

**Sylvania City Council**

April 2, 2018

**6:30 p.m. Committee-of-the-Whole**  
Toledo Area Water Authority Memorandum

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

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mrs. Husman, Mr. Luetke, Mr. Richardson, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mr. Richardson.
3. Additions to the agenda.
4. Approval of the Council meeting minutes of March 19, 2018.
5. South of Monroe (SOMO) Retaining Wall project.
  - a. Service Director's report on contract for Professional Engineering Services.
  - b. Proposed Ordinance No. 18-2018, Accepting the proposal of Northwest Consultants, Inc. to provide structural engineering services for the South of Monroe (SOMO) Retaining Wall Improvement Project.
6. Proposed Resolution No. 6-2018, Adopting a statement, pursuant to Revised Code Of Ohio 709.03(D), indicating what services will be provided to the area proposed to be annexed to the City of Sylvania by petition for annexation filed with the Board of Lucas County Commissioners.
7. Notice of the transfer of location the D-5, spirituous liquor for on premises consumption only, beer, wine, and mixed beverages for on premises, or off premises in original containers until 2:30a.m. and D-6, sale of intoxicating liquor on Sunday between the hours of 10:00 a.m. and midnight, permit from Tony Packos Toledo LLC, d/b/a Tony Packos Cafe, at 5723 Monroe Street to 5822 Alexis Rd., Sylvania, OH.
8. Committee reports.
9. Committee referrals.

**INFORMATION**

- A. Notice from Department of Commerce-Division of Liquor Control regarding objections to renewal of liquor permits.

Minutes of the Meeting of Council  
March 19, 2018

The Council of the City of Sylvania, Ohio met in regular session on March 19, 2018 at 7:30 p.m. with Mayor Stough in the chair. Roll was called with the following members present: Katie Cappellini, Mark Frye, Doug Haynam, Sandy Husman, Mark Luetke, Patrick Richardson, Mary Westphal; (7) present;, (0) absent.

Roll call:  
All present.

Pledge of Allegiance to the United States of America led by Mr. Luetke.

Pledge of Allegiance.

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

The following items were added to the agenda:

- 10a. Schedule a Committee of the Whole meeting-Medical marijuana.
- 10b. Schedule an Employee & Community Relations committee meeting- Lourdes banner request.
- 10c. Schedule a Zoning & Annexation committee meeting- Conceptual plan for walking/biking plan in the city.
- 12. Executive Session to discuss real estate matters.

Mrs. Westphal moved, Mr. Haynam seconded to approve the agenda as amended; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, 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 March 5, 2018 meeting 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 March 5, 2018 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the March 5 meeting minutes.

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

Mrs. Cappellini moved, Mr. Haynam seconded to authorize to place six 1997 Hastings Industries 100,000 BTU open space gas forced air heaters on GovDeals as it is obsolete equipment to the city; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Items offered on GovDeals.com.

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

Minutes of the Meeting of Council  
March 19, 2018

Mayor Stough presented the Planning Commission's recommendation for Zoning Ordinance Amendment Petition No. SUP-1-2018, a request from St. Elias Church/Little Miracles Montessori School. Mr. Haynam moved, Mrs. Westphal seconded to set the public hearing date for May 7, 2018 at 7:00 p.m. and to authorize the clerk to advertise for same; roll call vote being: Richardson, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Public hearing  
for SUP-1-2018  
set for May 7,  
2018 at  
7:00 p.m.

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

Mrs. Westphal moved, Mr. Luetke seconded to confirm the Mayor's appointments for Lyndsey Stough and Mrs. Chris Boggs to the Sylvania Tree Commission for terms commencing January 1, 2018 and expiring December 31, 2020. Roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

Lyndsey Stough  
and Chris Boggs  
to Tree  
Commission.

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

Chief Rhodus presented Motorola portable radios & chargers for approval to dispose of by donating them to the Sylvania School District. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 16-2018, a written copy of same having been previously furnished to each member of Council, "Authorizing the donation of Motorola portable radios and chargers to the Sylvania School District; determining said property to be of no further use to the City of Sylvania; 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: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
16-2018,  
"...donation of  
radios/chargers  
to Sylvania  
Schools..."

Mr. Frye moved, Mr. Luetke seconded, that Ordinance No. 16-2018 be enacted as an emergency measure as declared therein; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on the Alexis Road Resurfacing and Storm Sewer Improvements was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 17-2018, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into an agreement with the State of Ohio, Department of Transportation for the Alexis Road Resurfacing and Storm Sewer Replacement Project; authorizing the expenditure for the improvements in the amount of \$651,840; appropriating funds

Ordinance No.  
17-2018,  
"Authorizing  
agreement  
ODOT...Alexis  
Rd resurfacing  
and storm sewer

Minutes of the Meeting of Council  
March 19, 2018

therefore; and declaring an emergency.” Mr. Richardson moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance;, roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

replacement...”

Mr. Richardson moved, Mrs. Husman seconded, that Ordinance No. 17-2018 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

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

Mrs. Westphal moved, Mr. Haynam seconded to set the following Committee meetings for April 10, 2018 at 5:30 p.m. in council chambers:

Committee meetings:  
Zoning/Annex,  
Employee  
&Com Relation,  
C-O-W,  
April 10, 2018,  
5:30 p.m.

1. Zoning & Annexation to discuss a conceptual plan for walking/biking trails in the city.
2. Employee & Community Relations to discuss the Lourdes University banner request.
3. Committee-of-the-Whole to discuss medical marijuana and a proposed creation of a Special Use in designated zoning districts for medical marijuana dispensaries.

Roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated the Council will now consider agenda item 12.

Mrs. Westphal moved, Mrs. Cappellini seconded to enter into Executive Session for the discussion of real estate matters at 8:00 p.m. Roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

Executive Session - real estate matter discussion.

Mr. Haynam moved, Mrs. Westphal seconded to return from Executive Session to General Session at 8:36 p.m. Roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

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

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 8:37p.m.

Adjournment.

---

Clerk of Council

---

Mayor

5a



April 2, 2018

To: The Mayor and Members of Sylvania City Council

Re: **South of Monroe (SOMO) Retaining Wall  
Contract for Professional Engineering Services**

Dear Mr. Mayor and Council Members:

Republic Development, LLC is continuing their planning work towards the development of 5.5 acres of City owned property on the south side of Monroe Street east of Main Street into luxury apartments. This site is commonly referred to as SOMO. As a part of the purchase agreement the City is responsible for removing a retaining wall encroachment from an adjoining property. This new wall will be a critical piece of infrastructure and vital to the proposed development of the site.

The City requested a proposal from Northwest Consultants, Inc. (NCI) from Toledo, Ohio to provide the necessary structural engineering services to remove and rebuild a new wall. NCI's scope of work will include the design of the new wall, preparation of plans and specifications, bidding assistance, and construction engineering support. In addition, their proposal also includes the services of TTL & Associates to provide geotechnical engineering services. TTL will be reviewing global stability and bearing/settlement analysis.

The engineering proposal received from NCI (including TTL's work) was in the amount of \$16,127. Funds for the engineering services will be taken out of our Capital Improvement Fund account number 401-7750-53556.

We would recommend approval of the proposal from NCI in the amount of \$16,127. Please call if you should have any questions.

Sincerely,

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



# NORTHWEST CONSULTANTS, INC.

CIVIL - STRUCTURAL - TRANSPORTATION

3220 Central Park West  
Toledo, OH 43617  
(419) 841-4704  
Fax (419) 841-2979

February 8, 2018

Mr. Joseph Shaw, PE, PS  
Deputy Director  
City of Sylvania – Department of Public Service  
6730 Monroe St.  
Sylvania, OH 43560

Re: **SOMO Flats Retaining Wall Design**

Dear Mr. Shaw:

Northwest Consultants, Inc. (NCI) is pleased to provide you with this proposal to assist with the South of Monroe (SOMO) Site Development, specifically design, plan preparation, and construction assistance for a retaining wall to be installed along the northwest property line.

### Scope of work

NCI will coordinate with the site designers to layout the proposed retaining wall based on the site plan currently in development. Once final height is determined we will complete the design, including internal stability calculations by NCI; and global stability & bearing/settlement analysis by TTL. Plans will be prepared detailing the wall layout, typical sections, details, railing details, and notes/specifications. It is assumed these plan sheets will not be packaged individually, but will be incorporated into the overall site development plan set.

It has been assumed for the purposes of this proposal that a Redi-Rock type retaining wall be utilized based on the constructability, availability, and intended aesthetics of the project. If it becomes necessary to investigate other wall types we can do that but will need to submit a modification to detail that work.

It has been assumed that the City will administer the bidding and construction phases of the project. NCI will provide support to the City during these phases by assisting with pre-bid questions, RFI's, and contractor submittal reviews. We will also attend up to two (2) meetings or site visits to assist with any questions that may arise during construction.

### Deliverables

NCI will supply plans, specifications, and construction estimate electronically in whatever format is required by the site designer to assemble the package. Our designer of record will be available to sign & seal a project title sheet, or can sign & seal individual sheets, whichever is preferred.

### Schedule

It is understood that this project is a top priority for the City, and is proceeding on an accelerated schedule. We are available to start immediately and will base our design schedule to meet the

City's desired project timeframe. It should be noted that we cannot begin our work until a finalized site plan is available.

**Cost**

NCI will complete the work outlined above for a lump sum amount of **\$16,127**. This includes TTL's work as well as ours. Please see the attached Price Determination Backup for more information.

We appreciate the opportunity to assist the City with this project. Please let us know if you have any questions regarding this proposal or need any additional information.

Sincerely,

*NORTHWEST CONSULTANTS, INC.*



Jon Drummond, P.E.  
Senior Project Manager

cc: File

5b

**ORDINANCE NO. 18 -2018**

**ACCEPTING THE PROPOSAL OF NORTHWEST CONSULTANTS, INC. TO PROVIDE STRUCTURAL ENGINEERING SERVICES FOR THE SOUTH OF MONROE (SOMO) RETAINING WALL IMPROVEMENT PROJECT; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$16,127; AND DECLARING AN EMERGENCY.**

WHEREAS, Republic Development, LLC is continuing the planning work towards the development of the City-owned 5.5 acre parcel on the south side of Monroe Street and east side of Main Street (commonly known as the “SOMO Property”); and,

WHEREAS, in working through the title work and exceptions thereto, it was discovered that an adjoining property owner is encroaching onto the City’s property, which is the City’s responsibility to remediate; and,

WHEREAS, the Director of Public Service, by report dated April 2, 2018, requested a structural engineering proposal from Northwest Consultants, Inc. to provide structural engineering services relative to the SOMO Retaining Wall Improvement Project, including the design of the new wall, preparation of plans and specifications, bidding assistance and construction engineering support; and,

WHEREAS, the Director of Public Service has recommended that the proposal of Northwest Consultants, Inc. to provide structural engineering services for the SOMO Retaining Wall Improvement Project at a cost of Sixteen Thousand One Hundred Twenty-Seven Dollars (\$16,127.00), be accepted.

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

**SECTION 1.** That the proposal of Northwest Consultants, Inc. in the amount Sixteen Thousand One Hundred Twenty-Seven Dollars (\$16,127.00) to provide structural engineering services for the SOMO Retaining Wall Improvement Project is hereby accepted.

**SECTION 2.** That the Director of Public Service shall promptly give notice to said consultant to proceed under the proposal hereby approved and accepted.

**SECTION 3.** That to provide funds for said professional engineering services hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7750-53556, South of Monroe St (SOMO)** the amount of Sixteen Thousand One Hundred Twenty-Seven Dollars (\$16,127.00).

**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 City should provide for the engineering 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, \_\_\_\_\_, 2018, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

6.

Council agenda item no. 6. will be in your e-mail for your review on Friday p.m. and will also be provided at your council seat before the meeting.

The properties subject to be annexation are the Centennial/Mayberry properties.

7

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6608 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

89854510006		TRFL	TONY PACKOS TOLEDO LLC DBA TONY PACKOS CAFE 5822 ALEXIS SYLVANIA OH 43560
PERMIT NUMBER		TYPE	
06	01	2017	
ISSUE DATE			
03	16	2018	
FILING DATE			
D5	D6		PERMIT CLASSES
48	077	A	
TAX DISTRICT		RECEIPT NO.	

FROM 03/20/2018

89854510005			TONY PACKOS TOLEDO LLC DBA TONY PACKOS CAFE 5827 MONROE ST SYLVANIA OHIO 43560
PERMIT NUMBER		TYPE	
06	01	2017	
ISSUE DATE			
03	16	2018	
FILING DATE			
D5	D6		PERMIT CLASSES
48	077		
TAX DISTRICT		RECEIPT NO.	



MAILED 03/20/2018

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/20/2018

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. A TRFL 8985451-0006  
REFER TO THIS NUMBER IN ALL INQUIRIES

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF SYLVANIA CITY COUNCIL  
6730 MONROE ST  
SYLVANIA OHIO 43560

Commerce Division of Liquor Control : Web Database Search

**OWNERSHIP DISCLOSURE INFORMATION**

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

**Searching Instructions**

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

	SEARCH CRITERIA
<b>Permit Number</b>	<input type="text" value="89854510006"/>
<b>Permit Name / DBA</b>	<input type="text"/>
<b>Member / Officer Name</b>	<input type="text"/>

[Search](#)[Reset](#)[Main Menu](#)

Member/Officer Name	Shares/Interest	Office Held
<b>Permit Number:</b> 89854510006; <b>Name:</b> TONY PACKOS TOLEDO LLC; <b>DBA:</b> DBA TONY PACKOS CAFE. <b>Address:</b> 5822 ALEXIS SYLVANIA 43560		
DAVID PRUSS		TREASURER
EMILY BENNETT		PRESIDENT
ROBERT G BENNETT GST	MANAGE MEM	

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)



**Department  
of Commerce**

Division of Liquor Control

**John R. Kasich, Governor  
Jacqueline T. Williams, Director**

**A**

**NOTICE TO LEGISLATIVE AUTHORITIES  
Objections to Renewal of a Liquor Permit**

48-077

MARCH 12, 2018

CLERK OF SYLVANIA CITY COUNCIL  
6730 MONROE ST  
SYLVANIA OHIO 43560

Dear Clerk of Legislative Authority:

This is notice that all permits to sell alcoholic beverages in your political subdivision will expire on **June 1, 2018**. In order to maintain permit privileges, every permit holder must file a renewal application.

Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. The hearing may be held in the county seat of the county in which the permit premises is located if that request is made in writing. This will be your only opportunity to object to the renewal of a liquor permit premises which might be a problem in your community.

In order to register a valid objection with the Division of Liquor Control and request a hearing, the legislative authority must pass a resolution that specifies the problems at the liquor permit premises and the legal grounds for the objection as set forth in Ohio Revised Code Section 4303.292(A). It is suggested that a separate resolution be passed for each permit premises. The Chief Legal Officer of your political subdivision must also submit a statement with the resolution that, in the Chief Legal Officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.292(A). The resolution and Chief Legal Officer's statement must be addressed to the Division of Liquor Control, Attn: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked no later than **May 2, 2018**.

For your convenience, you may access our brochure entitled "[How to Object to the Issuance or Renewal of a Liquor Permit](#)" from our website at [www.com.ohio.gov/liqr](http://www.com.ohio.gov/liqr) Under "Licensing" click on "Renewals" and under that mega menu please select the link "Object to the Issuance or Renewal of a Liquor Permit".

You may wish to contact the law enforcement agency for your jurisdiction to determine if it has any information which will aid in your decision whether or not to object and request a hearing. For your convenience you may obtain a [list of issued permit holders](#) in your jurisdiction from our website at the above link. Under "Liquor Control" click on "Look it up" and under that mega menu please select "Search Permit Holders" "Permit Applicant / Holder Information (types and status)". You will then enter the search criteria for your county / city / township to bring up the issued permits in your jurisdiction. If you do not have access to the internet, you may request a list from us by writing the Division at the below address.

If you determine that there are no permit premises within your jurisdiction that you wish to object to, you do not need to take any action. The renewal applications for those premises will be submitted by the permit holders and will be processed by the Division and issued as appropriate.

If you have any questions, please contact the Legal Section at (614) 644-2489.

Very truly yours,  
  
Cassandra L. Hicks  
Deputy Superintendent & Chief Of Licensing