

Minutes of the Meeting of Council  
March 7, 2011

The Council of the City of Sylvania, Ohio met in regular session on Monday, March 7, 2011 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: Katie Cappellini, Doug Haynam, Sandy Husman, Mark Luetke, Todd Milner, Mary J. Westphal (6); absent: V. Michael Brown, excused by Mayor Stough (1). Roll call: Brown absent, excused.

Mr. Haynam 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.

- 4a. Report on the public meeting for the zoning code changes.
- 4b. Josh Nolan with an update on the Michigan wind farm hearings.
- 13. Request from Whiteford Township, Michigan to accept sewage that would come from certain areas of Ottawa Lake.

Mr. Haynam moved, Mr. Luetke seconded, to approve the agenda as amended; roll call vote being: Cappellini, 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 February 22 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 February 22, 2011 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried. Approval of the February 22 minutes.

Mr. Haynam reported that a public meeting was held at 5:30 on the proposed zoning code changes. Planning Commission and Board of Zoning Appeals members were present along with other interested parties. Progress is being made and the project is moving forward. The code has been referred to the Planning Commission for review and recommendation. Zoning code meeting report.

Josh Nolan, 6140 Sunny Lake, reported that Riga Township is holding a public hearing on the zoning amendments for the proposed wind turbine farms. This is the only hearing the township is required to have. He asked the City to take some action on formerly opposing the project even though it has not been fully studied by the Utilities Riga Twp. wind turbine farms.

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& Environment Committee at this time. He asked that representatives attend the hearing, and asked for correspondence similar to that provided by the Sylvania Township Trustees requesting a one year moratorium. After discussion, Council concurred that the issue should not be removed from committee at this time. Mr. Milner did say he will represent the City at the hearing on March 10.

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

Law Director James Moan explained the reasons for the license agreement over a portion of City right-of-way at the site of the new Rite-Aid. Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 14-2011, a written copy of same having been previously furnished to each member of Council, "Granting to WXZ/PW Retail Group/MS, LLC a license to enter a portion of City owned right-of-way to install a two foot concrete slab, an underground footer, an entrance canopy and an awning; authorizing the Mayor and Director of Finance to sign the license agreement; and declaring an emergency." Mrs. Husman moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Milner, Westphal, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

Ordinance 14-2011, "Granting ...a license to enter a portion of City owned right-of-way..."

Mrs. Husman moved, Mr. Milner seconded, that Ordinance No. 14-2011 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Milner, Westphal, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried.

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

Service Director Jeffrey Ballmer's report on the change order for the Alexis Road improvements was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance No. 15-2011, 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. 8 to this City's agreement with Gerken Paving, Inc. for the SR 184 (Alexis Road) Improvement project which reflects as-built quantities to remove and repair a portion of the intersection of Alexis and Roberts Road; decreasing the City's portion of the contract amount by \$1,797.83; 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: Milner, Westphal, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

Ordinance 15-2011, "...approve Change Order No. 8...Alexis Road Improvement..."

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Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 15-2011 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Haynam, Husman, Luetke, Milner (6) yeas; (0) nays. The motion carried.

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

After brief discussion Mr. Milner moved, Mr. Luetke seconded, to refer proposed Ordinance No. 16-2011, authorizing a lease to New Cingular Wireless for a portion of the water tower in Burnham Park, to the Utilities & Environment Committee for review and recommendation; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal (6) yeas; (0) nays. The motion carried. Ordinance 16-2011 referred to Utilities Comm.

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

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 17-2011, a written copy of same having been previously furnished to each member of Council, "Authorizing an agreement with S. Vitale Pyrotechnic Industries, Inc., d/b/a Pyrotecnico for the Independence Day celebration on July 3, 2011 at Centennial Terrace and Quarry; authorizing the Mayor and Director of Finance to sign an agreement for the fireworks display which will cost twenty-seven thousand five hundred dollars (\$27,500); authorizing a 50% deposit payment upon the signing of the agreement which will be shared by the City, Sylvania Township, Coca-Cola Corporation and the Sylvania Area Joint Recreation District; 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: Haynam, Husman, Luetke, Milner, Westphal, Cappellini (6) yeas; (0) nays. The motion carried. Ordinance 17-2011, "...agreement...Pyrotechnic..Independence Day celebration on July 3..."

Mr. Milner moved, Mrs. Westphal seconded, that Ordinance No. 17-2011 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Milner, Westphal, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

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

Personnel Director George Eichenauer gave an update on personnel and department changes. Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 18-2011, a written copy of same having been previously furnished to each member of Council, "Amending Section 129.03 - Division of Taxation of the Codified Ordinances of Sylvania, 1979, as amended; 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: Luetke, Milner, Westphal, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried. Ordinance 18-2011, "Amending Section 129.03 - Division of Taxation..."

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Mr. Luetke moved, Mrs. Westphal seconded, that Ordinance No. 18-2011 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Cappellini, Haynam, Husman, Luetke (6) yeas; (0) nays. The motion carried.

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

Mayor Stough presented the Service Director's report on the Highland Meadows and Griffith Park Improvements - East Phase. Mr. Milner moved, Mr. Haynam seconded, to authorize the clerk to advertise for bids for the project; roll call vote being: Westphal, Cappellini, Haynam, Husman, Luetke, Milner (6) yeas; (0) nays. The motion carried.

Clerk to advertise for Highland Meadows/Griffith Park improvements.

There were no items for 10 or 11, and Mayor Stough stated that Council will now consider agenda item 13.

Mayor Stough presented the request from Whiteford Township, Michigan to accept sewage from certain areas of Ottawa Lake to connect to Sylvania's sewer system. Mr. Luetke moved, Mrs. Westphal seconded, to refer the letter to the Utilities & Environment Committee for review and recommendation; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal (6) yeas; (0) nays. The motion carried.

Whiteford Twp. request to Utilities Comm.

Mayor Stough noted that the 2010 Annual Report had been distributed to all Council members.

Annual Report.

The Mayor also said that the Sylvania Area Chamber of Commerce is recognizing the City as a governmental non-profit in a ceremony March 25 to be held at the Chamber's Showcase Preview. Then at the regular luncheon meeting on April 5 the City will be highlighted as the spotlight business.

Chamber recognition.

Mayor Stough stated that all items on the agenda had been considered. Mrs. Westphal moved, Mr. Milner seconded, that this meeting adjourn. All present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 8:30 p.m.

Adjournment.

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Clerk of Council

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Mayor