

Minutes of the Meeting of Council
July 17, 2017

The Council of the City of Sylvania, Ohio met in regular session on July 17, 2017 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.

The Boy Scouts 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.

- 8a. Replacement Ordinance 55-2017.
- F. 2nd Quarter 2017 Management Reports.
- 13. Proposed Resolution No. 7-2017.
- 14. Report of the Fireworks Display on July 3rd.

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.

Agenda
approval.

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

Mrs. Westphal presented the June 19, 2017 meeting minutes. Mrs. Westphal moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of June 19, 2017 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the
June 19 meeting
minutes.

Mrs. Westphal presented the June 30, 2017 Special meeting minutes. Mrs. Westphal moved, Mr. Mishka 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 June 19, 2017 be approved; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Approval of the
June 30 meeting
minutes.

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

Mrs. Westphal stated the Committee of the Whole meeting that took place on July 12, 2017 to discuss the TARTA sales tax issue. She stated after a lengthy discussion Council urged TARTA to put together a comprehensive plan that showed vision of the future. Mr. Luetke moved to forward this legislation to council, Husman seconded and was passed 5 yeas, 1 nay, nay being Haynam, and Mr. Frye didn't vote due to conflict of interest.

COW Mtg.
report from
6/12/17. RE:
TARTA tax
issue.

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Mr. Haynam moved, Mr. Luetke seconded to have Mr. Frye withdraw from the table due to conflict of interest. Roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated anyone wishing to speak to come forward. Several residents spoke in favor of the TARTA sales tax as it provides them mobility throughout the community.

One resident spoke in opposition to the tax. Mr. Gee from TARTA stated they will develop a strategic plan to address the future of TARTA. Mr. Ludwig, Council's representative to TARTA board spoke in favor of the tax. All council members voiced their opinions on the matter.

Mrs. Westphal presented and read aloud by title only, proposed Resolution No. 6-2017, a written copy of same having been previously furnished to each member of Council, "A Resolution amending the Resolutions previously adopted which created the Toledo Area Regional Transit Authority (TARTA) by: (1) adding Lucas County as a member of TARTA; (2) eliminating TARTA's 2.5 mill property taxes and substituting a one-half percent sales and use tax; (3) allocating 2/3 of the tax collected to TARTA to directly fund its operating and 1/3 to other local governmental entities for the installation, maintenance and improvement of mass transit related infrastructure; and (4) providing a new mechanism for withdrawal from membership in TARTA, provided that such changes are contingent upon voter approval of the new TARTA funding system at the November 7, 2017 General Election; and declaring an emergency"; Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being; Husman, Luetke, Westphal, (3) yeas; Cappellini, Mishka, Haynam, (3) nays. Mayor Stough broke the tie with a yes vote.

Resolution No. 6-2017,
"...eliminating TARTA's 2.5 mill property tax...substituting one-half percent sales & use tax.

Mrs. Westphal moved, Mr. Luetke to pass Resolution No. 6-2017 as emergency measure: roll call vote being; Husman, Luetke, Westphal, (3) yeas; Cappellini, Mishka, Haynam, (3) nays. Mayor Stough broke the tie with a yes vote, but does not meet the necessity of five votes to pass as an emergency measure.

Mrs. Westphal set a Special meeting of City Council to address the second reading of proposed Resolution No. 6-2017 for Wednesday, July 19, 2017 at 8:30 a.m. and a third reading on Tuesday, July 25, 2017 at 7:00 p.m.

Mr. Frye rejoined the table at the end of the TARTA subject.

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

Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 51-2017, a written copy of same having been previously furnished to each member of Council, “To assess a special tax upon the lots and lands described in the schedule referred to herein to pay a part of the cost and expense of providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches within the corporate limits of the City of Sylvania for the year ending December 31, 2017; and declaring an emergency.”; Mr. Mishka moved, Mrs. Husman 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. 51-2017, “To assess a special tax...open drainage ditches...”

Mr. Mishka moved, Mr. Luetke seconded, that Ordinance No. 51-2017 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.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 52-2017, a written copy of same having been previously furnished to each member of Council, “To assess a special tax upon the lots and lands described in the schedule referred to herein to pay a part of the cost and expense of providing for the removal and special treatment of shade trees for the purpose of controlling blight and disease of same; and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City for the year ending December 31, 2017; and declaring an emergency.”; Mrs. Cappellini 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.

Ordinance No. 52-2017, “To assess a special tax... shade trees....”

Mrs. Cappellini moved, Mr. Luetke seconded, that Ordinance No. 52-2017 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.

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 53-2017, a written copy of same having been previously furnished to each member of Council, “Ordinance approving the assessment heretofore authorized by Resolution No. 3-2017 for Street Lighting; levying said assessments; and declaring an emergency.” Mr. Frye moved, Mrs. Husman 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. 53-2017, “Approving the assessment for street lighting...”

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Mr. Frye moved, Mr. Luetke seconded, that Ordinance No. 53-2017 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 7.

Service Director's report on the demolition of city owned buildings at 4827 Holland-Sylvania Rd was placed on file.

Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 54-2017, a written copy of same having been previously furnished to each member of Council, "Accepting the proposal of Salenbien Trucking & Excavating for the demolition of the City's property at 4827 Holland-Sylvania Road, Sylvania, Ohio; appropriating funds therefore in the amount of \$48,000; 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: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Ordinance No. 54-2017, "...demolition of city property... 4827 Holland-Sylvania Rd...."

Mrs. Husman moved, Mr. Haynam seconded, that Ordinance No. 54-2017 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's report on the 2016 Sanitary Lining Project Change Order No. 3 (Final) was placed on file.

Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 55-2017, 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. 3 (Final) to this City's agreement with Insituform Technologies USA, LLC for the 2016 Sanitary Sewer Lining Project which reflects the actual work performed on this project; decreasing the contract amount by \$27,176.75; and declaring an emergency." Mr. Mishka moved, Mr. Haynam 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. 55-2017; "...2016 Sanitary Sewer Lining Project CO#3-Final...."

Mr. Mishka moved, Mrs. Westphal seconded, that Ordinance No. 55-2017 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.

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

Service Director's report on the Sylvania River Trail Phase 2 project was placed on file.

Mrs. Cappellini moved, Mr. Mishka seconded to authorize the Clerk to advertise for bids upon the receipt of ODNR approval of the project. Roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried. Authorize to bid River Trail Phase 2 project.

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

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 56-2017, a written copy of same having been previously furnished to each member of Council, "Amending Sylvania Codified Ordinance Section 131.01-Depart of Law-Director, Division of Prosecution to add a full-time Prosecutor for the period from August 1, 2017 through January 31, 2018 at which time the additional full-time Prosecutor shall be eliminated: amending Sylvania Codified Ordinance Section 139.03(e)(3) to set the salary of the Prosecutor at \$80,000 annually and to change the salary of the Chief Prosecutor to \$80,000 annually effective February 1, 2018; and declaring an emergency." Mr. Luetke moved, Mr. Haynam 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. 56-2017, "...add full-time Prosecutor ...8/1/17-1/31/18....."

Mr. Luetke moved, Mr. Frye seconded, that Ordinance No. 56-2017 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 11.

Mr. Luetke reported on the Employee & Community Relations Committee meeting from June 30, 2018 and July 7, 2017 regarding legislation to streamline the process of community funding requests and the City's Boards and Commissions appointment. Legislation on the Boards and Commissions appointments will be tabled until last 2017, early 2018. Report on Emp & Com Relations from 6/30 and 7/7/17. Re: appt processes & community funding requests.

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Mr. Luetke presented and read aloud by title only, proposed Resolution No. 7-2017, a written copy of same having been previously furnished to each member of Council, “A Resolution of the Council of the City of Sylvania adopting a funding request policy; and declaring an emergency.” Mr. Luetke moved, Mrs. Husman 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. 7-2017, “... adopting a funding request policy...”

Mr. Luetke moved, Mrs. Westphal seconded, that Resolution No. 7-2017 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.

Mrs. Westphal reported on the Committee of the Whole meeting regarding the Main St Reconstruction Project held on July 12, 2017. After much council member feedback, administration will return options for council to review. Funding structure was presented. The Monroe Street bridge project discussion will continue.

Report of COW mtg. from 7/12/17, Main St Reconstruction project.

Mr. Haynam reported on the Zoning & Annexation Committee meeting held on this date at 6:45 p.m. regarding the Sign Code Revisions in Chapter 1166 of the Codified Ordinances. Tiny houses will be researched by administration for review of Council.

Report on Zoning & Annex mtg. from 7/17/17....Sign Code Revision.

Mayor Stough stated there are no items for agenda item 12, agenda item no. 13 has been considered, so agenda item 14 will be considered.

Mr. Frye reported on the fireworks display from July 3, 2017. He stated it was positively received by the community and very well attended. He reported on the new VIP section of the sponsors.

Mayor Stough stated that all items on the agenda had been considered.

Adjournment.

Mrs. Westphal moved, Mr. Luetke seconded that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 9:28 p.m.

Clerk of Council

Mayor

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