

Sylvania City Council
July 16, 2018

6:45 p.m. Public Hearing
SUP-2-2018, Ability Center of Greater Toledo

7:00 Public Hearing
Proposed Ordinance No. 21-2018 – Medical Marijuana

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.
5. Report of Public Hearings of this date:
 - a. SUP-2-2018, The Ability Center of Greater Toledo.
 - b. Ordinance No. 21-2018 – Medical Marijuana.
6. Third Reading of proposed Resolution No. 11-2018 (Revised), Amending the Resolutions previously adopted which created TARTA by: Adding Lucas County as a member; Eliminating TARTA's 2.5 mill property taxes and substituting a .4 percent Sales and Use Tax; Allocating 80% of tax collected to TARTA and 20% of tax to other Local Governments.
7. River Crossing Improvements & Hedingham Road & Tantallon Circle Resurfacing Project.
 - a. Service Director's report on Change Order #1-Final.
 - b. Proposed Ordinance No. 39-2018, Authorizing to approve Change Order #1 (Final) to agreement with Gerken Paving, Inc. for project; increasing the contract amount by \$4,449.35.
8. Street Banner Permit request from Lourdes University.
 - a. Proposed Ordinance No. 40-2018, Approving the Banner Application of Lourdes University.

9. Committee reports.
 - a. Streets Committee meeting from 6/29/18 regarding Sidewalk repairs.
 - b. Safety Committee meeting from 7/9/18 regarding Tobacco 21 Initiative.
10. Committee referrals.

INFORMATION

- A. Certificate of Notice – SUP-2-2018.
- B. June 2018 Bank Reconciliation.
- C. June 2018 Cash Report from the Division of Taxation.
- D. Board of Architectural Review minutes from July 11, 2018.
- E. Municipal Planning Commission minutes from July 11, 2018.

Minutes of the Meeting of Council
June 18, 2018

The Council of the City of Sylvania, Ohio met in regular session on June 18, 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, Mark Luetke, Patrick Richardson, Mary Westphal; (6) present; Sandy Husman (1) absent.

Roll call:
Husman, absent;
excused.

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:

- Item # 8a Moved to Item # 4a.
- Item # 9a. Set Streets Committee meeting.
- Item # 9b. Set Safety Committee meeting.

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

Agenda
approved as
amended.

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

Mrs. Westphal presented the June 4, 2018 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 4, 2018 be approved as amended; roll call vote being: Frye, Haynam, Luetke, Richardson, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

Approval of the
June 4 meeting
minutes, as
amended.

Mr. Haynam reported on the Zoning & Annexation committee meeting on June 12, 2018 to discuss the Zoning Amendment Application of SUP-1-2018, St. Elias Church amended landscaping plan. Mr. Haynam reviewed previous opposition of the project, and that a traffic study was not required. The Committee referred action to council. Additional testimony from the church and neighbors was heard.

Z & A Com.
Mtg. report from
6/12/18
(SUP-1-2018)

Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 38-2018, 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 an additional building on the property located at 4940 Harroun Road, Sylvania, Ohio; modifying the recommendation of the Municipal Planning Commission; and declaring an emergency."; Mr. Haynam moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Ordinance No.
38-2018,
SUP-1-2018,
St. Elias
Church.

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Mr. Haynam moved, Mr. Luetke seconded, that Ordinance No. 38-2018 be enacted as an emergency measure as declared therein; roll call vote being: Richardson, Westphal, Cappellini, Frye, Haynam, Luetke, (6) yeas; (0) nays. The motion carried.

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

Mayor Stough stated that Council is in receipt of the Plan Commission's recommendation of Zoning Ordinance Amendment Application, SUP-2-2018, from The Ability Center of Greater Toledo, 5605 Monroe Street, Sylvania, OH to amend the Special Use for a proposed training center to be built on the campus. The public hearing has been set for July 16, 2018 at 6:45 p.m. No action was needed.

Plan Com. rec
for SUP-2-2018,
Ability Center.

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

Service Director's report on the Acres Road Resurfacing (Alexis Road to Monroe Street) Change Order No. 1 (Final) was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 36-2018, 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 Crestline Paving & Excavating for the Acres Road (Alexis Road to Monroe Street) Resurfacing Project which reflects the actual work performed on this project; increasing the contract amount by \$1,229.43; appropriating funds 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: Haynam, Luetke, Richardson, Westphal, Cappellini, Frye, (6) yeas; (0) nays. The motion carried.

Ordinance No.
36-2018; Acres
Rd Resurfacing
Project CO#1
(Final).

Mr. Richardson moved, Mr. Frye seconded, that Ordinance No. 36-2018 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

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

Service Director's report on the Michindoh Aquifer Water Source was placed on file.

Mrs. Westphal moved, Mr. Luetke seconded to allow Mr. Frye to push back from the table due to conflict of interest; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Michindoh
Aquifer Study.

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Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 37-2018, a written copy of same having been previously furnished to each member of Council, “Accepting the proposal of Artesian of Pioneer to evaluate the sustainability and water quality of the Michindoh Aquifer as an alternative water source for the City of Sylvania; appropriating funds therefore in an amount not to exceed \$35,000; 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: Richardson, Westphal, Cappellini, Haynam, Luetke, (5) yeas; (0) nays. The motion carried.

Ordinance No. 37-2018,
“...Artesian of Pioneer ...Michindoh Aquifer ...”

Mrs. Westphal moved, Mr. Haynam seconded, that Ordinance No. 37-2018 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Haynam, Luetke, Richardson, (5) yeas; (0) nays. The motion carried.

Mr. Frye rejoined the table.

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

Mrs. Westphal reported the Committee of the Whole met at 6:00p.m. on this date to discuss the U.S.23 Interchange study. Mannik & Smith provided information on the study including the timeline and various options of the project. Mannik & Smith stated a public meeting will be held in September or October with final report presented in November.

C-O-W
U.S. 23
Interchange
Study.

Mrs. Westphal reported the Committee of the Whole met on this date to discuss the TARTA sales tax issue. The discussion focused on the review of questions submitted in advanced along with further clarification from Mr. Gee of the changes in plan to change from .5% sales tax to .4% sales tax and collection distribution. Mr. Gee stated he will have a Citizens Committee in place that will continue to review all the elements

C-O-W
TARTA Sales
Tax issue.

Mrs. Westphal presented the second reading of proposed Revised Resolution No. 11-2018, 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 .4 percent Sales & Use Tax; (3) Allocating 80% of the tax collected to TARTA to directly fund its operations and 20% 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

Second reading:
Proposed
Revised
Resolution No.
11-2018: “...
TARTA...”

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the November 6, 2018 General Election; and declaring an emergency.”

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

Mr. Richardson scheduled a Streets Committee meeting to discuss sidewalk repairs in Sylvania for Friday, June 29, 2018 at 7:00 a.m. in Public Service Conference Room in Administration building. Streets Com. Mtg. 6/29/18 at 7:00 a.m.

Mr. Frye scheduled a Safety Committee meeting to discuss the Tobacco 21 Initiative for July 9, 2018 at 5:30 p.m. in council chambers. Safety Com. Mtg. 7/9/18 at 5:30 p.m.

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

Mrs. Westphal moved, Mr. Frye seconded that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 8:49 p.m. Adjournment.

Clerk of Council

Mayor

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RESOLUTION NO. 11-2018

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 .4 PERCENT SALES AND USE TAX; (3) ALLOCATING 80% OF THE TAX COLLECTED TO TARTA TO DIRECTLY FUND ITS OPERATIONS AND 20% 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 6, 2018 GENERAL ELECTION; AND DECLARING AN EMERGENCY

WHEREAS, the Toledo Area Regional Transit Authority (TARTA) exists as a political subdivision under the laws of the State of Ohio and is operated in the following jurisdictions (Member Communities): the City of Toledo, the City of Maumee, the City of Sylvania, the City of Rossford, the Village of Ottawa Hills, the City of Waterville, and the Township of Sylvania; and,

WHEREAS, TARTA provides transit services within the areas of the Member Communities which are within portions of Lucas and Wood Counties; and,

WHEREAS, TARTA currently derives funding from two ad valorem property taxes (one 1.0 mill levy and one 1.5 mill levy) for a total of 2.5 mills paid by the property owners within the area of TARTA; and,

WHEREAS, several other Regional Transit Authorities in Ohio utilize a sales and use tax to fund operations which funding system is viewed as a preferable method of funding because it is paid by non-residents as well as residents; and,

WHEREAS, a sales and use tax funding system requires the addition of Lucas County as one of TARTA's Member Communities; and,

WHEREAS the Board of Trustees of TARTA has approved pursuing changes to TARTA's organizational and funding system which would: (1) expand mass transit service to all of Lucas County by adding Lucas County as a Member Community; (2) eliminate the current 2.5 mill property tax levies and substitute a .4 percent sales and use tax; (3) allocate 80% of the tax collected to TARTA to directly fund its operations and 20% to other local governmental entities for the installation, maintenance and improvement of mass transit related infrastructure; and (4) provide 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 6, 2018 general election; and,

WHEREAS, the proposed changes require the consent of all current TARTA Member Communities and the consent of the proposed new Member Community, Lucas County, in a timely manner so that the TARTA Board of Trustees may take action to place an issue onto the November 6, 2018 ballot.

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

SECTION 1. The Council of the City of Sylvania hereby consents to and approves of the addition of Lucas County as a Member Community of TARTA pursuant to Ohio Revised Code §306.321 and the expansion of the territorial boundaries of TARTA to be coextensive with the boundaries of TARTA's Member Communities as now or hereafter exist.

SECTION 2. The Council of the City of Sylvania hereby consents to and approves of replacing TARTA's existing 2.5 mill property tax levies with sales and use taxes, contingent upon and subject to voter approval of a .4 percent sales and use tax at the November 6, 2018 general election, in accordance with all provisions of law for transitioning from a property tax funding system to a sales and use tax funding system as described in Ohio Revised Code §306.321 and as further provided and agreed to by the Member Communities. The Council of the City of Sylvania consents to and approves of the placement of the sales and use tax question onto the November 6, 2018 ballot. The tax shall be in effect for a period of ten (10) years. In accordance with Ohio Revised Code §5739.023, the tax shall become effective on the first day of the calendar quarter next following the sixty-fifth day following the date the tax commissioner receives from the board of elections the certification of the results of the election on the question of the tax.

SECTION 3. If the described sales and use tax is approved by the voters, the monies derived therefrom will be utilized in accordance with Ohio Revised Code §306.35, and after application of §306.321, eighty percent (80%) of said sums collected are to be retained by TARTA to fund its operations and twenty percent (20%) of said sums collected to be expended to assist other local governmental entities in the TARTA service area in funding the installation, maintenance and improvement of transit related infrastructure so that the roads, sidewalks, bridges, bus stops, bus shelters, signage and associated improvements are adequate to allow TARTA to operate its vehicles and serve its passengers in the Member Communities.

SECTION 4. The Council of the City of Sylvania hereby consents to and approves of a revised composition of the TARTA Board of Trustees to reflect its expanded geographical boundaries, as follows:

- A. Seven members, of whom initially two shall have a term of one year; two of two years, three of three years; shall be appointed by the Mayor of the City of Toledo with the advice and consent of the Council of the City of Toledo;
- B. One member, who shall have a term of three years, shall be appointed by the Mayor of the Village of Ottawa Hills with the advice and consent of the Council of the Village;
- C. One member, who shall have a term of three years, shall be appointed by the Mayor of the City of Rossford with the advice and consent of the Council of the City of Rossford;
- D. One member, who shall have a term of three years, shall be appointed by the Mayor of the City of Sylvania with the advice and consent of the Council of the City of Sylvania;
- E. One member, who shall have a term of three years, shall be appointed by the Mayor of the City of Maumee with the advice and consent of the Council of the City of Maumee;
- F. One member, who shall have a term of three years, shall be appointed by the Board of Trustees of Sylvania Township;
- G. One member, who shall have a term of three years, shall be appointed by the Mayor of the City of Waterville with the advice and consent of the Council of the City of Waterville;
- H. Four members who shall have a term of three years, of whom one shall have an initial term of three years, two of two years, and one of one year shall be appointed by the Board of Lucas County Commissioners;
- I. One member, who shall have a term of three years, may be appointed by the legislative authority of any township or municipality that elects to have such representation by becoming a Member Community of TARTA appointed in the same fashion as called for above.

Any vacancy occurring in the position of a member of the Board of Trustees shall be filled for the unexpired term in the manner provided for an initial appointment.

SECTION 5. From and after the date the results of the November 6, 2018 general election approving a .4 percent sales and use tax are final:

- A. A municipality or township that is not already a Member Community of TARTA and that is located wholly within Lucas County may join TARTA pursuant to the provisions of the Ohio Revised Code. Because the new Member Community is located within an area where the sales and use tax already is in effect, there shall be no additional election on the tax by the voters of the new Member Community. If necessary to effectuate this result, the new Member Community shall not be regarded as a Member Community, but instead shall be deemed to have been afforded representation on the Board of Trustees only.

- B. A municipality, township or county that is located within a geographical area in which TARTA's sales and use tax is not in effect may adopt an ordinance or resolution stating its desire and request to become a Member Community of TARTA, pursuant to the provisions of the Ohio Revised Code. If the TARTA Board of Trustees shall approve the admission of the proposed Member Community, the procedures specified in Ohio Revised Code §306.321 for the admission of additional members and presentation of the tax described therein shall be followed. In the event the voters approve the tax, the municipality, township, or county shall become a Member Community, but if the voters do not approve the tax, the proposed Member Community shall not be a Member Community, all as provided in Ohio Revised Code §306.321.

SECTION 6. Any Member Community, acting by resolution or ordinance adopted by its legislative authority, may withdraw from TARTA, with said withdrawal being effective 60 days after adoption of the resolution or ordinance, with same being sent to the TARTA Board of Trustees and all Member Communities by the most effective means of electronic communication available within 24 hours of passage. Such withdrawal is not subject to approval or consent of any other TARTA Member Community or the TARTA Board of Trustees. Effective upon the date of withdrawal, the power of TARTA to levy a tax within the territorial boundaries of the withdrawing Member Community shall terminate as provided by law; provided, that the power to levy a tax within the territorial boundaries of Lucas County shall continue so long as Lucas County remains a Member Community, regardless of the withdrawal of any Member Community that is located within Lucas County and further provided that provision shall be made for the payment of any indebtedness of TARTA in accordance with the law, including Ohio Revised Code §306.54.

SECTION 7. The Board of Trustees of TARTA shall adopt its resolution providing for the submission of the question of the imposition of an additional .4 percent sales and use tax to the electors of TARTA, as enlarged, not later than ten (10) days following the filing of the ordinances and resolutions of the Member Communities, all as provided in Ohio Revised Code §306.321.

SECTION 8. The Council of the City of Sylvania's consent and approval of the foregoing is expressly contingent upon other existing Member Communities of TARTA consenting to the admission of Lucas County as a Member Community and the approval of ordinances or resolutions substantially similar to this resolution authorizing the changes described herein. In accordance with Ohio Revised Code §306.321, in the event the sales and use tax is not approved, Lucas County shall not be included as a Member Community of TARTA and the geographical boundaries of TARTA shall be the same as they were prior to the date Lucas County was admitted as a Member Community.

SECTION 9. All prior resolutions adopted by the Council of the City of Sylvania with respect to TARTA are amended and superseded to the extent they are inconsistent with the provisions of this resolution.

SECTION 10. It is hereby found and determined that for 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 11. 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 12. This resolution is hereby declared to be an emergency and shall be effective immediately upon its adoption. The reason for the emergency is that this measure is necessary for the immediate preservation of the public peace, health, safety and welfare and also because it is necessary to immediately inform other TARTA Member Communities of the Council of the City of Sylvania's desire and intention to consent to the reorganization of TARTA in the manner described herein and permit an orderly and timely process to proceed by which Member Communities may consider and adopt similar ordinances and resolutions.

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

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DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

July 16, 2018

To: The Mayor and Members of Sylvania City Council

Re: **RIVER CROSSING IMPROVEMENTS & HEDINGHAM ROAD & TANTALLON CIRCLE RESURFACING
CHANGE ORDER NO. 1 (FINAL)**

Dear Mr. Mayor and Council Members:

The River Crossing Improvements & Hedingham Road and Tantallon Circle Resurfacing Projects were recently completed. The original contract amount with Gerken Paving, Inc. on the project was \$151,748.25 and received Council approval on December 18, 2017 by Ordinance 88-2017.

Now that the project is completed, the final installed quantities have been resolved and a change order is necessary to adjust the final contract price.

The installed quantities have resulted in a cost increase of \$4,449.35 to the original contract amount.

We recommend approval of Change Order No. 1 (Final) which will increase the final contract amount from \$151,748.25 to \$156,197.60. Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

dsw

7b

ORDINANCE NO. 39 -2018

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 1 (FINAL) TO THIS CITY'S AGREEMENT WITH GERKEN PAVING, INC. FOR THE RIVER CROSSING IMPROVEMENTS & HEDINGHAM ROAD & TANTALLON CIRCLE RESURFACING PROJECT WHICH REFLECTS THE FINAL QUANTITIES USED ON THE PROJECT; INCREASING THE CONTRACT AMOUNT BY \$4,449.35; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 88-2017, passed December 18, 2017, accepted the bid of Gerken Paving, Inc., which bid was in the amount of \$151,748.25; and,

WHEREAS, the Director of Public Service, by report dated July 16, 2018, has recommended the acceptance of Change Order No. 1(Final) of Gerken Paving for said River Crossing Improvements & Hedingham Road & Tantallon Circle Resurfacing Project to reflect the final quantities used on the project; and,

WHEREAS, the actual work performed resulted in a net increase to the contract in the amount of Four Thousand Four Hundred Forty-Nine and 35/100 Dollars (\$4,449.35), for a total contract amount of \$156,197.60.

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

SECTION 1. That said change order increasing the contract amount by the sum of Four Thousand Four Hundred Forty-Nine and 35/100 Dollars (\$4,449.35), authorized to be appropriated be, and the same hereby is, approved, and the Mayor and the Director of Finance be, and they hereby are, authorized to sign said change order on behalf of this City, thereby indicating such approval and changing the total contract amount.

SECTION 2. That, to provide funds for said change order for improvements, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53612, Street Improvements**, the sum of Four Thousand Four Hundred Forty-Nine and 35/100 Dollars (\$4,449.35).

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 adjustments in the contract for said actual work performed and quantities used should be approved 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 the Charter.

SECTION 5. 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.

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

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ORDINANCE NO. 40 -2018

APPROVING THE BANNER APPLICATION OF LOURDES UNIVERSITY; AUTHORIZING THE ZONING ADMINISTRATOR TO INDICATE SUCH APPROVAL ON BEHALF OF THE CITY OF SYLVANIA; AND DECLARING AN EMERGENCY.

WHEREAS, Resolution No. 19-2000, passed June 5, 2000, granted permission to install banners in the public right-of-way on the Toledo Edison poles located on Monroe Street by Wendy's across to the area in front of Country Squire Plaza (near the intersection of Corey Road and Monroe Street); and,

WHEREAS, Resolution No. 19-2000 provided that the applications were to be reviewed on an application-by-application basis and set forth the criterion on which the applications were to be considered; and,

WHEREAS, Ordinance No. 20-2018, passed May 21, 2018, amended Part Eleven – Planning and Zoning Code of the Codified Ordinances of Sylvania, 1979, as amended, by amending Section 1166.07 – Standards for Permitted Signs to permit banners to be installed in the downtown; and,

WHEREAS, Lourdes University has submitted a request to hang a banner within said public right-of-way to welcome students to Sylvania and Lourdes University from August 24-26, 2018; and,

WHEREAS, the banner will hang from August 20 – August 31, 2018 and will comply with all of the terms and conditions set forth in Resolution No. 19-2000 and Ordinance No. 20-2018.

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

SECTION 1. That the application of Lourdes University to hang a banner on across the downtown block of Main Street between Maplewood Avenue and Monroe Street is found to comply with Section 1166.07(h)(2)(A)(1) and is hereby approved.

SECTION 2. That the Zoning Administrator is authorized to sign said permit granting permission to proceed under the application hereby approved.

SECTION 3. 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 4. 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 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 permission should be granted immediately to provide for the immediate installation of the banner. 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

City of Sylvania

STREET BANNER APPLICATION/PERMIT

Fee: \$ 100.00

Name of Organization: Lourdes University
Contact Person: Helene Sheets
E-mail: hsheets@lourdes.edu Phone: 419-824-3965
Explanation of the Qualifying Event*: Welcome Student to Sylvania & Lourdes University
Dates of Event: Aug. 24-26, 2018
Installation & Removal Dates of Banner: August 20-~~21~~³¹, 2018
[maximum four (4) weeks]
Banner Location: Toledo Edison poles by Wendy's and Country Squire on Monroe Street
Text of Banner: Welcome Lourdes Gray Wolves

Company Installing Banner: Yankee Doodle
Address: 3525 N. Holland Sylvania Rd., Toledo 43615
Email: info@yankeedoodleflag.com Phone: 800-228-3524
419-842-9922
Fax: _____

Insurance on File: _____

Edison Approval: _____

City Approval: _____

The banner and installation shall meet the attached specifications.

- * The purpose of the banner installation shall be one of the following reasons:
- A Sylvania charitable or civic event.
 - Banners may not be installed for private commercial or political gain.



WELCOME, LOURDES GRAY WOLVES!



parid	owner	property address	property a prof	mailing address 1	mailing address 2
7884194	CHRISTIAANSE MARK W & JENIFER M TRS	5240 COLDSTREAM RD	TOLEDO OH	43623 5240 COLDSTREAM RD	TOLEDO OH 43623 2784
7975457	COOLEY JEFFREY E	14 COREY CREEK RD	TOLEDO OH	43623 940 CAPE MARCO DR UNIT 505	MARCO ISLAND FL 34145
8205096	L & D REAL ESTATE LTD	5610 MONROE ST	SYLVANIA OH	43560 6215 ENTERPRISE CT	DUBLIN OH 43016 3293
8205131	L & D REAL ESTATE LTD AN OHIO LLC	5620 MONROE ST	SYLVANIA OH	43560 6215 ENTERPRISE CT	DUBLIN OH 43016 3293
7884187	PFEIFER CAROL J TR	5258 COLDSTREAM RD	TOLEDO OH	43623 5258 COLDSTREAM RD	TOLEDO OH 43623 2784
8205134	MONROE RETAIL INVESTMENTSLLC	5555 MONROE ST	SYLVANIA OH	43560 5800 MONROE STREET BLDG F	SYLVANIA OH 43560
7867541	GLEIM MARK R	5312 COLDSTREAM RD	TOLEDO OH	43623 P.O. BOX 721	SYLVANIA OH 43560
8205177	MONROE RETAIL INVESTMENTS LLC	5024 SKELLY RD	SYLVANIA OH	43560 5800 MONROE STREET BLDG F	SYLVANIA OH 43560
7975458	TALBOO DAVID J & ANGELA M TRUSTEES OF	15 COREY CREEK RD	TOLEDO OH	43623 8000 WINDING RIDGE BLVD	MONCLOVA OH 43542
8205117	5600 MONROE LLC AN OHIO LIMITED LIABIL	5600 MONROE ST	SYLVANIA OH	43560 3415 SILICA RD	SYLVANIA OH 43560
8205171	MILLER INVESTMENT CORP	5577 MONROE ST	SYLVANIA OH	43560 1656 HENTHORNE DR STE 200	MAUMEE OH 43537
7814077	FOTH STAMM HELEN M ETAL	5635 MONROE ST	SYLVANIA OH	43560 5635 MONROE ST	SYLVANIA OH 43560
8205101	L & D REAL ESTATE LTD AN OHIO LLC	5644 MONROE ST	SYLVANIA OH	43560 6215 ENTERPRISE CT	DUBLIN OH 43016 3293
7884191	FOX JAMILYNN E	5250 COLDSTREAM RD	TOLEDO OH	43623 5250 COLD STREAM RD	TOLEDO OH 43623
8205161	MILLER INVESTMENT CORP	5551 MONROE ST	SYLVANIA OH	43560 3410 BRIARFIELD BLVD STE A	MAUMEE OH 43537 9297
8205139	MILLER INVESTMENT CORP	5577 MONROE ST	SYLVANIA OH	43560 1656 HENTHORNE DR STE 200	MAUMEE OH 43537
	Ability Center of Greater Toledo	5605 Monroe St.	Sylvania	OH43560	

City of Sylvania
Bank Reconciliation
 June 2018

B

Ending balance for May 2018	24,872,900.27
Add: Monthly Receipts	<u>2,933,962.91</u>
Subtotal	\$ 27,806,863.18
Less: Monthly Disbursements	<u>2,981,333.25</u>
Ending balance for June 2018	\$ 24,825,529.93
Less:	
CD Metamora Bank	\$ (2,081,574.53)
Star Ohio	(78,961.52)
Petty Cash (1)	(2,050.00)
Cemetery Savings	(1,062.86)
Toledo Community Fund	(31,803.18)
Key Bank Securities	(8,148.43)
5/3rd Securities	(8,222,887.25)
SJS Account	(5,594,769.65)
Morgan Stanley Investment	(2,109,727.80)
First Federal Bank (CD)	(2,000,000.00)
Key Bank (CD)	(1,000,000.00)
Sylvania Township Bonds	(375,000.00)
	\$ 3,319,544.71
	<u>\$ 3,319,544.71</u>
(1)	
Division of Public Service	\$ 150.00
Department of Finance	100.00
Division of Water	600.00
Division of Police	200.00
Municipal Court	700.00
Division of Taxation	150.00
Division of Forestry	150.00
	<u>2,050.00</u>
Petty Cash Balance	\$ 2,050.00

BANK BALANCE	
EOM 5/3rd Bank Balance	\$ 3,679,644.70
Deposit in Transit:	
Income Tax	62,974.33
General Deposit	21,012.33
Subtotal	\$ 3,763,631.36
Less: Outstanding Checks (2)	<u>444,086.65</u>
Adjusted Bank Balance	\$ 3,319,544.71
(2)	
May Outstanding Checks	\$ 471,411.31
Checks written this month	1,042,415.79
Subtotal	<u>\$ 1,513,827.10</u>
	<u>(1,069,740.45)</u>
Checks Cleared this month	
June Outstanding Checks	\$ 444,086.65



Toby Schroyer
 Director of Finance, City of Sylvania



C

City of Sylvania

DIVISION OF TAXATION

CHRISTY M. GOLIS, COMMISSIONER OF TAXATION

July 2, 2018

Mayor Craig A. Stough and Members of Council
City of Sylvania
Sylvania, Ohio

Dear Mayor Stough and Council Members:

The monthly cash report from the Division of Taxation is as follows:

	Deposits	Refunds	Balance
June 30, 2018	\$890,335.92	\$43,787.61	\$846,548.31
June 30, 2017	\$874,447.20	\$30,690.41	\$843,756.79
Monthly Difference	\$15,888.72	\$13,097.20	\$2,791.52
Year to Date 2018	\$5,906,849.74	\$157,439.14	\$5,749,410.60
Year to Date 2017	\$6,068,284.62	\$170,069.12	\$5,898,215.50
Yearly Difference	-\$161,434.88	-\$12,629.98	-\$148,804.90
			-2.52%

Respectfully submitted,

Christy M. Golis
Tax Commissioner

c: Mr. Toby Schroyer, Finance Director

Board of Architectural Review

Minutes of the regular meeting of July 11, 2018. Mr. McCann called the meeting to order.

Members present: Mayor Craig Stough, Ken Marciniak, Daniel Arnold and Brian McCann (4) present. Thomas Lindsley absent. Zoning Administrator, Timothy Burns present.

Mr. Arnold moved, Mr. Marciniak seconded to approve the Minutes of the June 13, 2018, meeting as submitted. Vote being: Stough, Arnold, Marciniak and McCann (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 3 – Building Review – app. no. 19-2018 requested by Vincent Franceschelli for Speedway 8594, 6700 Sylvania Avenue, Sylvania, Ohio 43560. Application is for an exterior renovation and addition. Mr. John Saranzak was present and described the renovations and additions that are planned as shown in the drawings submitted with the application. Mr. Arnold moved, Mr. Marciniak, to approve the building design. Vote being: Marciniak, Arnold, Stough and McCann (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 4 – Regulated Sign – app. no. 29-2018 requested by David Schmitt for Woodland Hills, 6704 Woodland Hills, Sylvania, Ohio 43560. Application is for a new development entrance sign. Mr. Schmitt was present and explained that he has not chosen the final color for the sign yet and that he may also use a material other than brick, for the brick portions shown on the wall in the drawing, which will be dependent on the cost. Sign is within the limits of the Sylvania Sign Code. Mr. Marciniak moved, Mr. Arnold seconded, to grant a Certificate of Appropriateness for the sign and wall shown in the drawing submitted with application conditional on that the stone color will be similar to that shown in the drawing submitted with the application. Marciniak, Arnold, Stough and McCann (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 5 – Building Review – app. no. 30-2018 requested by Anthony R. Barchanowicz for Taco Bell, 5844 W. Alexis Road, Sylvania, Ohio 43560. Application is for an exterior renovation. Mr. Barchanowicz was present and said that the renovation would entail a rip off and redo of the existing wall, that the tower will be raised and that the building would be painted a muted grey with a dark purple trim. Mr. Burns said that the review is for the building design only and that the signs have not been submitted yet. Mr. Marciniak moved, Mr. Arnold seconded, to approve the building design shown in the drawing submitted with the application. Marciniak, Arnold, Stough and McCann (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 6 – Regulated Sign – app. no. 31-2018 requested by Michael Howard for Office Image, 5625 W. Alexis Road, Sylvania, Ohio 43560. Mr. Howard was present. Application is for new LED lighting and a new tenant panel to be installed on an existing monument sign. Sign is within the limits of the Sylvania Sign Code. Mr. Arnold moved, Mr. Marciniak, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Marciniak, Arnold, Stough and McCann (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 7 – Regulated Sign – app. no. 32-2018 requested by Michael Howard for Sylvania Diner, 5625 W. Alexis Road, Sylvania, Ohio 43560. Mr. Howard was present. Application is for

Minutes of the Board of Architectural Review
July 11, 2018
Page 2

new LED lighting and a new tenant panel to be installed on an existing monument sign. Sign is within the limits of the Sylvania Sign Code. Mr. Arnold moved, Mr. Marciniak, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Marciniak, Arnold, Stough and McCann (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 8 – Regulated Sign – app. no. 33-2018 requested by Michael Howard for A Team Auto Wraps, 5625 W. Alexis Road, Sylvania, Ohio 43560. Mr. Howard was present. Application is for new LED lighting and a new tenant panel to be installed on an existing monument sign. Sign is within the limits of the Sylvania Sign Code. Mr. Arnold moved, Mr. Marciniak, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Marciniak, Arnold, Stough and McCann (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 9 – Building Review – app. no. 34-2018 requested by Adam Pychewicz for Aldi, 5539 Monroe Street, Sylvania, Ohio 43560. Application is for an exterior building renovation. Mr. Ted Gauss was present and explained that the renovation would include an 1800 ft. expansion and that the design would be similar to the recently updated Holland, Ohio store. He also presented samples of the materials that will be used. Mr. Burns stated that signage is not included in this review. Mr. Arnold moved, Mr. Marciniak, to approve the building design shown in the drawing submitted with the application. Marciniak, Arnold, Stough and McCann (4) aye; (0) nay. Motion passed by a 4 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

E

Sylvania Municipal Planning Commission

Minutes of the regular meeting of July 11, 2018. Mr. McCann called the meeting to order.

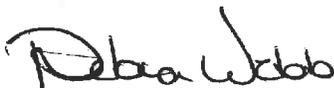
Members present: Mayor Craig Stough, Ken Marciniak, Daniel Arnold and Brian McCann (4) present. Thomas Lindsley absent. Zoning Administrator, Timothy Burns present.

Mr. Arnold moved, Mr. Marciniak seconded to approve the Minutes of the June 13, 2018, meeting as submitted. Vote being: Stough, Arnold, Marciniak and McCann (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 3 - Lot Split – app. no. 1-2018 requested by Mike Hojnacki for Louisville Title Agency Trustee, 5621 Glasgow, Sylvania, OH 43560. Mr. Hojnacki was present and said that the 20 foot section lot split would be added to the 2 lots to the South, which have apartments on them, and that the lots will be combined to form 1 lot as discussed with Joe Shaw. He also said that he would be installing some fencing to provide a screening between that apartments and the single family residential area. He added that the house would remain on the lot and that he and his son have been fixing it up. Mr. Burns stated that the lot would remain a conforming lot as the home and garage on the lot meet the setback requirements and the lot size is adequate but that the 20 feet of property being split off would create a non-conforming lot and that the approval would need to require that the lot created be combined with one or more of the existing lots to the South. Mr. Marciniak moved, Mr. Arnold seconded, to conditionally approve the lot split dependent on that the split parcel will be combined with the adjoining parcels to the South. Marciniak, Arnold, Stough and McCann (4) aye; (0) nay. Motion passed by a 4 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