

**Sylvania City Council
May 21, 2012**

6:30 p.m. Public Hearing - PD-1-2012, Lourdes University

**7:30 p.m. Council Meeting
Agenda**

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mayor Stough.
3. Additions to the agenda.
4. Approval of the May 7 meeting minutes.
5. Mayor's presentation of proclamation declaring Poppy Day May 25. Miss Poppy will be present to be introduced and distribute poppies.
6. Main Street Bridge artwork.
7. Report on the Flower Hospital lighting.
8. Highland Meadows fencing project;
 - a. proposed Ordinance 32-3012, licensing agreement; and,
 - b. proposed Ordinance 33-2012, funding agreement.
9. Service Director's report on the Safe Routes to Schools extension of school zones project; and authorize the clerk to advertise for bids.
10. Committee reports.
11. Committee referrals.

Information

- A. April bank reconciliation.
- B. May 24 Committee meetings - 8:00 a.m. Economic Development sub-Committee
9:00 a.m. Safety Committee

PETITION FOR ZONING ORDINANCE AMENDME

6:30
Pub Hear

To: City of Sylvania, Ohio
City Council and
Municipal Planning Commission

Application No. PD-1-2012

Date 3/7/12

Petitioner Name(s) LOURDES UNIVERSITY

Petitioner Address 6832 Convent Blvd.

Sylvania OH 43560

Telephone 419-824-3809

Location of property for which zoning amendment is requested:
See attached

Purpose of amendment request: Planned development

Current Zoning: R-2

Requested Zoning: R-2 PD

The undersigned, being one or more of the owners, lessees or occupants within the area proposed to be changed by the amendment, hereby petition for an Amendment to the Zoning Code, pursuant to Chapter 1107 of the Codified Ordinances of the City of Sylvania, Ohio, as amended.

- Attachments:
1. Full legal description of the property for which the Zoning Amendment is proposed.
 2. Area location map.
 3. Site plan - if plan is larger than 11" x 17", eighteen (18) copies must be submitted.

A check for \$150.00, payable to the City of Sylvania, is attached for processing of said Petition. It is understood that no refund is to be made after the filing of the Petition.

By: 
Robert C. Helmer
President

Date referred by Council: 3/19/12

Date of Commission Action: _____

Date of Council Action: _____

Action: _____



SYLVANIA CITY COUNCIL
MARGARET LINTNER, MMC, CLERK

To: Mayor Craig A. Stough and Members of City Council

From: Margaret Lintner, Clerk of Council

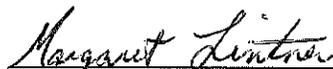
Certificate of Notice
PD-1-2012, Lourdes University

The undersigned Clerk of Council hereby certifies as follows:

- A. Thirty (30) days of time and place of public hearing was published in the *Toledo Blade* on April 20, 2012.
- B. Written notice of hearing was mailed by first class mail, twenty (20) or more days prior to the scheduled hearing date to all owners of property within, contiguous to, and directly across the street from the subject parcel or parcels, which owners, so notified, are listed as follows:

<u>Owner</u>	<u>Property Address</u>	<u>Owner Address</u>
Lourdes University	applicant	6832 Convent 43560
The Collaborative	architect	500 Madison Tol 43604
Marshall Bennett	attorney	Four Seagate 8 th Floor Tol 43604
S McHugh	6751 Convent	same
D Layman	6734 Brint	same
J & S Hovsepian	6727 Brint	5911 Acres 43560
D & T Green	6717 Brint	same
R & E Irwin	4945 McCord	same
Carol Mockensturm Haas	4900 McCord	5415 Monroe Tol 43623
WG & JA Milliere	6644 Brint	same
RC Guyton	6636 6628 Brint	665 W Delaware Tol 43610
D&G Paul	6647 6649 High	946 Pine Perrysburg 43551
C Villolvos	6648 High	same
CB Russell	12 Bent Creek Crossing	same
J&K Regan	11 Bent Creek Crossing	same
A Taylor	10 Bent Creek Crossing	same
A Jaqua	9 Bent Creek Crossing	same
K Senn	8 Bent Creek Crossing	same

GL & CJ Bandfield	7 Bent Creek Crossing	same
DA Brown	6 Bent Creek Crossing	same
Corridor Investment	3 Bent Creek Crossing	same
DF Abodeely	5 Bent Creek Crossing	same
G Sipel	4 Bent Creek Crossing	same
A Mason	3 Bent Creek Crossing	same
W Bennett	2 Bent Creek Crossing	same
R&S Weikinger	1 Bent Creek Crossing	same
G Sinco	17 Bent Creek Crossing	same
G Reagen	16 Bent Creek Crossing	same
J&B Butorac	15 Bent Creek Crossing	same
M Fadell	14 Bent Creek Crossing	same
M Cashman	13 Bent Creek Crossing	same
T Diver	5155 5161 Allen	7560 Yawberg Whitehouse 43571
E&C Keister	6669 Convent	same
N&J Whiteaker	5181 Allen	same
J Watkins	5179 Allen	7122 Erie 43560
T&B Short	5175 Allen	same
P Miller	5161 Allen	same
ML Schmitt	5143 Allen	3700 Gregory, Gregory MI 48137
K Brown	5137 Allen	same
D Tingley	5037 Allen	same
J&S Elliott	5123 Allen	1623 Fern, New Orleans LA 70118
K Burdick	5113 Allen	same
C&H Ducy	5117 5121 Allen	2421 McKivett Tol 43615
J&G Ghesquiere	5109 Allen	same
EC & ML Gawle	6795 Convent	same
JC & LL Nanez	6805 Convent	same
S Wollet	6715 Addington	same


 Clerk of Council

5/15/12
 Date



City Of Sylvania

MUNICIPAL PLANNING COMMISSION

May 17, 2012

To: Mayor and Members of City Council

Re: **PD-1-2012, Planned Development,
Lourdes University Mid-Campus**

Dear Mayor and Members of Council:

Following is an excerpt from the minutes of the regular meeting of the Municipal Planning Commission of May 16, 2012, regarding a petition for a Planned Development for Lourdes University on the property between Convent Boulevard and Brint Road, Sylvania:

..."Mr. Marciniak moved, Mayor Stough seconded to recommend approval of PD-1-2012 requested by Lourdes University for a planned development on the property between Convent Boulevard and Brint Road, depicted on the revised drawing submitted May 14, 2012, conditional upon:

1. The underlying zoning being changed from R-2 Single Family Residential Small Lot District to R-1 Single Family Residential Large Lot District,
2. The athletic facility and academic building locations are switched, the athletic facility moved to the north and the academic building moved to the south,
3. The walkway from the northwest corner of the southerly parking lot is moved twenty to thirty feet to the east.

During discussion Mr. Lindsley said he likes the project but not the layout, he likes the idea of switching the locations of the athletic building and academic building. Dr. Backus stated that he likes the layout as shown on the drawing and is in favor of the project but not in favor of changing the building locations. Vote being: Lindsley, Stough, Marciniak (3) aye; Backus (1) nay. Motion passed by a 3 to 1 vote."...

Sincerely yours,

Barbara Taylor, Secretary
Municipal Planning Commission

Memo

To: City of Sylvania Planning Commission

From: Kevin Aller, Director of Public Service

Date: 5/8/2012

Re: Lourdes University Planned Development Submittal

Planning Commission Members,

The Planned Development chapter of the City of Sylvania's Zoning Code is intentionally broad and general to allow flexibility in a proposed development. John Doe developer may have an idea for a particular parcel but not have the financial or organizational ability to take that idea to final site plan stages not knowing if the idea itself would be an approved use. The Planned Development process allows him or her the ability to see if they have a viable project before investing considerable time and money.

That same chapter requires a Development Plan to be submitted. This Development Plan is to show the general locations of building footprints, parking areas, ingress and egress, general landscaping, etc. and that these items will be in compliance with applicable zoning and site planning requirements. The submittal received from Lourdes University satisfies that requirement. The Planned Development submittal is the initial stage of a development and allows the Planning Commission and City Council an opportunity to indicate if they approve or disapprove of the general concept being provided.

If this Planned Development is approved, as submitted or with modifications, the developer will then be required to submit detailed site plan drawings to ensure compliance with the applicable zoning code requirements, Planning Commission and City Council modifications, and City standards.

In my opinion, the submittal received from Lourdes University is a complete Planned Development submittal as required.

Please call if you have any questions. Thank you.

Kevin G. Aller, P.E.
Director of Public Service
City of Sylvania
6730 Monroe Street
Sylvania, Ohio 43560
419-885-8965
419-885-0486 (Fax)

Minutes of the Meeting of Council
May 7, 2012

The Council of the City of Sylvania, Ohio met in regular session on Monday, April 16, 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, Todd Milner, Mary J. Westphal (6); absent: Mark Luetke (1).

Roll call: Luetke absent, excused.

Mrs. Westphal 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.

13a. Funding of School Resource Officer.

13b. TARTA representative.

14. Sister City Commission report.

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

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

Mr. Milner presented the April 16 minutes. Mr. Milner moved, Mrs. Westphal 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 16, 2012 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Cappellini, Haynam, Husman, Milner, Westphal, Brown (6) yeas; (0) nays. The motion carried.

Approval of the April 16 minutes.

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

Mayor Stough presented the framed Resolution No. 7-2012 to the members of the Northview Hockey team and their coaches, commending their first State Championship.

Resolution to NV Hockey Team.

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

Service Director Kevin Aller explained the Safe Routes to School project, and noted that it will be partially subsidized by state funding. Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 29-2012, a written copy of same having been previously furnished to each member of Council, "Requesting the extension of school zones with respect to Highland Elementary and Maplewood Elementary as part of the City's Safe Routes to School Plan; and declaring an emergency." Mrs. Westphal

Ordinance 29-2012, "Requesting the extension of school zones..."

Minutes of the Meeting of Council
May 7, 2012

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

Mrs. Westphal moved, Mrs. Husman seconded, that Ordinance No. 29-2012 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Milner, Westphal, Brown, Cappellini, Haynam (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 Final Change Order for the Highland Meadows/Griffith Park project was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance No. 30-2012, 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 PHC, Inc. for the Highland Meadows and Griffith Park East Improvement Project which reflects the actual materials used and work performed on this project; increasing the contract amount by \$28,021.50; appropriating funds therefore; and declaring an emergency." Mr. Milner moved, Mr. Brown seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried.

Ordinance 30-2012, "...approve Change Order No. 2...Highland Meadows and Griffith Park East ..."

Mr. Milner moved, Mr. Haynam seconded, that Ordinance No. 30-2012 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Milner (6) yeas; (0) nays. The motion carried.

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

The Service Director's report and recommendation for the bids received for the salt storage facility was placed on file. Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 31-2012, a written copy of same having been previously furnished to each member of Council, "Accepting the bid of Midwest Contracting, Inc. and awarding the contract for the Salt Storage Facility Project to same; authorizing the expenditure for the improvements in the amount of \$178,800.60; appropriating funds therefore; 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: Brown, Cappellini, Haynam, Husman, Milner, Westphal (6) yeas; (0) nays. The motion carried.

Ordinance 31-2012, "Accepting the bid of Midwest Contracting...salt storage facility..."

Minutes of the Meeting of Council
May 7, 2012

Mrs. Husman moved, Mr. Milner seconded, that Ordinance No. 31-2012 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Haynam, Husman, Milner, Westphal, Brown (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 Resolution No. 8-2012, a written copy of same having been previously furnished to each member of Council, "Declaring the necessity of lighting the streets in the City of Sylvania, Ohio; determining the manner of providing street lighting and the basis for the property owner's share of the cost and annual assessment; and declaring an emergency." Mr. Brown moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Haynam, Husman, Milner, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried.

Resolution 8-2012,
"Declaring the
necessity of
lighting the streets
..."

Mr. Brown moved, Mr. Milner seconded, that Resolution No. 8-2012 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Milner, Westphal, Brown, Cappellini, Haynam (6) yeas; (0) nays. The motion carried.

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

Mayor Stough presented the Planning Commission's recommendation for proposed Ordinance 25-2012, Amending Section 1103.022 of the Planning and Zoning Code. Mr. Haynam moved, Mr. Milner seconded, to set the public hearing date for June 18 at 7:15 p.m., and to authorize the clerk to advertise for same; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman (6) yeas; (0) nays. The motion carried.

Public hearing for
Ord. 25-2012 set
for June 18, 7:15
p.m.

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

Mr. Brown moved, Mr. Haynam seconded, to refer the request of Susan Searles, representing the "Say Nay to Spray" campaign to enact an ordinance prohibiting mosquito spraying within City limits to the Utilities & Environment Committee for review and recommendation; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Milner (6) yeas; (0) nays. The motion carried.

Prohibition of
mosquito spraying
to Utilities &
Environment
Comm.

There were no items for 12 and Mayor Stough stated that Council will now consider agenda item 13.

Funding for School Resource Officers was one of the topics discussed when the Police Dept. budget was reviewed at the last Committee-of-the-Whole meeting. Mr. Haynam

Funding of School
Resource Officers

Minutes of the Meeting of Council
May 7, 2012

asked that this funding be considered for the 2013 budget planning. Mr. Haynam moved, Mr. Milner seconded, to refer continued funding of School Resource Officers to the Safety Committee for additional consideration; roll call vote being: Brown, Cappellini, Haynam, Husman, Milner, Westphal (6) yeas; (0) nays. The motion carried. Mrs. Westphal set a Safety Committee meeting for May 24 at 9:00 a.m.

to be considered at Safety Comm. meeting May 24, 9:00 a.m.

After discussion on residency requirements for the City's TARTA representative, Mr. Haynam moved, Mr. Milner seconded to refer the criteria for our TARTA appointment to the Employee & Community Relations Committee for review; roll call vote being: Cappellini, Haynam, Husman, Milner, Westphal, Brown (6) yeas; (0) nays. The motion carried.

TARTA appointment criteria to Employee & Comm. Relations.

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

Mayor Stough gave an update on the Sister City Commission activity. He said that Woodstock is interested in continuing its international relationship with the Sylvania community.

Sister City update.

There were no further items for consideration. Mrs. Westphal moved, Mr. Haynam seconded, that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 8:20 p.m.

Adjournment.

Clerk of Council

Mayor



City Of Sylvania

DEPARTMENT OF LAW
JAMES E. MOAN, DIRECTOR
LESLIE B. BRINNING, ASST. LAW DIRECTOR

Robert A. Pyzik, Chief Prosecutor
Michelle A. Wagner, Prosecutor

MEMORANDUM

To: Mayor and Members of Sylvania City Council
From: James E. Moan, Director of Law
Re: Lighting at Flower Hospital
Date: May 17, 2012

I have been asked to report to city council as to the events leading up to the recent installation along the top of the Flower Hospital structure.

Background Summary

I have reviewed with the Zoning Department and various members of the City Staff the history of events leading up to the present.

At some time in June, 2011 a call from a representative of Flower/ProMedica inquiring whether a permit was required to install lighting along/around the top of the Flower Hospital building. They were informed that generally an electrical permit would need to be pulled, but they may wish to speak with the Mayor. A subsequent phone call was made to the Mayor, who discussed the issue with the Zoning Department and confirmed that an electrical permit would be required.

Flower Hospital/ProMedica did not file an application for a sign permit for the installation of the lighting. No detailed description, plans, designs or specifications were submitted to the city for review by the city except as noted below. A letter dated June 24, 2011 was sent to the City concerning this matter, a copy of which is attached hereto.

Laibe Electric obtained an Electrical Permit from the Lucas County Building Regulations on September 6, 2011, a copy of which is attached hereto.

During this same timeframe, Flower Hospital filed an Application for Variance with the City's Board of Appeals (Zoning), seeking a variance for signage to be placed on the exterior of the Flower Hospital building. A hearing was held on the Application on September 7, 2011 and the variance was approved to permit more signs on a lot and for a sign mounted on the roof of the building. The issue of lighting to be installed on the top of the Flower Hospital building was

not address. The renderings of the proposed signage, prepared by Toledo Sign do not reflect any lighting at the top of the building. It appears to not have been discussed.

On September 8, 2011, Flower Hospital filed an Application with the Board of Architectural Review for a Certificate of Appropriateness for the signage, which was granted by the Board of Architectural Review on September 14, 2011. A subsequent sign permit was granted on November 9, 2011, which did not reflect anything concerning the lighting at the top of the building.

It appears that the green lighting band was installed at the end of calendar year 2011.

The subject of the green light band was subsequently discussed at a later date after installation at a Board of Architectural Review hearing on another sign request of Flower Hospital at the entrance to the Flower campus. That meeting was held on February 15th. A copy of the minutes is attached. At that time Flower representatives advised that the green led lighting is part of the branding on all ProMedica buildings.

Review of the City of Sylvania's Codified Ordinances on Signs

Sylvania Codified Ordinance Chapter 1166 – Sign Regulations, Section 1166.01 Purpose “...These standards are designed to protect and promote the public health, safety and welfare of persons within the City of Sylvania.”

SCO Section 1166.04(nn) defines Sign:

“Any letters, parts of letters, words, figures, numerals, emblems, devices, designs, displays, drawings, trademarks, posters, handbills or any other objects which: (i) are designed, intended, or used to advertise or make known, designate or attract attention to any person or any thing (such as a person, place or event, product or business), (ii) are visible to persons located outdoors, and (iii) are capable of attracting the attention of such persons...”

SCO Section 1166.07-Standards for Permitted Signs:

“(c) Illumination of Signs. “...The source of light for signs shall not be directly visible, and shall be so arranged as to reflect away from the adjoining premises...”

Under the Sign Code, the Board of Architectural Review determines the whether the sign meets the standard to issue a Certificate of Appropriateness.

Review of the City of Sylvania's Codified Ordinances on Zoning Certificates

Sylvania Codified Ordinance Chapter 1103 – Administration, Enforcement and Penalty, Section 1103.02 -- Zoning Certificate Required:

“No person shall use or occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected,

changed, converted or wholly or partly altered or enlarged in its use or structure until a zoning certificate has been issued therefor by the Zoning Administrator stating that the proposed building and its use or the proposed open use of land conforms to the requirements of this Zoning Ordinance. No zoning certificate shall be issued, nor a building permit approved, except in conformity with the provisions of this Zoning Ordinance, except after written order from the Board of Appeals.

Although the contractor obtained a Building Permit from the Lucas County Building Regulations, they did not request or obtain a Zoning Certificate under this Code Section.

Conclusion of the Service Department and its Zoning Department

The lighting installed on the top of the Flower Hospital Building is not a sign as defined under the Sylvania Sign Code. The light that generates from the green LED light band at the intensity it presently displays does not constitute a sign.

Summary

In applying the City of Sylvania's Codified Ordinances to the facts surrounding the installation of the lighting, the Zoning Department, together with the Director of Public Service have determined that the lighting illumination along and around the top of the Flower Hospital building does not constitute a sign as defined under Section 1166.04(nn). Therefore, Flower Hospital/ProMedica was not required to obtain a Certificate of Appropriateness under the City of Sylvania's Codified Ordinances.

This determination was based upon the existing reduced level of illumination of the lighting from its original installation intensity.

DOMBEY & HART
LAW OFFICES
110 W. SECOND STREET, PERRYSBURG, OHIO 43551
(419) 874-8569
FAX: (419) 874-8547

PHILIP L. DOMBEY
pdombey@perrysburgattorney.com

JAMES H. HART
jhart@perrysburgattorney.com

June 24, 2011

City of Sylvania
6730 Monroe St.
Sylvania, OH 43560
Attn: Bill Sanford

RE: Flower Hospital

To Whom It May Concern:

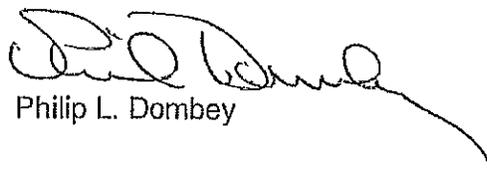
This will confirm the request of my client, Laibe Electric/Technology a licensed Toledo Electrical Contractor, who wishes to install on behalf of ProMedica Tivoli Flex Plus™ Accent Lighting on the above captioned buildings. This tasteful lighting will be placed around the top of the building, highlighting their architecture. The lights which are energy efficient, flexible LED and will come on at sunset and go off at sunrise.

I am writing just to confirm my discussions with the Toledo Lucas County Planning and Zoning and Building Inspection Divisions on June 22, 2011 and the Mayors, wherein my client and I have been advised the only thing necessary to proceed with this project will be the appropriate electrical permits. The lighting takes approximately eight weeks after order for delivery and costs approximately \$50,000.00 for the materials. My client will be proceeding pursuant to its understanding of the requirements of electrical permit only and if for any reason this is not correct, please advise the undersigned ASAP as we will be ordering product no later than Friday, July 1, 2011.

I have enclosed a brochure from Tivoli 15602 Mosher Ave., Tustin, CA 92780 for your information. This details the specification on the products Laibe will be installing on behalf of ProMedica.

Laibe and ProMedica appreciate continued good relationships they have had with all of the Toledo Lucas County Departments and City of Sylvania and believe the new lighting will be not only a credit to ProMedica but an eye appealing accent to its already fine facilities. Thank you for your assistance.

Very truly yours,


Philip L. Dombey

PLD/pls
Enclosure

LUCAS COUNTY BUILDING REGULATIONS
1115 SOUTH MCCORD ROAD
HOLLAND, OHIO 43528-9596
419 213-2990

ELECTRIC PERMIT

Permit Date: 09/06/2011

Permit #: 201100543 E

Address: 5200 HARROUN RD

SYLVANIA OHIO

Scope of Work: ELEC/COMMERCIAL ALT

Owner: PROMETICA HEALTH SYSTEM

Telephone: 419-262-2051

Contractor: LAIBE ELECTRIC CO
404 BRYNE RD N
TOLEDO, OH 43607-

Telephone: 419-531-4251

H/C BASE FEE	75.00
H/C PER SQ FT	180.00
STATE 3%	7.65

A permit to erect and/or modify a structure upon payment of a fee of \$ \$262.65 is hereby granted. Receipt number: 2011002735

The owner/agent does hereby covenant and agree to comply with all provisions of the laws and ordinances of the LUCAS COUNTY, OHIO pertaining to same, and to erect and/or modify the structure according to the construction documents approved by the Chief Building Official. This permit is revocable, when or if terms or conditions under which it is granted, are violated. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within twelve months after its issuance or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced provided that, for cause, one or more extensions of time, for periods not exceeding six months, may be granted in writing by the Chief Building Official, when requested by the owner at least ten days in advance of the expiration of the permit.

Owner/Agent:
Phil Klocinski, Building Official
Lucas County Building Regulations

Issued by:

Board of Architectural Review

Minutes of the regular meeting of February 15, 2012. Mr. Lindsley called the meeting to order.

Members present: Ken Marciniak, Thomas Lindsley, Mayor Craig Stough, (3) present. Read Backus (1) excused. Mr. Robert Oberly present.

Mr. Marciniak moved, Mayor Stough seconded to approve the Minutes of the January 11, 2012, meeting as submitted. Vote being: Lindsley, Stough, Marciniak (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 3 - Regulated Sign - app. no. 3-2012 requested by Harmon Sign for J's Book Shelf, 6377 Monroe Street, Sylvania. Ms. Jeanine Lorigan present. She will be opening a used book store on March 1, in the 1,098 square foot space. She worked for Thackarys Book Store and also A Novel Idea that was in Starlite Plaza. She will be installing a new illuminated sign on the building. The sign is similar in size to other sign in the shopping center. Mr. Marciniak moved, Mayor Stough seconded to grant a Certificate of Appropriateness for the new internally illuminated wall sign for J's Book Shelf, 6377 Monroe Street, as depicted on the drawing submitted with app. no. 3-2012. Vote being: Stough, Marciniak, Lindsley (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 4 - Regulated Sign - app. no. 4-2012 requested by Toledo Sign for Flower Hospital, 5200 Harroun Road, Sylvania. Ms. Myra Gueli and Mr. Bill Chalmers present. Ms. Gueli presented a revised drawing for the sign, the size is the same but they added the red portion to have the emergency / express care highlighted. They will be removing the bigger sign and replacing it with a smaller sign as part of Pro Medica branding of all their facilities. This is part of the branding that included the new signs on the building and the green led lighting on all ProMedica buildings. They did receive a few comments and a few complaints concerning those. Mayor Stough mentioned that with the hospital set back so far from Harroun Road it should not be as appreciable as a building that is close to the street, such as Wildwood. Mayor Stough moved, Mr. Marciniak seconded to give a Certificate of Appropriateness for app. no. 4-2012m the new Flower Hospital sign at the entrance, 5200 Harroun Road, as shown on the revised drawing presented at the meeting. Vote being: Marciniak, Lindsley, Stough (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

Item 5 - Regulated Sign - app. no. 5-2012 requested by Nabil's Same Day Sign for Tobacco Haven, 5601 Alexis Road, Sylvania. The tenants had installed a temporary sign on the unit next door to them, it was removed after Mr. Oberly asked them to remove it. They installed new faces in the sign on the building and in the existing pole sign at the street. Mr. Oberly received a letter from the owner's attorney that they are investigating the feasibility of replacing the pole sign with a new monument sign. Mr. Marciniak moved, Mayor Stough seconded to give a Certificate of Appropriateness for the new sign faces for Tobacco Haven, 5601 Alexis Road, as shown on the drawing submitted with app. no. 5-2012, with the strong recommendation that the pole sign be removed and replaced by a monument sign. Vote being: Lindsley, Marciniak, Stough (3) aye; (0) nay. Motion passed by a 3 to 0 vote.

8a

ORDINANCE NO. 32-2012

GRANTING TO HIGHLAND MEADOWS GOLF CLUB A LICENSE TO ENTER A PORTION OF CITY OWNED RIGHT-OF-WAY TO CONSTRUCT, MAINTAIN, REPAIR, AND REPLACE FENCING; AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO SIGN THE LICENSE AGREEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, Highland Meadows Golf Club has requested a license over a portion of City right-of-way to construct, maintain, repair and replace fencing that is approximately four feet north of the boundary line of the City's Erie Street right-of-way; and,

WHEREAS, the granting of said License Agreement as set forth in "Exhibit A" will permit Highland Meadows Golf Club to properly construct, maintain, repair and replace fencing.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That the License Agreement set forth above as "Exhibit A" is hereby granted and the Mayor and Director of Finance are hereby authorized to evidence the granting of said License Agreement by signing said Agreement on behalf of this City.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the License should be granted forthwith so as to permit Highland Meadows Golf Club to properly construct, maintain, repair and replace fencing. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall

take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2012, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

LICENSE AGREEMENT

This License Agreement is entered into between Highland Meadows Golf Club ("HMGC") and the City of Sylvania ("City"), 6730 Monroe Street, Sylvania, OH 43560. The purpose of this License Agreement is to permit Highland Meadows Golf Club to construct, maintain, repair and replace a fence that is approximately four feet north of the boundary line of the City's Erie Street right-of-way (the "License Area"). The License Agreement is made subject to the conditions set forth below.

I. ACCESS

- A. HMGC shall have access to the area described above.

II. SCOPE OF LICENSE

This License Agreement gives HMGC the right to enter onto the property for the following purposes:

- A. To construct, maintain, repair and replace fencing.

III. SITE CONDITION

HMGC shall conduct its activities in a manner so as to minimize the disturbance to existing site conditions. Any disturbance to the property resulting from HMGC's activities shall be repaired or corrected promptly.

IV. INDEMNITY

- A. HMGC will indemnify and hold harmless the City of Sylvania from all actions, claims, demands, liabilities, and damages which may be imposed on or incurred by the City of Sylvania as a consequence of any act or omission on the part of HMGC, or anyone acting on behalf of HMGC, in the exercise of its rights under this License Agreement.
- B. In the performance of its obligation hereunder, HMGC will observe any and all local, state, and federal safety, health and environmental regulations which may be applicable. HMGC shall indemnify the City of Sylvania from any losses, damages, claims or demands of whatever nature which might arise as a result of HMGC's failure to observe any applicable safety, health, and environmental regulations.

V. GOVERNING LAW

The law of the State of Ohio shall apply to the interpretation of this License Agreement and to the resolution of any disputes arising out of the matter set forth herein.

VI. TERM OF LICENSE AGREEMENT

This License Agreement shall be effective for as long as HMGC keeps a fence or replacement fence in the License Area.

VII. TERMINATION OF LICENSE AGREEMENT

Either party may terminate this License Agreement prior to the expiration of the term set forth in Section VI above if the other party violates any condition of the License Agreement and such violation is not remedied within sixty (60) days of receipt of written notice detailing the violation to the violating party, unless such remedy reasonably requires more than sixty (60) days to complete and the violating party commences the remedy within the sixty (60) day period and diligently pursues the remedy to completion. Any termination hereunder shall be effective thirty days after written notification to the other party of such termination.

VIII. ASSIGNABILITY

This License Agreement is binding upon the parties, their successors in title or interest, assignees, and heirs.

Dated this _____ day of _____, 2012.

HIGHLAND MEADOWS GOLF CLUB

CITY OF SYLVANIA

By _____

By _____
Craig A. Stough, Mayor

By _____

By _____
Scott S. Smith, Director of Finance

STATE OF OHIO, COUNTY OF LUCAS, ss:

Before me appeared Craig A. Stough, Mayor and Scott S. Smith, Director of Finance on behalf of the City of Sylvania, a Municipal Corporation, who acknowledged that the execution of this License Agreement was their free act and deed, and the free act and deed of said Municipal Corporation this _____ day of _____, 2012.

Notary Public

STATE OF OHIO, COUNTY OF LUCAS, ss:

Before me appeared _____ and _____ as
_____ and _____ of Highland Meadows Golf Club, who
acknowledged that the execution of this License Agreement was their free and deed, and the free
act and deed of said golf club this _____ day of _____, 2012.

Notary Public

This Instrument Prepared By:
James E. Moan, Director of Law
City of Sylvania
4930 Holland-Sylvania Rd.
Sylvania, OH 43560
(419) 882-7100
Fax: (419) 882-7201

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ORDINANCE NO. 33 -2012

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A JOINT COOPERATION AGREEMENT ON BEHALF OF THE CITY OF SYLVANIA, OHIO WITH HIGHLAND MEADOWS GOLF CLUB FOR FENCE IMPROVEMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, the City and Highland Meadows Golf Club desire to replace the chain link fencing along Highland Meadows Golf Club's northerly property line with wood or decorative metal; and,

WHEREAS, Highland Meadows Golf Club has agreed to pay for the fencing pursuant to a Promissory Note attached to the Joint Cooperation Agreement; and,

WHEREAS, a copy of the proposed Joint Cooperation Agreement for the fence improvements at Highland Meadows Golf Club is attached hereto as "Exhibit A."

NOW, THEREFORE BE IT ORDAINED by the City of Sylvania, Lucas County, Ohio,
_____ members elected thereto concurring:

SECTION 1. That the Mayor and Director of Finance be, and they hereby are, authorized, on behalf of the City of Sylvania, Ohio, to enter into a Joint Cooperation Agreement for fence improvements at Highland Meadows Golf Club attached hereto as "Exhibit A."

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the Joint Cooperation Agreement between the City of Sylvania and

Highland Meadows Golf Club should be in effect immediately in order to complete the fence improvements. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2012, as an emergency measure.

ATTEST:

President of Council

Clerk of Council

APPROVED AS TO FORM:

Director of Law

APPROVED:

Mayor

Date

JOINT COOPERATION AGREEMENT

FOR

FENCE IMPROVEMENTS AT

HIGHLAND MEADOWS GOLF CLUB

This Agreement is made by and between the City of Sylvania ("CITY") and Highland Meadows Golf Club ("HMGC").

WITNESSETH:

WHEREAS, it is desirable to both the CITY and HMGC that the chain link fence along HMGC's northerly property line be replaced with wood or decorative metal; and,

WHEREAS, the CITY has agreed to finance the HMGC fence improvement project; and,

WHEREAS, the CITY and HMGC desire to enter into an Agreement which will accomplish the fence improvements.

NOW, THEREFORE, the CITY and HMGC hereby agree as follows:

1. HMGC will proceed with the fence improvement project to replace the chain link fence along the northerly property line with wood or decorative metal fencing.
2. The CITY will provide funds for the project in an amount not to exceed \$50,000, plus 2% interest.
3. HMGC will make payment to the CITY for said fencing as set forth on the attached Promissory Note, with full payment expected to be made on or before July 31, 2014.
4. It is the intent of this Agreement that the CITY and HMGC shall each properly and expeditiously discharge any requirement that may devolve upon them from time to time during the period this agreement will be in force.

IN WITNESS WHEREOF, the City of Sylvania, by its Mayor and Director of Finance, pursuant to Ordinance No. ____-2012, adopted on the ____ day of May, 2012 and the Highland Meadows Golf Club by its Club President and Business Manager have affixed their signatures respectively.

CITY OF SYLVANIA

By _____
Craig A. Stough, Mayor

By _____
Scott S. Smith, Director of Finance

Approved as to Form:

Director of Law

Date

HIGHLAND MEADOWS GOLF CLUB

By _____

By _____

Witnesses:

PROMISSORY NOTE

FOR

HIGHLAND MEADOWS FENCE IMPROVEMENTS

In accordance with an existing Joint Cooperation Agreement between the City of Sylvania and Highland Meadows Golf Club pursuant to Ordinance No. ____-2012 adopted on the ____ day of May, 2012, Highland Meadows Golf Club agrees to pay the City of Sylvania at 6730 Monroe Street, Sylvania, Ohio 43560 or other such place as it may from time to time designate the sum of \$50,000, plus interest at the rate of 2%, in two payments, with the first being due and payable on or before July 31, 2013 in the amount of \$26,000 and the second being due and payable on or before July 31, 2014 in the amount of \$25,500. Should Highland Meadows Golf Club wish to pre-pay this obligation prior to July 31, 2014, interest shall be calculated at the rate of 2% on the unpaid balance at the time of pre-payment and there will be no penalty for pre-payment.

If default be made for sixty (60) days in the payment of any installment after it shall become due and payable, then and in that event, the entire obligation shall, at the option of the City of Sylvania, become immediately due and payable in full without notice.

Highland Meadows Golf Club expressly waives presentment, demand, notice of protest and any other requirements imposed by law as a condition precedent to enforcing payment thereof.

No delay by the City of Sylvania in exercising any power or right hereunder shall operate as a waiver of any power or right, nor shall a single or partial exercise of any power or right preclude other or further exercise thereof, nor shall the City of Sylvania be liable for exercising, delay in exercising, or admission or failure to exercise any such power or right.

Highland Meadows Golf Club acknowledges receipt of a true copy of this Promissory Note.

SIGNED this ____ day of _____, 2012.

HIGHLAND MEADOWS GOLF CLUB

By _____

Its: _____

By _____

Its: _____



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

May 15, 2012

To: The Mayor and Members of Sylvania City Council

Re: **Safe Routes to Schools**

Dear Mr. Mayor and Council Members:

Construction drawings for the above-mentioned project have been reviewed and are now complete and ready to be bid. This project will upgrade school zone flashers, signs, and pavement marking at Highland, Maplewood, and Sylvan Elementary Schools, as well as McCord Junior High.

The cost of this project will be fully reimbursed by the Ohio Department of Transportation Safe Routes to Schools Program.

The estimated cost for the project is \$182,682.00.

We would request that the Clerk of Council be authorized to advertise for bids.

Sincerely,

Kevin G. Aller, P.E.
Director of Public Service
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