Utilities & Environment Committees; roll call vote being: : Luetke, Westphal, Brown, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried.	TARTA report.
Mr. Brown gave a report of the June 7 Committee-of-the-Whole meeting to review the Streets Department budget. The number of employees, overtime costs, and the five year capital improvements and maintenance schedule were analyzed.	C-O-W report.
Mr. Haynam set a Zoning & Annexation Committee meeting for July 5 at 4:30 p.m. to consider regulating facade lighting.	Zoning Comm., July 5, 4:30.
There were not items for 12 and Mayor Stough stated that Council will now consider agenda item 13.	
Mrs. Westphal reported on the 7:15 public hearing for Ordinance No. 25-2012, amending Section 1103.22 of the Planning and Zoning Code which requires zoning certificates for the demolition of structures older than 50 years. The Planning Commission recommended approval with the number of years changed to 75. After discussion on the number of years, Mrs. Westphal moved, Mrs. Husman seconded, to authorize legislation modifying the Planning Commission's recommendation to structures older than 65 years; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.	Legislation authorized, demolition of structures.
Mayor Stough stated that Council will now consider agenda item 14.	
Mr. Haynam presented and read aloud by title only, proposed Resolution No. 9-2012, a	TARTA

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written copy of same having been previously furnished to each member of Council, resolution.
“Placing the issues of the City’s continued membership in the Toledo Area Regional
Transit Authority (TARTA) and relief from TARTA property taxes on the ballot
pursuant to O.R.C. 306.55 and declaring an emergency.” Mr. Haynam moved, Mr.
Luetke seconded, that Council dispense with the Second and Third Readings of said
Resolution. After a brief discussion where Mrs. Husman spoke against taking any
action before an alternate plan is in place, the vote on the motion was: Haynam (1) yea;
Brown, Cappellini, Husman, Luetke, Westphal (5) nays. The motion failed.

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

Mr. Haynam said that the proposed County Charter Amendment was forwarded to him County Charter
and he has forwarded it to Council members for their review. Amendment.

Mayor Stough stated that all items on the agenda had been considered. Mrs. Cappellini Adjournment.
moved, Mrs. Husman seconded, that this meeting adjourn; all present voting yea (6);
(0) nays. The motion carried and the meeting adjourned at 9:05 p.m.

Clerk of Council

Mayor