

Sylvania City Council
September 21, 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 Mr. Mishka.
3. Additions to the agenda.
4. Approval of the meeting minutes of September 9, 2015.
5. Proposed Resolution 6-2015, Sylvania Community Services five-year, 0.32-mill renewal plus 0.10 mill new operating levy endorsement for Sylvania Senior Center.
6. Proposed Ordinance 58-2015, Denying the recommendation of the Planning Commission to approve Petition for Zoning Ordinance Amendment No. ZA-2-2014. (1st reading 9/9/15)
7. Zoning Ordinance Amendment Petition No. SUP-2-2015, a request from St. Elias Orthodox Church to amend the Special Use Permit for a storage building at 4940 Harroun Road, Sylvania, Ohio 43560; for referral to the Planning Commission.
8. Proposed Ordinance 53-2015, Operating Agreement for Operation of Lathrop House, between Metropolitan Parks District and City of Sylvania.
9. Proposed Ordinance 59-2015, Accepting a license agreement from St. Joseph Catholic Church to install and maintain a sign indicating the location of the Lathrop House.
10. Committee reports.
11. Committee referrals.

INFORMATION

- A. Municipal Planning Commission minutes from September 16, 2015.
- B. Board of Architectural Review minutes from September 16, 2015.

Minutes of the Meeting of Council
September 9, 2015

The Council of the City of Sylvania, Ohio met in regular session on September 9, 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, Jason Mishka, Mary Westphal (6) present.

Roll call:
Mark Luetke,
absent; excused.

Mrs. Westphal led the Pledge of Allegiance to the United States of America.

Pledge of
Allegiance.

Mayor Stough stated that Council will now consider agenda item 3.

Requests were made for the following additions to the agenda:

- 6a. Proposed Ordinance No. 58-2015, ZA-2-2014.
- 7a. Schedule a Zoning & Annexation Committee meeting re: Proposed Ordinance No. 56-2015, Amending Chapter 1187-Architectural Districts.

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

Approval of the
agenda as
amended.

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

Mrs. Westphal presented the August 17, 2015 minutes. Mrs. Westphal moved, Mrs. Husman 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 August 17, 2015 be approved; roll call vote being: Haynam, Husman, Mishka, Westphal, Cappellini, Frye, (6) yeas; (0) nays. The motion carried.

Approval of the
August 17, 2015
minutes.

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

Mayor Stough presented Resolution 5-2015 to Sophia Howard commending her for her 1st place finishes in the 2014 and 2015 National Junior Olympic Archery Championships.

Presentation of
Res. No. 5-2015,
Sophia Howard.

Minutes of the Meeting of Council
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Mayor Stough stated that Council will now consider agenda item 6.

Clair Proctor, Executive Director, Sylvania Community Services provided information on the services provided to residents, financial information, and the upcoming levy. She requested City Council to endorse the upcoming levy. Mr. Frye moved, Mr. Haynam seconded to endorse the Sylvania Community Services levy and to prepare a written Resolution for approval by council at the next council meeting; roll call vote being: Husman, Mishka, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Syl. Community Services, request for levy endorsement.

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

Mr. Haynam presented and read aloud by title only, the first reading of proposed Ordinance No. 58-2015, a written copy of same having been previous furnished to each of the Council, "Denying the recommendation of the Municipal Planning Commission to approve Petition for Zoning Ordinance Amendment No. ZA-2-2014 on the Petition of Jerome R. Parker, agent for DJF Properties, Ltd., to change the zoning of property at 5904 W. Alexis Rd., and 5623 and 5625 Acres Rd., Sylvania, Ohio from "R-2 Single Family Small Lot Residential District" to B-2 "General Business Zoning District", and declaring an emergency. Mr. Haynam moved, Mr. Mishka seconded the first reading of proposed Ordinance No. 58-2015.

Ordinance No. 58-2015, 1st reading.

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

Mr. Haynam moved, Mrs. Westphal seconded to refer Proposed Ordinance 56-2015 to the Plan Commission for review and recommendation; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (6) yeas; (0) nays. The motion carried.

Refer Ordinance No. 56-2015 to the Plan Commission.

Mr. Haynam stated the Zoning & Annexation Committee meeting to be scheduled tonight will be deferred until next meeting to review schedule availability.

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

Service Director's report on the 2015 Ground Storage Tank Improvements was placed on file. Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 57-2015, a written copy of same having been previously furnished to each member of Council, "Accepting the proposal of Dixon Engineering, Inc. to provide Engineering Design and Inspection Services for the 2015 Ground Storage Tank Improvement Project; appropriating funds therefore in the amount of \$18,563; and declaring an emergency"; Mr. Mishka moved, Mr. Haynam seconded, that Council dispense with the

Ordinance No. 57-2015, "Accepting proposal of Dixon Eng... Ground Storage Tank

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Second and Third Readings of said Ordinance; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Mishka, (6) yeas; (0) nays. The motion carried. Improvement Project...”

Mr. Mishka moved, Mr. Frye seconded, that Ordinance No. 57-2015 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Mishka, Westphal, (6) yeas; (0) nays. The motion carried.

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

Mrs. Westphal reported on the Safety Committee meeting held on September 8, 2015 regarding “No Parking” on Weldwood Drive and Summit Street. Mr. Aller presented parking options for these areas. Administration will monitor the amended parking restrictions. Safety Com. Mtg. Report. Weldwood, Summit Sts. Parking.

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

Mrs. Husman moved, Mr. Haynam seconded to set Trick-or-Treat in the City for Saturday, October 31st from 6:00 p.m. to 7:30 p.m.; roll call vote being: Frye, Haynam, Husman, Mishka, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried. Trick-or-Treat set for Oct. 31st 6:00-7:30 p.m.

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 8:32 p.m. Adjournment.

Clerk of Council

Mayor

RESOLUTION NO. 6 - 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SYLVANIA SUPPORTING THE FIVE-YEAR, 0.32-MILL RENEWAL PLUS 0.10-MILL NEW OPERATING LEVY FOR THE SYLVANIA SENIOR CENTER; AND DECLARING AN EMERGENCY.

WHEREAS, a quality senior center is a vital component of any successful community;
and,

WHEREAS, the Sylvania Senior Center has demonstrated a record of excellence while still maintaining financial responsibility and accountability; and,

WHEREAS, at the September 9, 2015 meeting of Sylvania City Council, the Executive Director of Sylvania Community Services gave a presentation highlighting the need for the renewal and new levy dollars; and,

WHEREAS, thereafter, Sylvania City Council requested the Director of Law to draft legislation in support of the Operating Levy for the Sylvania Senior Center.

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

SECTION 1. That this Council recognizes the importance of the Sylvania Senior Center to the community.

SECTION 2. That this Council does hereby support the proposed 0.32 mill Renewal and 0.10 mill New Operating Levy for the Sylvania Senior Center which will be placed on the November 3, 2015 ballot.

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 City should provide its support for the passage of the operating levy prior to the vote of November 3, 2015. 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:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

ORDINANCE NO. 58 -2015

DENYING THE RECOMMENDATION OF THE MUNICIPAL PLANNING COMMISSION TO APPROVE PETITION FOR ZONING ORDINANCE AMENDMENT NO. ZA-2-2014 ON THE PETITION OF JEROME R. PARKER, AGENT FOR DJF PROPERTIES, LTD., TO CHANGE THE ZONING OF PROPERTY AT 5904 W. ALEXIS RD. AND 5623 AND 5625 ACRES RD., SYLVANIA, OHIO FROM “R-2 SINGLE FAMILY SMALL LOT RESIDENTIAL DISTRICT” TO “B-2 GENERAL BUSINESS ZONING DISTRICT”; AND DECLARING AN EMERGENCY.

WHEREAS, Application ZA-2-2014, dated April 29, 2014, was, by Jerome R. Parker, agent for DJF Properties, Ltd., presented to the Clerk of this Council and by the Clerk presented to Council on May 5, 2014, and the same thereupon was referred to the Municipal Planning Commission for consideration, recommendation and report; and,

WHEREAS, the Municipal Planning Commission considered said Application on June 11, 2014, and by report dated June 12, 2014, recommended the approval of such request, which recommendation was as follows:

... “Mr. Frye moved, Mr. Marciniak seconded to recommend to City Council to modify the zoning from R-2 to B-2. Vote being: Stough, Frye, McCann, Marciniak and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.”

WHEREAS, this Council, on June 16, 2014, established July 21, 2014, at 6:30 p.m., as the date and time for the Public Hearing before this Council on said Application; and,

WHEREAS, said real estate is currently zoned “R-2 Single Family Residential Small Lot District”; and,

WHEREAS, the action of the Municipal Planning Commission on June 11, 2014 was that the zoning on 5904 W. Alexis Rd. and 5623 and 5625 Acres Rd., Sylvania, Ohio should be changed to “B-2 General Business Zoning District”; and,

WHEREAS, this Council held a public hearing on said application (petition) on July 21, 2014, after thirty (30) days prior publication of notice of such public hearing, and after twenty (20) or more days of prior written notice of the hearing to all owners of the property within, contiguous to, and directly across the street from the subject property was duly made; and,

WHEREAS, thereafter, at the July 21, 2014 meeting of Sylvania City Council, this matter was referred to the Zoning and Annexation Committee for its further review and recommendation; and,

WHEREAS, the Annexation and Zoning Committee met on August 17, 2015 to discuss Zoning Application ZA-2-2014 and thereafter the committee recommended that the recommendation of the Municipal Planning Commission be denied; and,

WHEREAS, at the August 17, 2015 meeting of Sylvania City Council, the Law Director was ordered to draft legislation denying the recommendation of the Sylvania Municipal Planning Commission and denying ZA-2-2014; and,

WHEREAS, all things required to be done under the Codified Ordinances of the City of Sylvania and the Charter of the City before Council may take final action on said zoning ordinance amendment application (petition) have been done.

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

SECTION 1. That the recommendation of the Municipal Planning Commission to approve Petition for Zoning Ordinance Amendment, Application ZA-1-2014, filed by Jerome R. Parker, Agent for Proposed Owner on April 29, 2014, to change the zoning for 5904 W. Alexis Rd. and 5623 and 5625 Acres Rd., Sylvania, Ohio 43560 described in said Petition from "R-2 Single Family Residential Small Lot District" to "B-2 General Business Zoning District" for the above-mentioned property is hereby denied, and said change of zoning is hereby denied.

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 zoning amendment should be denied immediately. 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:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

PETITION FOR ZONING ORDINANCE AMENDMENT

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

Application No. SUP-2-2015
Date 9/14/15

Petitioner Name(s) ST. ELIAS CHURCH

Petitioner Address 4940 HARROUN RD

Telephone 419 882 4037

Location of property for which zoning amendment is requested:
4940 HARROUN RD

Purpose of amendment request: Special Use Permit Amendment
For storage shed.

Current Zoning: R-1

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.

100.00 - Plus the cost of All Advertising & Mailing
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: Edward P. Lepore

Date referred by Council: _____

Date of Commission Action: _____

Date of Council Action: _____

Action: _____

pd 100.00
10/15
9/14/15
Tina [Signature]

ST. ELIAS ANTIOCHIAN ORTHODOX CHURCH ASSOCIATION

Legal Description

Parcel 1: The Southerly nine (9) rods of the Northerly twenty-five (25) rods of the Westerly forty (40) rods of the North one-half ($\frac{1}{2}$) of the Northeast ($\frac{1}{4}$) of Section fifteen (15), Town nine (9) South, Range six (6) East, in Sylvania Township, Lucas County, Ohio. Subject to legal highways.

Tax Parcel No.: 82-04530

Parcel 2: The West forty (40) rods of the South eight (8) rods of the North sixteen (16) rods of the North one-half ($\frac{1}{2}$) of the Northeast quarter ($\frac{1}{4}$) of Section fifteen (15), Town nine (9) South, Range six (6) East, in Sylvania Township, Lucas County, Ohio, subject to legal highways.

Tax Parcel No.: 82-04532

Parcel 3: That part of the Northerly twenty-five (25) rods of the Northeast quarter of Section fifteen (15), Town nine (9) South, Range six (6) East, in the City of Sylvania, Lucas County, Ohio, lying Northwesterly of relocated U. S. 23, excepting therefrom the Westerly forty (40) rods thereof, subject to legal highways.

Tax Parcel No.: 82-04529

Parcel 4: The North eight (8) rods of the West forty (40) rods of the Northeast quarter ($\frac{1}{4}$) of Section fifteen (15), Town nine (9) South, Range six (6) East, in the City of Sylvania, Lucas County, Ohio. Subject to legal highways.

Tax Parcel No.: 82-04534

Address: 4940 Harroun Road
Sylvania, OH 43560

ORDINANCE NO. 53 -2015

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN OPERATING AGREEMENT ON BEHALF OF THE CITY OF SYLVANIA, OHIO, WITH THE METROPOLITAN PARK DISTRICT OF THE TOLEDO AREA FOR THE OPERATION OF THE LATHROP HOUSE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 9-2004, passed February 2, 2004, authorized the Mayor and Director of Finance to enter into an Operating Agreement on behalf of the City of Sylvania, Ohio with the Metropolitan Park System of the Toledo Area for the operation of the Lathrop House; and, WHEREAS, the terms of the Operating Agreement required the parties to meet ten (10) years after the effective date of the 2004 Operating Agreement to review overall plans for the management and operation of the site; and,

WHEREAS, representatives from the City of Sylvania and the Metropolitan Park District of the Toledo Area have recently met to review the Metropolitan Park District's future plans for involvement in the management and operation of the Lathrop House; and,

WHEREAS, at the July 20, 2015 meeting of Sylvania City Council, this matter was referred to the Building and Grounds Committee for its review and recommendation; and,

WHEREAS, the Building and Grounds Committee met on August 17, 2015 to review the proposed Amendment to the Operating Agreement and thereafter recommended approval of the Agreement subject to the HVAC issue, air conditioning unit and other building issues being resolved; and,

WHEREAS, the City's Zoning Administrator and the President of the Friends of the Lathrop House met with a representative of The Metropolitan Park District of the Toledo Area at the Lathrop House to inspect and discuss the remaining building issues and the City's Zoning Administrator has indicated that the remaining building issues have been addressed; and,

WHEREAS, a copy of the Operating Agreement between the City of Sylvania and The Metropolitan Park District of the Toledo Area to provide assistance to the City in the operation and management of the Property by providing advice on construction projects, assistance with programming at the property, as well as assistance with grant applications and administration of such grants is attached hereto as "Exhibit A."

NOW, THEREFORE BE IT ORDAINED by the Council of 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 an Operating Agreement with The Metropolitan Park District of the Toledo Area to provide assistance to the City in the operation and management by providing advice on construction projects, assistance with programming at the Property, as well as assistance with grant applications and administration of such grants for the operation of the Lathrop House.

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 provisions should be made for the assistance with the operation of the Lathrop House 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 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

ORDINANCE NO. 59 -2015

ACCEPTING A LICENSE AGREEMENT FROM ST. JOSEPH CATHOLIC CHURCH TO INSTALL AND MAINTAIN A SIGN INDICATING THE LOCATION OF THE LATHROP HOUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania desires to install and maintain a sign indicating the location of the Lathrop House on the St. Joseph Catholic Church property; and,

WHEREAS, the Director of Law has obtained the necessary License Agreement from ST. Joseph Catholic Church and a copy of said License Agreement in the form and substance of “Exhibit A” is attached hereto and made a part hereof.

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 as so executed and tendered as described on “Exhibit A” be, and the same hereby is, accepted from St. Joseph Catholic Church, the grantor therein and the Mayor and Director of Finance be, and they hereby are, authorized to sign the License Agreement on behalf of the City of Sylvania.

SECTION 2. That the license area identified and described in said License Agreement as set forth on “Exhibit A” be, and the same hereby is, dedicated for the respective public purposes expresses in said easement.

SECTION 3. That the Director of Law is hereby directed to deliver the recorded License Agreement document to the Director of Finance for retention by him as custodian of the records of this City.

SECTION 4. 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 5. 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 6. 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 installation of the sign indicating the location of the Lathrop House should proceed without further delay. 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

LICENSE AGREEMENT

THIS LICENSE AGREEMENT ("License") is made effective as of August _____, 2015 by and between **St. Joseph Catholic Church** ("Church") and the **City of Sylvania, Ohio** ("Licensee").

PROPERTY DISCRIPTION

Church is the owner of certain real estate located at _____ Sylvania, Ohio (hereinafter "Property")

Licensee desires to use the Property for the purpose of erecting and maintaining a sign. Church is willing to grant Licensee a license to use Property, upon the terms and conditions of this License.

NOW, THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Church and Licensee agree as follows:

1. License.

Church grants to Licensee a license to use the Property subject to the terms and conditions set forth in this License.

2. Term.

This License shall be for an initial term ("Initial Term") commencing on October 1, 2015 ("Commencement Date") and terminating on September 30, 2020. Provided however, that Church or Licensee may terminate this License by giving sixty (60) days' notice of its intention to terminate.

3. License Fee.

Licensee shall pay a yearly license fee in the amount of One Dollar (\$1.00).

4. Use.

(a) Licensee's Use of Property. The Property shall be used by Licensee solely to erect and maintain a sign indicating the location of the Lathrop House and shall not be used for any other purposes without Licensor's consent. Licensee acknowledges that the limitations set forth in this Section 4(a) are a material part of the consideration received by Licensor for the use of the Property. Church shall have the right to approve the design, size and color of the sign.

(b) Licensee shall be responsible for obtaining all necessary permits for the construction and installation of the sign.

(c) Licensee shall keep the Property litter free.

5. Condition of Property.

(a) Licensee acknowledges and agrees that it has had the opportunity to thoroughly inspect the Property and accepts the Property in "as is" and "where is condition," subject to all conditions and defects. Church has not made any representation or warranty regarding the suitability of the Property for Licensee's purposes.

(b) Church shall not be liable for any loss or damage to the Licensee or anyone using the Property under this license occasioned by any defect in the Property, or by accidents or acts of negligence, misconduct, vandalism or malicious mischief.

6. Insurance.

(a). Liability Insurance. Licensee shall maintain general liability insurance against claims for bodily injury, death or property damage commonly covered by commercial general liability insurance, with endorsements for blanket contractual, personal injury, owner's protective liability, fire damage, legal liability, broad-form property damage and extended bodily injury, in commercially reasonable amounts acceptable to Diocese, but in no event having a combined single limit less than One Million Dollars (\$1,000,000.00). Licensee shall carry workers' compensation insurance as required by law for all persons employed by Licensee on the Property.

7. Indemnification.

Licensee shall indemnify, defend and hold harmless Church from and against any and all Claims, including, without limitation, any and all sums paid for attorneys' and professional fees and litigation costs, caused by, arising out of or relating to (a) the use and/or occupancy of the Property by Licensee or any Licensee Party; (b) any act or omission of Licensee or any Licensee Party; or (c) any failure to perform any agreement or obligation to be performed by Licensee under this License.

8. Entire Understanding.

This License sets forth the entire understanding between the parties with respect to all matters referred to herein, and may not be changed or modified except by an instrument in writing signed by both parties.

9. Signatures.

This License may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall be but one and the same document. Facsimile or telecopy signatures and/or notarizations shall have the same force and effect as originals.

10. Governing Law.

This License shall be construed and enforced in accordance with the laws of the State of Ohio.

STATE OF OHIO }
 }SS:
COUNTY OF LUCAS }

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Rev. Msgr. Dennis M. Metzger.

Notary Public

My Commission Expires: _____

[SEAL]

City of Sylvania, Ohio

By _____
Craig A. Stough, Mayor

By _____
Toby A. Schroyer, Director of Finance

STATE OF OHIO }
 } ss
COUNTY OF LUCAS }

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Craig A. Stough, Mayor and Toby A. Schroyer, Director of Finance on behalf of the City of Sylvania.

Notary Public

A

Sylvania Municipal Planning Commission

Minutes of the regular meeting of September 16, 2015.

Mayor Stough returned to the table.

Mr. Lindsley called the meeting to order.

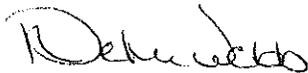
Members present: Mayor Craig Stough, Ken Marciniak, Daniel Arnold, Brian McCann, and Thomas Lindsley (5) present. Zoning Administrator, Timothy Burns present

Mr. McCann moved, Mr. Arnold seconded to approve the Minutes of the August 12, 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 – Council Referral – Proposed Ordinance 56-2015, Amending Chapter 1187 – Architectural District; Repealing Chapter 1152-Design Review Regulations. Mr. Burns stated that the ordinance is to address both conflicted and omitted areas in the City's current ordinances; that the intent is to provide cleaner language for our architectural districts so that it can be both more easily understood and more easily governed while keeping in mind the City's Master Plan. Mr. Lindsley asked if this would change the responsibilities of the Board of Architectural. Mr. Burns said that it would not. Mayor Stough stated that since there was too much information to be covered in one night, Council is not expecting a response until after the October meeting. He further stated that he recommends that the members take the material home to read through and direct any questions that they may have to Mr. Burns, the Law Director, Leslie Brinning, or to himself. Mr. Marciniak moved, Mr. Arnold seconded to table the item until the October meeting. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

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

Submitted by,



Debra Webb, Secretary
Municipal Planning Commission

Board of Architectural Review

Minutes of the regular meeting of September 16, 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 present.

Mr. Arnold moved, Mr. Marciniak seconded to approve the Minutes of the August 12, 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. 52-2015 requested by Rick Kwapich of Reason Sign Co. for V Collection, 5630 Main Street Sylvania, Ohio 43560. Rick Kwapich present. Application is for two wall signs and a projecting sign. Mr. Kwapich explained that replacement signs are due to a change in the business name. The new signs will reflect the name change, updated logo and updated coloring. Signs are within the limits of the Sylvania Sign Code. Mr. Marciniak moved, Mr. Arnold seconded, to grant a Certificate of Appropriateness for the signs 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 4 – Regulated Sign – app. no. 53-2015 requested by Carol Callan of Highland Terrace Homeowners Association for Highland Terrace Subdivision Sylvania, Ohio 43560. Carol Callan present. Application is for a new monument entry sign. The sign will have an off white background with black lettering. Ms. Callan stated that sign is being paid for by donations received from the residents. Sign is within the limits of the Sylvania Sign Code. Mr. Arnold 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 5 – Regulated Sign – app. no. 54-2015 requested by Rick Kwapich of Reason Sign Co. for CVS Pharmacy, 7510 Sylvania Avenue Sylvania, Ohio 43560. Rick Kwapich present. Application is for new vinyl lettering to be applied to the existing face of an existing monument sign to add the “Minute Clinic” wording. 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.

Item 6 – Regulated Sign – app. no. 55-2015 requested by David Garner and Dani Fuller for River Center Gallery 5679 Main Street Sylvania, Ohio 43560. David Garner and Dani Fuller present. Application is for one wall sign and two window decal signs. Ms. Fuller stated that the gallery is scheduled for a Grand Opening on October 2nd. Signs are within the limits of the Sylvania Sign Code. Mr. Marciniak moved, Mr. McCann seconded, to grant a Certificate of Appropriateness for the signs 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.

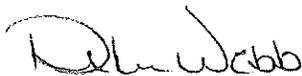
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Mayor Stough stated that he had a business conflict with the next item on the agenda and that he would need to remove himself from the table. He then left the table.

Item 7 – Building Review – app. no. 56-2015 requested by Lyndsey Stough of Stough & Stough Architects for Lourdes University, 6832 Convent Boulevard Sylvania, Ohio 43560. Lyndsey Stough present. Application is for building design review of a new recreation facility. Ms. Stough gave a brief description of the design of the new building and presented samples of the materials that will be used including tile, that will be used for the roof, and founders block that will be used on the back of the building and the around the front of the building on the lower part of the piers. She added that that front detail part of the building would be an insulated panel of a beige color. Ms. Stough stated that the design of the building would emulate the design of the current buildings on campus and presented drawings of both a daytime and nighttime view of the new recreation building. Ms. Stough explained that the materials used on the front of the building will be different from the materials used on the portions of the building further back and on the backside of the building; that the materials on the front are higher quality and more expensive materials. She also presented samples of the other materials that will be used on the other portions of the building that would not be easily seen from the front. She said that although the materials would be different, the colorings of the different materials will be close. She also showed a sample of a bronze colored material that will be used for the gutters, trim and some details of the building. An updated elevation drawing of the building was also given to each member at the meeting. Mr. Burns stated that the Board of Architectural Review is only approving the building design and that the site plan has already been previously approved by the Planning Commission. Mr. Marciniak moved, Mr. Arnold seconded, to grant a Recommendation of Appropriateness for the building design shown in the drawings submitted with the application. Vote being: McCann, Marciniak, Arnold and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

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

Submitted by,



Debra Webb, Secretary
Municipal Planning Commission