

Minutes of the Meeting of Council  
December 7, 2015

The Council of the City of Sylvania, Ohio met in regular session on December 7, 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; absent: (0)

Roll call:  
All present.

Mr. Luetke 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:

- 6b. Replacement attached to Ordinance No. 69-2015.
- 5a. Proposed Ordinance 82-2015.
- 25. Sylvania Community Service appointment.

Mr. Haynam moved, Mrs. Husman 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.

Approval of the  
agenda as  
amended.

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

Mrs. Westphal presented the November 16, 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 November 16, 2015 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the  
November 16,  
2015 minutes.

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

Mrs. Westphal reported on the 7:15 p.m. public hearing for zoning ordinance petition No. SUP-2-2015, a Special Use Permit amendment for the construction of a storage shed at 4940 Harroun Rd. requested from the St. Elias Church. Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 82-2015, a written copy of same having been previously furnished to each member of Council, "Amending the Special use permit for St. Elias Antiochian Orthodox Church to add a storage shed, on the recommendation of the Municipal Planning Commission; and declaring an emergency."; Mr. Haynam moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
82-2015,  
"...SUP-2-2015,  
St. Elias Church  
Storage Bldg.  
approval...."

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Mr. Haynam moved, Mrs. Westphal seconded, that Ordinance No. 82-2015 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on Sanitary Sewer Easement for Ryan & Gia Schwartz was placed on file. Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 69-2015, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to execute and deliver to Ryan M. Schwartz and Gia M. Schwartz an easement across Buffer Lot A in Sylvan Lakes Plat 5 for the purpose of connecting one single-family residence to the City's Sanitary Sewer System; and declaring an emergency."; Mr. Haynam moved, Mr. Frye seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ordinance No. 69-2015,  
"...Authorize easement to Ryan & Gia Schwartz ...sanitary sewer connection..."

Mr. Haynam moved, Mrs. Husman seconded, that Ordinance No. 69-2015 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on Gower Road Sanitary Sewer Extension Project was placed on file. Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 73-2015, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to approve Change Order No. 1 (Final) to this City's Agreement with Cash Services, LLC for the Gower Road Sanitary Sewer Extension Project reflecting the final installed quantities; decreasing the contract amount by \$2,373.89; declaring an emergency."; Mr. Mishka moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

Ordinance No. 73-2015,  
"Authorizing CO#1 (Final) ...Gower Rd Sanitary Sewer Extension..."

Mr. Mishka moved, Mr. Luetke seconded, that Ordinance No. 73-2015 be enacted as an emergency measure as declared therein; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on the Municipal Court Parking Lot Expansion Project was placed on file. Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 74-2015, a written copy of same having been previously furnished to each member of Council, "Accepting the bid of Salenbien Trucking & Excavating, Inc. and awarding the contract for the Municipal Court Parking Lot Expansion Project to same; authorizing the expenditure for the improvements in the amount of \$189,319.90; appropriating funds therefore; and declaring an emergency."; Mrs. Husman moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No. 74-2015, "Accepting bid of Salenbien Trucking... Municipal Court Parking Lot Expansion..."

Mrs. Husman moved, Mr. Mishka seconded, that Ordinance No. 74-2015 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on the King Road Speed Study was placed on file. Mr. Frye moved, Mrs. Westphal to refer the King Road Speed Study to the Streets Committee for review and recommendation; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Refer King Rd. Speed Study to Streets Committee.

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

Service Director's report on the Ground Storage Tank Painting Project was placed on file. Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 81-2015, a written copy of same having been previously furnished to each member of Council, "Accepting the bid of World Wide Industries and awarding the contract for the Ground Storage Tank Painting Project to same; authorizing the expenditure for the improvements in the amount of \$109,400; appropriating funds therefore; and declaring an emergency."; Mr. Mishka moved, Mr. Frye 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 No. 81-2015, "...accepting bid...World Wide Industries ...ground Storage Tank Painting..."

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Mr. Mishka moved, Mr. Haynam seconded, that Ordinance No. 81-2015 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 11.

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 75-2015, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a 3-year Collective Bargaining Agreement commencing January 1, 2016 with the Sylvania Police Telecommunicators: and declaring an emergency."; Mr. Luetke moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried.

Ordinance No. 75-2015,"... Collective Bargaining Agreement... Tele-communicators."

Mr. Luetke moved, Mr. Haynam seconded, that Ordinance No. 75-2015 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 12.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 76-2015, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a 3-year Collective Bargaining Agreement commencing January 1, 2016 with the Fraternal Order of Police, Lodge No. 129, on behalf of the Patrolmen; and declaring an emergency."; Mrs. Cappellini moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No. 76-2015,"... Collective Bargaining Agreement... Patrolmen..."

Mrs. Cappellini moved, Mr. Frye seconded, that Ordinance No. 76-2015 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 13.

Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 77-2015, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a 3-year Collective Bargaining Agreement commencing January 1, 2016 with the Sylvania

Ordinance No. 77-2015,"... Collective

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Bargaining

Police Command Officer's Association on behalf of the Sergeants; and declaring an emergency.”; Mrs. Husman moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Agreement...  
Sergeants...”

Mrs. Husman moved, Mr. Haynam seconded, that Ordinance No. 77-2015 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

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

Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 78-2015, a written copy of same having been previously furnished to each member of Council, “Providing for one-time lump sum additional payments to be paid on the first full pay period of January, 2016, to some of the full-time, non-union city employees whose positions are included in the list of occupational titles of Section 139.03(e)(3) and 139.03(e)(4); and declaring an emergency.”; Mr. Mishka moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
78-2015,  
“...Providing for  
one-time lump  
sum add'l  
payment...”

Mr. Mishka moved, Mrs. Husman seconded, that Ordinance No. 78-2015 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried.

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

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 79-2015, a written copy of same having been previously furnished to each member of Council, “Making certain position and compensation pay plan changes, making certain salary, wage and other service compensation adjustments to the Codified Ordinances of Sylvania, 1979, as amended, and other Ordinances by granting pay increases to some of the appointed officials whose titles are listed in Section 139.03(e)(3), with all the increase provided herein for the Treasurer and Director of Finance being allocated to Director of Finance with the increase provided herein for the Director of Public Safety being allocated to the Director of Public Service; by granting a two percent (2%) pay increase to all non-union city employees and court employees whose positions are included in the list of occupational titles of Section 139.02(a) of the Codified Ordinances of Sylvania which increase is reflected in the annual wage rate schedule 4 of Section 139.10(d) of the Sylvania Codified Ordinances; by granting pay increases for

Ordinance No.  
79-2015,  
“...certain  
position and  
compensation  
pay plan  
changes...”

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some of the employees in the Labor and Trades Supervision Group; and declaring an emergency.”; Mr. Luetke moved, Mr. Mishka seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

Mr. Luetke moved, Mr. Haynam seconded, that Ordinance No. 79-2015 be enacted as an emergency measure as declared therein; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 16.

Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 80-2015, a written copy of same having been previously furnished to each member of Council, “Amending the Codified Ordinances of Sylvania, 1979, as amended, by increasing Water Service Charges per one thousand gallons (1,000) from Seven and 04/100 Dollars (\$7.04) to eight and 09/100 Dollars (\$8.09) for city users and from eight and 80/100 Dollars (\$8.80) to ten and 11/100 Dollars (\$10.11) for non-city users commencing January 25, 2016; and declaring an emergency.”; Mr. Mishka moved, Mr. Frye seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No. 80-2015, “...increasing Water Service Charges... commencing 1/25/16...”

Mr. Mishka moved, Mr. Haynam seconded, that Ordinance No. 80-2015 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 17.

Mrs. Westphal reported on the Finance Committee meeting held December 1, 2015. She stated there was a review of the proposed 2016 Budget with discussion on Capital Improvements, water rates and Income Tax Amendment.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 71-2015, a written copy of same having been previously furnished to each member of Council, “To make Appropriations for current expenditures and other expenditures of the City of Sylvania, Ohio, for the fiscal year ending December 31, 2016; and declaring an emergency.”; Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Third Readings of said Ordinance; roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Ordinance No. 71-2015, “To make appropriations for FY ending 2016...”

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Mrs. Westphal moved, Mr. Haynam seconded, that Ordinance No. 71-2015 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 18.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 67-2015, a written copy of same having been previously furnished to each member of Council, "An Ordinance to amend Chapter 171-Income Tax of the Codified Ordinances of the City of Sylvania, 1979, as amended; and declaring an emergency."; Mrs. Westphal moved, Mr. Luetke 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 No. 67-2015, "Amend Chapter 171-Income Tax..."

Mrs. Westphal moved, Mrs. Husman seconded, that Ordinance No. 67-2015 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 18.

Mr. Haynam reported on the Zoning & Annexation Committee meeting held at 6:15 on this date. The discussion included minor amendments and addition of a bike parking to the design guidelines.

Mr. Haynam moved to set a Public Hearing on Proposed Ordinance No. 56-2015, Amending Chapter 1187-Architectural District and repealing Chapter 1152-Design Review Regulations for January 19, 2016 at 6:45 p.m. Roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Set Public Hearing Ord. No. 56-2015, 1/19/16 at 6:45p.m.

Mayor Stough stated that Council will now consider agenda item 20.

Mrs. Westphal moved, Mrs. Husman seconded to approve the Ohio Liquor License transfer from Pappoulis, LLC, dba Papa G's Pizza & Grill to Jims Pizza & More, LLC, dba Jim's Pizza & More at 5127 S. Main St. Sylvania, Ohio 43650. Roll call vote: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Approval of liquor license transfer from Papa G's Pizza to Jim's Pizza & More, 5127 S.

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Main St.

Mayor Stough stated that Council will now consider agenda item 21.

Mr. Luetke presented and read aloud by title only, proposed Resolution No. 11-2015, a written copy of same having been previously furnished to each member of Council, "Re-appointing James Beattie to the Board of Trustees of Sylvania Area joint Recreation District ("SAJRD") for a term expiring December 31, 2018; and declaring an emergency."; Mr. Luetke moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Resolution No. 11-2015, "Re-appointing James Beattie to SAJRD thru 12/31/18..."

Mr. Luetke moved, Mrs. Westphal seconded, that Resolution No. 11-2015 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 22.

Mrs. Westphal moved, Mr. Haynam to confirm Mayor Stough's appointment of Ken Marciniak to the Municipal Planning Commission for a term commencing January 1, 2016, and expiring on December 31, 2019. Roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ken Marciniak appt. to Planning Commission.

Mrs. Westphal moved, Mr. Frye to confirm Mayor Stough's appointment of Kirk Ludwig to the TARTA Board of Directors for 3-year term commencing January 1, 2016, and expiring on December 31, 2018. Roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried.

Kirk Ludwig appt. to TARTA Bd. of Directors.

There being no business for agenda items 23 and 24, Mayor Stough stated that Council will now consider agenda item 25.

Mrs. Westphal moved, Mr. Haynam seconded to order legislation for the appointment of Mr. Luetke to the Sylvania Community Services Board. Roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal moved, Mrs. Husman seconded that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 8:22 p.m.

Adjournment.

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Clerk of Council

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Mayor

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