

Sylvania City Council
February 18, 2015

7:30 p.m. Council Meeting
Agenda

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mrs. Husman, Mr. Luetke, Mr. Mishka, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mrs. Westphal.
3. Additions to the agenda.
4. Approval of the meeting minutes of February 2, 2015.
5. Introduction of Sylvania Historical Village's new Executive Director, Andi Erbskorn along with current President, Mary Kay Solt.
6. Planning Commission's recommendation for Zoning Amendment Petition No. ZA-1-2015, a request from Pisciotta Family Trust, to change the zoning from M-1, "Light Industrial District" to B-1-B, "Modified Business and Office District" for property located at 5649, 5651, and 5655 W. Alexis Road, Sylvania, OH. Set the public hearing date for April 6, 2015; and authorize the clerk to advertise for same.
7. Planning Commission's recommendation on Proposed Ordinance 4-2015, Charitable Donation Containers. Set the public hearing date for April 6, 2015; and authorize the clerk to advertise for same.
8. Zoning Ordinance Amendment Petition No. ZA-2-2015, a request from Board of Education of Sylvania City Schools to change the zoning from "R-2", Single-Family Residential Small Lot District to "R-1", Single-Family Residential Large Lot District for property at 5363 Silica Dr., Sylvania, Oh. Referral to the Planning Commission.
9. Proposed Ordinance 7-2015, Amending Part Three-Traffic Code-Chapter 351 Parking Generally by adding Section 351.23-Snow Emergency Parking Ban.
10. Proposed Resolution 1-2015, Establishing guidelines relative to the deferment of payment of special assessments on grounds of financial hardship.
11. Committee reports.
12. Committee referrals.

INFORMATION

- A. January 2015 Bank Reconciliation.
- B. Lucas County Commissioner's letter and Resolutions granting annexation petitions Nos. 14-1093 and 14-1094. .
- C. Board of Architectural Review minutes from February 11, 2015.
- D. Municipal Planning Commission minutes from February 11, 2015.

Minutes of the Meeting of Council
February 2, 2015

The Council of the City of Sylvania, Ohio met in regular session on February 2, 2015 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: Katie Cappellini, Mark Frye, Doug Haynam, Sandy Husman, Mark Luetke, Jason Mishka, Mary Westphal (7) present; (0) absent.

Roll call:
All present.

Mr. Mishka 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.

- 12. Report of Service Director regarding snow removal efforts.

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

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

Mrs. Westphal presented the January 21, 2015 minutes. Mrs. Westphal moved, Mr. Luetke 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 21, 2015 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the
January 21
minutes.

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

Mayor Stough presented ZA-1-2015, a request from the Pisciotta Family Trust to change the zoning from M-1, "Light Industrial District" to B-1-B, "Modified Business and Office District", for property located at 5649, 5651, and 5655 W. Alexis Road, Sylvania, Ohio. Mr. Haynam moved, Mr. Luetke seconded, to refer ZA-1-2015 to the Municipal Planning Commission for review and recommendation; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

ZA-1-2015,
Referral to Plan
Commission.

Minutes of the Meeting of Council
February 2, 2015

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

Mr. Haynam stated that proposed Ordinance 4-2015 reflects the review and comments of the Zoning & Annexation Committee regarding the Charitable Donation Containers. Mr. Haynam moved, Mr. Luetke seconded to refer proposed Ordinance 4-2015 to the Municipal Planning Commission for review and recommendation; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Ordinance
4-2015, referral
to Plan
Commission.

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

Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 5-2015, a written copy of same having been previously furnished to each member of Council, "Authorizing the Lease Agreement between the City of Sylvania, as Lessor, and Laura Jakes, Individually and d/b/a LJ Creates, as Lessee, of Suite B3 in the Maplewood Marketplace, 5702 N. Main Street, Sylvania, Ohio, for the purpose of operating a Graphic Design Business, determining said City owned property not to be needed for municipal purposes during the time of proposed lease; authorizing the Mayor and Director of Finance to sign such a lease on behalf of the City of Sylvania; 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: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Ordinance
5-2015,
"...lease
agreement with
Laura Jakes...."

Mrs. Husman moved, Mr. Frye seconded, that Ordinance 5-2015 be enacted as an emergency measure as declared therein; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

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

Service Director Kevin Aller's report on the Harroun Community Park Storm Water Demonstration Project was placed on file. Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 6-2015, a written copy of same having been previously furnished to each member of Council, "Accepting the bid of Geddis Paving & Excavating and awarding the contract for the Harroun Community Park Storm Water Demonstration Project to same; authorizing the expenditure for the improvements in the amount of \$74,960; appropriating funds therefore; and declaring an emergency"; Mrs. Cappellini moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried.

Ordinance
6-2015,
"Accepting bid
of Geddis Paving
for the Harroun
Community
Park Storm
Water
Demonstration
Project..."

Minutes of the Meeting of Council
February 2, 2015

Mrs. Cappellini moved, Mr. Luetke seconded, that Ordinance 6-2015 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

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

Mrs. Westphal moved, Mr. Haynam seconded, that no hearing be requested for the transfer of the D5 and D6 liquor permit from KMT Ventures, LLC d/b/a Hamways Tavern on the Main, 5577 Monroe St, Suite D, to Bellworthy, LLC d/b/a 5th Street Pub, 5577 Monroe St., Suite D; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

No objection to liquor permit transfer for 5th Street Pub.

There being no items for agenda item 10 and 11, Mayor Stough stated that Council will now consider added agenda item 12.

Service Director Aller reported on the snow removal efforts from the recent winter storm.

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 (7); (0) nays. The motion carried and the meeting adjourned at 7:52 p.m.

Adjournment.

Clerk of Council

Mayor



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

February 12, 2015

To: Mayor and Members of City Council

Re: **Council Referral – Zoning Ordinance Amendment ZA-1-2015**

Dear Mayor and Members of Council:

Following is an excerpt from the minutes of the regular meeting of the Municipal Planning Commission of February 11, 2015, Council Referral – Zoning Ordinance Amendment Petition No. ZA-1-2015, a request from the Pisciotta Family Trust to change the zoning from M-1, “Light Industrial District” to B-1-B, “Modified Business and Office District”, for property located at 5649, 5651, 5655 W. Alexis Rd., Sylvania, OH 43560:

..." Mr. Marciniak moved, Mr. Arnold seconded to recommend approval of the zoning change request. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote."...

Sincerely,

Debra Webb, Secretary
Municipal Planning Commission



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

February 12, 2015

To: Mayor and Members of City Council

Re: **Council Referral – Proposed Ordinance 4-2015**

Dear Mayor and Members of Council:

Following is an excerpt from the minutes of the regular meeting of the Municipal Planning Commission of February 11, 2015 – Proposed Ordinance 4-2015, for review and recommendation, amending the Codified Ordinances of Sylvania by creating Chapter 1167 - Charitable Donation Containers, to register donation containers that are placed in open spaces and on private property and a penalty for violation:

..." Mr. Marciniak moved, Mr. McCann seconded to recommend approval of the proposed ordinance. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote."...

Sincerely,

Debra Webb, Secretary
Municipal Planning Commission

8

PETITION FOR ZONING ORDINANCE AMENDMENT

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

Application No. ZA-2-2015
Date 2/10/15

Petitioner Name(s) Board of Education of the Sylvania City Schools
Petitioner Address 4747 Holland-Sylvania Road
Sylvania, Ohio 43560
Telephone 419-241-4441 (Gregory L. Arnold, Attorney for Board)

Location of property for which zoning amendment is requested:

Parcel #82-02471; 5363 Silica Drive, Sylvania, Ohio 43560

(see attached)

Purpose of amendment request: To conform one parcel to same zoning classification as all other property constituting the Northview High School Campus to the North and the Sisters of St. Francis of Sylvania property to the South of the subject premises and to expand cooperation between Lourdes University and the Board of Education of the Sylvania City School District.

Current Zoning: R-2 Requested Zoning: R-1

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.

THE BOARD OF EDUCATION OF THE SYLVANIA
CITY SCHOOL DISTRICT

By: [Signature] President
By: [Signature] Treasurer/CFO

Date referred by Council: _____
Date of Commission Action: _____
Date of Council Action: _____
Action: _____

GREGORY L. ARNOLD
GREGORY L. ARNOLD & ASSOCIATES, LTD.
ATTORNEYS AT LAW
5749 PARK CENTER COURT
TOLEDO, OHIO 43615
419-241-4441

*All Fees Waived Per Kevin Miller
Tom [Signature] 2/10/15*

CITY OF SYLVANIA, OHIO
Procedure for Zoning Ordinance Amendment

1. Submit application, required attachments, and \$150.00 filing fee to:
Clerk of Council
Sylvania Administration Building,
Room 201
6730 Monroe Street
Sylvania, Ohio 43560-1948
419-885-8931
2. City Council, at its next regularly scheduled meeting, will refer the application to the Municipal Planning Commission for review and recommendation.
NOTE: City Council meets on the first and third Monday of every month.
Applicant does not need to attend this meeting.
3. The Planning Commission will review the application at its next regularly scheduled meeting.
NOTE: Planning Commission meets on the second Wednesday following the first Monday of each month.
Applicant should attend.
4. The recommendation of the Planning Commission will be filed with City Council at Council's next regularly scheduled meeting. At this time, Council will set the public hearing date. Notice of the public hearing must be published at least 30 days prior to the hearing and written notice must be mailed to property owners within, contiguous to and directly across the street from subject parcel(s), if the number of parcels to be rezoned or redistricted is ten (10) or less.
Applicant does not need to attend this meeting.
5. The public hearing will be scheduled immediately prior to a regularly scheduled City Council meeting.
Applicant should attend the public hearing.
6. After approval or denial of the amendment by City Council, legislation will be ordered.

Situated in the City of Sylvania, County of Lucas and State of Ohio:

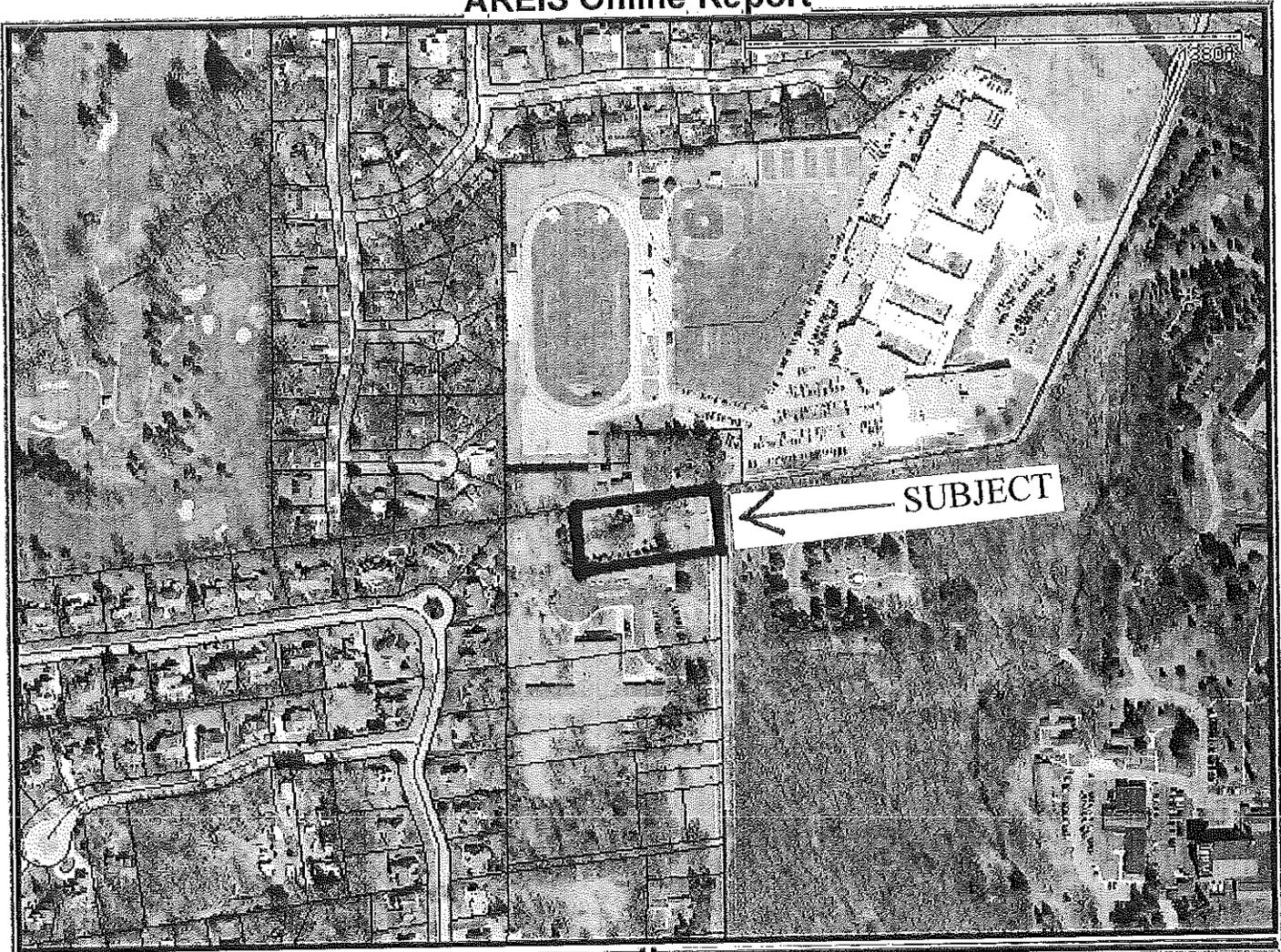
That part of the Northwest quarter ($\frac{1}{4}$) of the Southeast quarter ($\frac{1}{4}$) of Section Nine (9), Town Nine (9) South, Range Six (6) East, in the City of Sylvania, Lucas County, Ohio, bounded and described as follows:

Beginning at a point on the East and West center line of said Section Nine (9) and being one hundred twenty-five and thirty-five hundredths (125.33) feet East of the center of said Section; thence East along said East and West center line to the center line of Silica Drive as now traveled; thence Southerly along the center of Silica Drive, a distance of one hundred forty-eight and ninety-seven hundredths (148.97) feet to a point; thence to the right with an angle of eighty-three (83) degrees and thirty-three (33) minutes and thirty (30) seconds, a distance of three hundred ninety-two and ninety-two hundredths (392.92) feet to a point; thence to the right at right angles to the last described line to the Northwest corner of parcel and the place of beginning. Subject to legal highways.

Premises commonly known as: 5363 Silica Drive
Sylvania, OH 43560

Permanent Parcel No(s): 82-02471

AREIS Online Report



Parcel : 82-02471
Assessor : 45-041-004
Owner : BOARD OF
EDUCATION OF THE
SYLVANIA CITY SCHOOL
DISTRICT THE AN OHIO
CORP
Property Address :
5363 SILICA DR

Taxing District : SYLVANIA
CITY-SYLVANIA CSD
Class/Landuse : E / 07
Values (100%) :
Land - 68,600
Bldg - 0
Total - 68,600

Frontage : 149
Depth : 0
Acres : 1.330
TLA : 2450



ORDINANCE NO. 7 -2015

**AMENDING PART THREE – TRAFFIC CODE OF THE SYLVANIA
CODIFIED ORDINANCES, 1979, AS AMENDED BY AMENDING
CHAPTER 351 – PARKING GENERALLY BY ADDING SECTION 351.23
– SNOW EMERGENCY PARKING BAN; AND DECLARING AN
EMERGENCY.**

WHEREAS, increasingly, cars are remaining parked along various public streets during snow emergencies impairing the safe movement of traffic and resulting in street congestion; and,

WHEREAS, parked cars in the streets also impedes the snow removal process for the City’s Streets Department; and,

WHEREAS, the Chief of Police has recommended that the Sylvania Codified Ordinances be amended to restrict the parking of vehicles on public streets during snow emergencies.

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

SECTION 1. That Chapter 351 of the Codified Ordinances of Sylvania, 1979, as amended, be and it hereby is, amended to read as set forth on the attached “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 this ordinance must be immediately effective to provide for the new parking regulations and to make necessary changes to the Codified Ordinances. 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, _____, 2015, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

351.23 SNOW EMERGENCY PARKING BAN.

(a) Purpose. It is hereby declared to be in the best interest of the public policy and the public safety of the City to regulate and restrict the parking of vehicles on public streets during snow emergencies.

(b) Snow Emergency Defined. A snow emergency is hereby declared by the Mayor, or his designee, to be a period of time prior to, during and after a snow fall during which period of time the parking of such vehicles could hinder, delay and obstruct the safe flow of traffic and emergency vehicles and the proper cleaning, clearing and making safe of all public streets of this City.

(c) Determination of Snow Emergency. Whenever, during any period of twenty-four hours or less, snow falls in the City, or in any section thereof, to a depth of four inches or more, an emergency may be declared to exist by the Mayor or his designee. Such emergency shall continue in effect until an announcement by the Mayor or his designee, that snow plowing operations have been completed. The City shall make a reasonable effort to announce the existence of the emergency by the use of local press and radio stations, and shall make similar reasonable efforts to announce the termination of such emergency. However, owners and operators of motor vehicles shall have the full responsibility to determine existing weather conditions and to comply with emergency parking regulations when such emergency is in effect.

(d) No Parking During Snow Emergency. During the period of snow emergency as herein declared, no person shall park or cause or permit to be parked, or permit to remain parked or abandon or leave unattended any motor vehicle of any kind or description, upon any and all public streets. However, vehicles may be parked for a period of not longer than three minutes for actual loading or unloading of passengers, or thirty minutes for actual loading or unloading of property, except for a reasonable time to load or unload elderly or handicapped persons, provided that an operator of such vehicle is immediately available, and provided further that no other ordinance restricting parking as to time or place is violated thereby.

(e) Removal of Illegally Parked Vehicles. The Director of Public Service, Police Chief or any member of the Police Division is hereby authorized and empowered to provide for the removal of any vehicle parked on any of the designated snow emergency streets or roads during the period of snow emergency, to a garage or other place as any such person deems proper. Any costs incurred in such removal and storage shall be paid for by the owner of the vehicle and such costs shall be in addition to any fines or penalties which may be imposed on the owner or operator of the vehicle, and shall be paid before the violator can recover his vehicle.

(g) Snow Removal. After such emergency has been declared as set forth herein, no person shall push or place additional snow and ice upon streets or portions of streets from driveways, sidewalks, parking lots or from any other places.

“Exhibit A-1”

(h) Penalty. The owner or operator of a motor vehicle found in violation of the prohibitions of this chapter shall be deemed to have committed a minor misdemeanor parking - infraction and, in addition to any fine which may be imposed hereunder, the owner or operator of a motor vehicle found in violation of this chapter shall be responsible for all towing and storage costs for such vehicle during the snow emergency. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree and, in addition to the penalties allowable by law, shall be responsible for all towing and storage costs for the vehicle. If within one year of the first offense, the offender previously has been convicted of two or more offenses hereunder, whoever violates a section of this chapter is guilty of a misdemeanor of the third degree, and in addition to the penalties allowable by law, shall be responsible for all towing and storage costs for the vehicle.

(Ord. _____-2015. Passed _____-2015.)

“Exhibit A-2”

RESOLUTION NO. 1 - 2015

A RESOLUTION OF THE COUNCIL OF SYLVANIA ESTABLISHING GUIDELINES RELATIVE TO THE DEFERMENT OF PAYMENT OF SPECIAL ASSESSMENTS ON GROUNDS OF FINANCIAL HARDSHIP; AMENDING RESOLUTION NO. 8-2014 TO REFLECT SAID DEFERMENT GUIDELINES; AND DECLARING AN EMERGENCY.

WHEREAS, Resolution No. 8-2014, passed February 18, 2014, declared the necessity of improving Arbor Way between Silvertown Drive and Whiteford Road by installing eight-inch sanitary sewer lines, widening the pavement, installing a new surface course of asphalt

WHEREAS, Ordinance No. 3-2015, passed January 22, 2015, levied special assessments for the improvement of Arbor Way between Silvertown Drive and Whiteford Road, by installing eight-inch sanitary sewer lines, widening the pavement, installing a new surface course of asphalt resulting in a \$10,295.04 assessment per property owner; and,

WHEREAS, the Director of Public Service has indicated that some of the residents have limited financial means and it will present a financial hardship for them to pay said assessment; and,

WHEREAS, Director of Public Service recommends that the City establish guidelines relative to its consideration of applications for deferment of payments of special assessments.

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

SECTION 1. That the Council of the City of Sylvania hereby determines that this will consider applications for deferment of payment of special assessments upon compliance with the following rules and guidelines:

- a. Upon request, application forms shall be furnished by the Municipal Clerk to any interested property owner.
- b. A completed application form shall be filed with said Municipal Clerk no later than the fifteenth (15th) day following the passage of an assessment ordinance.
- c. A copy or copies of the property owner(s) most recent Federal income tax return, if any, and other pertinent information shall be attached to said application.

- d. The guidelines and income levels shall be in accordance with the Very Low Income Limit established by the Department of Housing and Urban Development for the calendar year of the assessment.
- e. The deferment shall be for 50% of the assessment for those who qualify until such time as the property is sold or transferred by the applicant, or such time as the property becomes subject to estate taxes under Chapter 5731 of the Ohio Revised Code.

SECTION 2. That Section 4 of Resolution No. 8-2014, passed February 18, 2014 is hereby amended to include the above guidelines for deferment of payment of the assessment.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 4. That the Clerk of Council is hereby directed to post a copy of this Resolution 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 5. 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 guidelines should be adopted and approved at the earliest possible time. 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 this Charter.

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

Passed, _____, 2015, as an emergency measure.

President of Council

ATTEST: _____

Clerk of Council

APPROVED: _____

Mayor

Date

APPROVED AS TO FORM:

Director of Law



B
Board of County
Commissioners
Tina Skeldon Wozniak
President
Pete Gerken
Carol Contrada

Jody L. Balogh
Clerk of the Board

February 3, 2015

Ms. Sharon Bucher
Clerk of Council
City of Sylvania
6730 Monroe Street
Sylvania, OH 43560

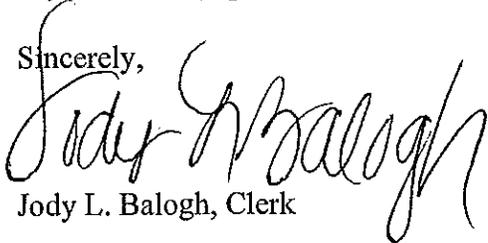
Re: Annexation Petition Nos. 2014-4 and 2014-5
Portions of Sylvania Township
to the City of Sylvania

Dear Ms. Bucher:

Enclosed are certified copies of Resolution Nos. 14-1093 and 14-1094 granting the above-referenced annexation petitions as well as a copies of the complete proceedings

If you have any questions, please give me a call.

Sincerely,



Jody L. Balogh, Clerk

/jlb
Enclosure

Date: December 16, 2014

Resolution No. 14-1093

Title: Hearing and Approval of Annexation Petition No. 2014-4, Portions of Sylvania Township to the City of Sylvania, Parcel Nos. 78-33064, 78-33067, 78-33071, 78-33074 (2.041 acres±)

Department/Agency: Commissioners

Contact: Jody L. Balogh, Clerk

Summary/Background: There was filed with this Board on October 3, 2014, a petition for the annexation by a majority of the owners of approximately 2.041 acres of land, more or less, of real estate in Sylvania Township to the City of Sylvania by James A. Moan, Esq., agent for the petitioners. The petitioner requests that the territory be annexed pursuant to the **Regular Annexation** procedures contained in R.C. 709.02.

On October 23, 2014, the County Engineer reported that the legal description and map are accurate and do conform to County records.

The petition meets all of the requirements set forth in, and was filed in, the manner provided in *O.R.C. 709.02*. The City of Sylvania, has, pursuant to *O.R.C. 709.03(D)*, adopted an ordinance that includes a statement indicating what services it will provide and an approximate date that it will provide the services to the territory to be annexed, upon annexation.

Commissioner Contrada opened the hearing at 11:11 a.m.; Commissioner Skeldon Wozniak and Commissioner Gerken were present. The notice of this public hearing was published December 5, 2014 in the Toledo Legal News. The affidavit of the proof of publication was provided by the agent for the petitioners.

The agent for the petitioner, Leslie B. Brinning for James E. Moan, Esq., was present. Ms. Brinning stated that the reason the petitioner, the Toledo-Lucas County Library, is requesting the annexation of these parcels from Sylvania Township to the City of Sylvania is because they are building a new facility and some of the parcels are in the Township and some are in the City of Sylvania. The Library wishes them to be all be in the same jurisdiction.

Mr. John Zeitler, Sylvania Township Administrator, was present and stated that the Township understands the reasons the Library petitioned to have all parcels to be in the same jurisdiction and the Township has no objections.

Mr. Matt Lewandowski, Lewandowski Engineers, was present representing the petitioner and to answer any questions the Board may have.

No one spoke in opposition to the annexation. The hearing was closed at 11:13 a.m.

December 16, 2014

Hearing and Approval of Annexation Petition No. 2014-4, Portions of Sylvania Township to the City of Sylvania, Parcel Nos. 78-33064, 78-33067, 78-33071, 78-33074 (2.041 acres±)

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Department/Agency: Commissioners

Contact: Jody L. Balogh, Clerk

Budget Impact: N/A

Statutory Authority/ORC: 709.02

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Commissioner Contrada offered the following resolution:

Section 1. This Board, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, hereby makes the following findings fact:

- a. The petition meets all of the requirements set forth in, and was filed in, the manner provided in *O.R.C.* 709.02;
- b. The persons who signed the petition are the owners or real estate located in the territory proposed to be annexed;
- c. The number of valid signatures on the petition constitutes a majority of the owners of real estate in the territory as of the date that the petition was filed;
- d. The City of Sylvania, has, pursuant to *O.R.C.* 709.03(D), adopted an ordinance that includes a statement indicating what services it will provide and an approximate date that it will provide the services to the territory to be annexed, upon annexation;
- e. The territory is not unreasonably large;
- f. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted; and

December 16, 2014

Hearing and Approval of Annexation Petition No. 2014-4, Portions of Sylvania Township to the City of Sylvania, Parcel Nos. 78-33064, 78-33067, 78-33071, 78-33074 (2.041 acres±)

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- g. No street or highway will be divided or segmented by the boundary line between the Township and the City as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the City of Sylvania has agreed, as a condition of the annexation, that it will assume the maintenance of that street or Highway;

Section 2. The petition to annex 2.041± acres of real estate in Sylvania Township to the City of Sylvania (Parcel Nos. 78-33064, 78-33067, 78-33071, 78-33074) is hereby granted.

Section 3. The Clerk of the Board is hereby directed to deliver a certified copy of this resolution to the clerk of the Sylvania City Council, the Sylvania Township Clerk, and the agent for Petitioners.

Section 4. If after the expiration of thirty days from the date of this resolution no appeal has been filed, the Clerk of the Board is directed to deliver a certified copy of the entire record of the annexation proceedings to the auditor or clerk of the municipality.

Section 5. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public to the extent required by law.

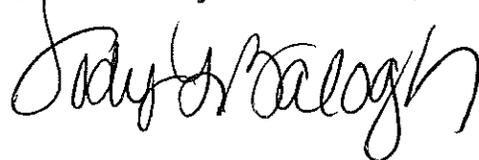
Section 6. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

Commissioner Contrada voted yes
Commissioner Skeldon Wozniak voted yes
Commissioner Gerken voted yes


Jody L. Balogh, Clerk

I hereby certify that the foregoing is a true and exact copy of Resolution No. 14-1093 duly passed by the Board of County Commissioners, Lucas County, Ohio, at its meeting on 12-16-14
Clerk of County Commissioners



Date: December 16, 2014

Resolution No. 14-1094

Title: Hearing and Approval of Annexation Petition No. 2014-5, Portion of Sylvania Township to the City of Sylvania, Parcel No. 78-61371 (0.12 acres±)

Department/Agency: Commissioners

Contact: Jody L. Balogh, Clerk

Summary/Background: There was filed with this Board on October 3, 2014, a petition for the annexation by a majority of the owners of approximately 0.12 acres of land, more or less, of real estate in Sylvania Township to the City of Sylvania by James A. Moan, Esq., agent for the petitioners. The petitioner requests that the territory be annexed pursuant to the **Regular Annexation** procedures contained in R.C. 709.02.

On October 23, 2014, the County Engineer reported that the legal description and map are accurate and do conform to County records. However, the County Engineer indicated that the legal description does not include the right-of-way of the roads adjacent to the parcel and should be amended.

On December 5, 2014, an amended legal description was filed to include the right-of-way abutting Parcel 78-61371 and was reviewed and approved by the County Engineer.

The petition meets all of the requirements set forth in, and was filed in, the manner provided in *O.R.C.* 709.02. The City of Sylvania, has, pursuant to *O.R.C.* 709.03(D), adopted an ordinance that includes a statement indicating what services it will provide and an approximate date that it will provide the services to the territory to be annexed, upon annexation.

Commissioner Contrada opened the hearing at 11:13 a.m.; Commissioner Skeldon Wozniak and Commissioner Gerken were present. The notice of this public hearing was published December 5, 2014 in the Toledo Legal News. The affidavit of the proof of publication was provided by the agent for the petitioners.

The agent for the petitioners, Leslie B. Brinning for James E. Moan, Esq., was present. Ms. Brinning stated this is one parcel and the reason the petitioner filed the annexation petition was for the purpose of having City of Sylvania water.

Mr. John Zeitler, Sylvania Township Administrator, was present and stated that the Township objects to this annexation due to the fact that this parcel can still get their water from the City of Sylvania without being annexed into the City and the Township can provide all other services to the parcel.

Ms. Brinning stated that the property owners came to the City and requested this annexation, and, in addition to the water service they also desire City of Sylvania garbage service.

No other person(s) spoke in favor or opposition to this annexation.

The hearing was closed at 11:17 a.m.

December 16, 2014

Hearing and Approval of Annexation Petition No. 2014-5, Portion of Sylvania Township to the City of Sylvania, Parcel No. 78-61371 (0.12 acres±)

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Department/Agency: Commissioners

Contact: Jody L. Balogh, Clerk

Budget Impact: N/A

Statutory Authority/ORC: 709.02

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Commissioner Contrada offered the following resolution:

Section 1. This Board, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, hereby makes the following findings fact:

- a. The petition meets all of the requirements set forth in, and was filed in, the manner provided in *O.R.C.* 709.02;
- b. The persons who signed the petition are the owners or real estate located in the territory proposed to be annexed;
- c. The number of valid signatures on the petition constitutes a majority of the owners of real estate in the territory as of the date that the petition was filed;
- d. The City of Sylvania, has, pursuant to *O.R.C.* 709.03(D), adopted an ordinance that includes a statement indicating what services it will provide and an approximate date that it will provide the services to the territory to be annexed, upon annexation;
- e. The territory is not unreasonably large;
- f. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted; and
- g. No street or highway will be divided or segmented by the boundary line between the Township and the City as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the City of Sylvania has agreed, as a condition of the annexation, that it will assume the maintenance of that street or Highway;

December 16, 2014

Hearing and Approval of Annexation Petition No. 2014-5, Portion of Sylvania Township to the City of Sylvania, Parcel No. 78-61371 (0.12 acres±)

Page 3

Section 2. The petition to annex 0.12± acres of real estate in Sylvania Township to the City of Sylvania (Parcel 78-61371) is hereby granted.

Section 3. The Clerk of the Board is hereby directed to deliver a certified copy of this resolution to the clerk of the Sylvania City Council, the Sylvania Township Clerk, and the agent for Petitioners.

Section 4. If after the expiration of thirty days from the date of this resolution no appeal has been filed, the Clerk of the Board is directed to deliver a certified copy of the entire record of the annexation proceedings to the auditor or clerk of the municipality.

Section 5. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public to the extent required by law.

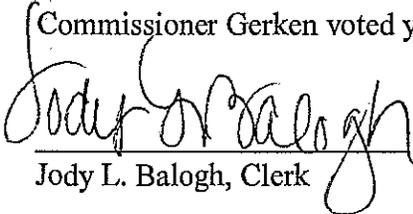
Section 6. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

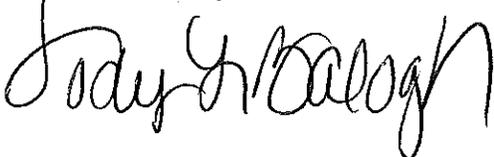
Commissioner Contrada voted yes

Commissioner Skeldon Wozniak voted yes

Commissioner Gerken voted yes


Jody L. Balogh, Clerk

I hereby certify that the foregoing is
a true and exact copy of Resolution
No. ~~14-1094~~ duly passed by the
Board of County Commissioners,
Lucas County, Ohio, at its meeting
on 12-16-14
Clerk of County Commissioners



Board of Architectural Review

Minutes of the regular meeting of February 11, 2015. Mr. Lindsley called the meeting to order.

Members present: Mayor Craig Stough, Ken Marciniak, Daniel Arnold, Brian McCann, and Thomas Lindsley (5) present. Zoning Administrator, Timothy Burns and Deputy Service Director, Joe Shaw present.

Mr. Marciniak moved, Mr. McCann seconded to approve the Minutes of the January 14, 2015 meeting as submitted. Vote being: Stough, Arnold, McCann, Marciniak and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 3 – Regulated Sign – app. no. 1-2015 requested by Edie Victor of Gardner Signs Inc. for King of Glory Lutheran Church, 6517 Brint Road, Sylvania, Ohio 43560. Application is for a monument sign with an LED message board. No one was present to represent the applicant. Mr. Marciniak asked if there are controls on the wattage or brightness of the lighting. Mr. Burns responded that there are restrictions on the brightness in the Zoning Code. Mr. Burns then stated that there are further restrictions on the sign that were included in the letter that he submitted to the Board. He added the restrictions are not from the City's Zoning Code and that they are straight from the Ohio Highway Safety Board's recommendations. Mr. Marciniak moved, Mayor Stough seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application, incorporating the following restrictions which were listed in the Zoning Administrator's letter to the Members of the Board of Architectural Review, dated February 11, 2015:

- a. Sign is limited to not more than 3 lines with not more than 20 characters per line.
- b. No more than 2 displays should be used within any message cycle.
- c. No more than 2 messages should be displayed in any given day.
- d. No animation, fading, exploding, dissolving, or moving messages are to be used.

Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 4 – Regulated Sign – app. no. 2-2015 requested by Mary Tyson for Ohio Family Survival Store, LLC, 5625 Alexis Road, Sylvania, Ohio 43560. Ms. Tyson was present and gave a brief description of the business and explained that there are presently two existing temporary signs, one on the monument and one on the door. Mr. Burns added that a temporary permit has been issued for those signs and that the permanent signs will not be installed until the owner feels that the store is doing well. The application is for three signs including a face replacement on an existing monument sign, a window sign and a wall sign to be installed on the front of the building. Signs are within the limits of the Sylvania Sign Code. Mr. McCann moved, Mr. Marciniak seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 5 – Regulated Sign – app. no. 3-2015 requested by Brian Heil of Toledo Sign Co. for US Renal Care, 7635 Sylvania Avenue, Sylvania, Ohio 43560. Myra Gueli of Toledo Sign present.

Board of Architectural Review
Minutes of the February 11, 2015 Meeting
Page 2

Application is for additional wording to be added to both sides of the existing wall sign that was recently approved by the board. Sign is within the limits of the Sylvania Sign Code. Mr. Marciniak moved, Mr. McCann seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 6 – Regulated Sign – app. no. 4-2015 requested by Brian Heil of Toledo Sign Co. for Kay and Paulus Orthodontics, 5860 Alexis Road, Sylvania, Ohio 43560. Myra Gueli of Toledo Sign present. Application is for the addition of a new panel on an existing monument and the replacement of an existing wall sign. Signs are within the limits of the Sylvania Sign Code. Mr. Arnold moved, Mr. Marciniak seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 7 – Regulated Sign – app. no. 5-2015 requested by Myra Gueli of Toledo Sign Co. for NOIC, 6450 Monroe Street, Sylvania, Ohio 43560. Myra Gueli present. Application is for the removal of 4 small tenant signs to be replaced with 2 larger tenant panels on an existing monument sign. Signs are within the limits of the Sylvania Sign Code. Mr. McCann moved, Mr. Arnold seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 8 – Regulated Sign – app. no. 6-2015 requested by Jennie Kiell for Elevate Nutrition 6383 Monroe Street, Sylvania, Ohio 43560. Application is for the replacement of the face on an existing wall sign. Sign is within the limits of the Sylvania Sign Code. Mr. Burns stated that he went by the business yesterday and that the sign was already up although no temporary permit had been issued for the sign. He further stated this application is for only one sign but that there is also an existing monument sign on the property that he suspects they will want to replace that sign in the future and that they will have to come back to the board for approval. Mr. McCann moved, Mr. Arnold seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

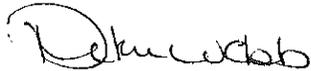
Item 9 – Building Review – app. no. 7-2015 requested by Brian Fabo of Fabo Enterprises for Rite Aid, 4018 McCord Road, Sylvania, Ohio 43560. Application is for exterior renovations of the storefront. Mr. Fabo was present and gave a brief presentation of the changes to be made; and that the old paint and trim color scheme of greys and blues will be updated with more earthy tones. Mr. Marciniak moved, Mr. McCann seconded, to grant a Certificate of Appropriateness for the building renovations shown in the drawing submitted with the application. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

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Minutes of the February 11, 2015 Meeting
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Item 10 – Regulated Sign – app. no. 8-2015 requested by Kevin Neifer of Harmon Sign for Lourdes – Canticle Center 5335 Silica Drive, Sylvania, Ohio 43560. Application is for the removal and replacement of an internally lit sign to be installed on an existing monument base. Gayle Lampkowski, of the Sisters of St. Francis and Kevin Neifer present. Ms. Lampkowski stated that the face of the sign will be replaced but that no changes would be made to the monument brickwork. Sign is within the limits of the Sylvania Sign Code. Mr. McCann moved, Mr. Arnold seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Mr. Marciniak moved, Mr. McCann seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary
Municipal Planning Commission

Sylvania Municipal Planning Commission

Minutes of the regular meeting of February 11, 2015. Mr. Lindsley called the meeting to order.

Members present: Mayor Craig Stough, Ken Marciniak, Daniel Arnold, Brian McCann, and Thomas Lindsley (5) present. Zoning Administrator, Timothy Burns and Deputy Service Director, Joe Shaw present.

Mr. McCann moved, Mr. Marciniak seconded to approve the Minutes of the January 14, 2015 meeting as submitted. Vote being: Stough, McCann, Marciniak, Arnold and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 3 – Replat of Heritage Village, located on the west side of Main Street between Maplewood Avenue and Erie Street, submitted by the City of Sylvania. Mr. Shaw gave a brief explanation of why the replat approval is being requested. He explained that there are 7 existing lots in the plat and that the City owns 6 and that a private organization owns the other lot, that this is part of an assessors plat from 1859 and that the auditor's office has found many discrepancies with the legal descriptions and lot lines. He further explained that this plat has been subdivided several times. Presently in this plat there are 2 gaps and 1 gore between the property lines. He further added that this request of the replat is a "clean up" of the plat. The private entity, Heritage Commons, has asked that their lot be split into 2 lots for future use, which is shown on the replat and that the gore on the current plat is located between lots 7 and 8 shown on the replat. Mr. McCann asked if it makes sense to have this many lot lines? Mr. Shaw stated that the administration has looked at the plat and that they are comfortable with the lot lines. Mr. Marciniak moved, Mr. McCann seconded to approve the replat of Heritage Village as submitted. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 4 – Council Referral – Zoning Ordinance Amendment Petition No. ZA-1-2015, a request from the Pisciotta Family Trust to change the zoning from M-1, "Light Industrial District" to B-1-B, "Modified Business and Office District", for property located at 5649, 5651, 5655 W. Alexis Rd., Sylvania, OH 43560. Attorney Jonathan Hanna present. Mr. Hanna explained that the request is being made to change the zoning of the parcels of the existing Kentucky Fried Chicken franchise which has 20 commercial year lease on the property and is about 10 years into the lease. He further added that the business had recently shut down and that during the preparing of the marketing materials to sublease the property it was discovered that there was a zoning change to the industrial classification and that any subtenant they may find would most likely be a restaurant. Mr. Burns stated that 3-4 blocks of Alexis Road are zoned M-1 but that most of the business would likely not work in the M-1 district and he suspects that many of the businesses, as they turn over, will probably come forward to request this same zoning in the future. Mayor Stough added that this does not change what can go on the property; that Kentucky Fried may have been a non-conforming use for a while and that this would make that legal. Marciniak moved, Mr. Arnold seconded to recommend approval of the zoning change request. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Planning Commission
Minutes of the February 11, 2015 Meeting
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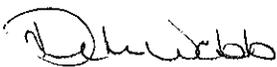
Item 5 – Council Referral – Proposed Ordinance 4-2015, for review and recommendation, amending the Codified Ordinances of Sylvania by creating Chapter 1167 - Charitable Donation Containers, to register donation containers that are placed in open spaces and on private property and a penalty for violation. Mayor Stough stated that the City has been receiving complaints about the containers in the large retail parking lots for years and that the complaints have picked up the last year so the chairman of the Zoning Committee, Mr. Haynam, had the issue referred to his committee and that his committee invited comments from the donation bin owners. They found that many of the bins are owned by non-profit organizations and some are owned by profit operations; that some of the containers are well built containers and some are not; that some are serviced and some are not; and that the bins have been attracting mattresses, furniture and trash around them. The committee also checked with the property owners and found that some of the containers are being placed on properties without permission and that some of the owners of the bins refuse to remove them when asked to do so. Further discussion took place among the members about the regulations that the proposed ordinance would impose and Mr. Burns commented that this ordinance would help to enforce regulations on the bins. Mayor Stough added that the ordinance would only apply to unsupervised or unattended bins, and would not apply to bins placed by a property owner on private property. Mr. Marciniak moved, Mr. McCann seconded to recommend approval of the proposed ordinance. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 6 – Organizational Meeting

- a. Election of Officers: Mr. Lindsley called for nominations.
 1. Chair – Mr. McCann moved, Mr. Marciniak seconded to elect Tom Lindsley as chair of the Sylvania Municipal Planning Commission. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.
 2. Vice-Chair – Mr. McCann moved, Mr. Lindsley seconded to elect Brian McCann as vice-chair of the Sylvania Municipal Planning Commission. Vote being: Marciniak, Arnold, Stough, Lindsley and McCann, (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Mr. McCann moved, Mr. Arnold seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary
Municipal Planning Commission