

Minutes of the Meeting of Council
August 19, 2019

The Council of the City of Sylvania, Ohio met in regular session on August 19, 2019 at 7:30 p.m. with Acting Mayor Westphal 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. Cappellini.

Pledge of
Allegiance.

Mrs. Westphal stated that Council will now consider agenda item 3.

The following items were added to the agenda:

- 3a. Election of President Pro Tem.
- 17a. Schedule an Employee & Community Relations Committee meeting.
- 19. Discuss potential addition to the zoning code.
- 20. Executive Session to discuss litigation matters.

Mr. Haynam moved, Mrs. Cappellini 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.

Due to Mayor Stough's absence, Mrs. Westphal will be Acting Mayor.

Due to Mrs. Westphal being Acting Mayor, Mr. Luetke moved, Mr. Haynam seconded, to nominate Mr. Frye as President Pro Tem. There were no other nominations, and all present voted yea (7); (0) nays. The motion carried.

Mr. Frye elected
President Pro
Tem.

Mrs. Westphal stated that Council will now consider agenda item 4.

Mr. Frye presented the July 15, 2019 meeting minutes. Mr. Frye 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 July 15, 2019 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the
July 15 meeting
minutes.

Mrs. Westphal stated that Council will now consider agenda item 5.

Mrs. Westphal reported on the public hearing for the Utility and Ingress/Egress Easements from David R. Webb and Diane M. Webb, 0 Colonial Court, Sylvania held at 7:00 p.m. on this date. Mrs. Westphal stated no one spoke in favor or against the easements.

Report of Public
Hearing re:
Easements...
Colonial Court.

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Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 66-2019, 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 David R. Webb and Diane M. Webb an easement across Buffer Lot A in Colonial Park for the purpose of construction and maintaining private utilities and also an Ingress/Egress Easement; approving the recommendation of the Municipal Planning Commission; and declaring an emergency."; Mrs. Husman moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Ordinance No. 66-2019; "Approving Easements... Colonial Ct...David & Diane Webb...."

Mrs. Husman moved, Mr. Luetke seconded, that Ordinance No. 66-2019 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal stated that Council will now consider agenda item 6.

Sylvania Municipal Court Judge Michael Bonfiglio presented an update on the court's activities. Judge Bonfiglio requested to hire a full-time Magistrate and provided details for the need along with financial information on restructuring to reduce the expenses of the court.

Sylvania Muni. Court Update.

Mrs. Cappellini moved, Mr. Haynam seconded to refer the request for full time Magistrate position to the Safety Committee for review. Roll call vote being: Richardson, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Refer request for full-time magistrate position to Safety Com.

Mrs. Westphal stated that Council will now consider agenda item 7.

Law Director Brinning provided an update on the Funigan's noise and paintball issues. She has been in contact with Funigans legal counsel, who has agreed to mediate the issue towards resolution. Mr. Paul Hamill, 5327 Quarryside provided pictures of the homes being affected. Council will consider further action if a resolution is not reached by September 16th.

Funigans Update.

Mrs. Westphal stated that Council will now consider agenda item 8.

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Service Director’s report on the Silica Drive resurfacing Change Order No. 1 (Final) was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 67-2019, “Authorizing the Mayor and Director of Finance to approve Change Order No. 1 (Final) to this City’s agreement with Henry W. Bergman, Inc. for the Silica Drive Resurfacing Project which reflects the actual work performed on this project; decreasing the contract amount by \$6,538.68; and declaring an emergency.” Mr. Richardson moved, Mr. Luetke seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0)nays. The motion carried.

Ordinance No. 67-2019, “Authoring Change Order #1- Silica Resurfacing project....”

Mr. Richardson moved, Mr. Haynam seconded, that Ordinance No. 67-2019 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.

Mrs. Westphal stated that Council will now consider agenda item 9.

Service Director’s report on Woodstream Farms Resurfacing (Phase 1) Change Order No. 1 (Final) was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 68-2019, “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 Woodstream Farms Resurfacing (Phase 1) project which reflects the final installed quantities on this project; increasing the contract amount by \$8,961.97; appropriating funds therefore; and declaring an emergency.” Mr. Richardson moved, Mrs. Husman seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No. 68-2019, “...approve CO#1 Woodstream Farms Resurfacing Project...”

Mr. Richardson moved, Mrs. Frye seconded, that Ordinance No. 68-2019 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal stated that Council will now consider agenda item 10.

Service Director’s report on the Holland-Sylvania Resurfacing Project was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 69-2019, “Authorizing the Mayor and Director of Finance to enter into an amendment to the Joint Cooperation Agreement with the Board of Lucas County Commissioners relative to the Holland-Sylvania Road Resurfacing Project; appropriating funds

Ordinance No. 69-2019, “...amendment to Joint Co-Op Agreement

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therefore in the amount of \$116,468.15; and declaring an emergency.” Mr. Richardson moved, Mr. Luetke seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

....Holland Sylvania Rd Resurfacing Project...”

Mr. Richardson moved, Mr. Haynam seconded, that Ordinance No. 69-2019 be enacted as an emergency measure as declared therein; roll call vote being: Richardson, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal stated that Council will now consider agenda item 11.

Service Director’s report on the SOMO Flats Retaining Wall Project was placed on file. Mrs. Husman moved, Mr. Haynam seconded to authorizing the Clerk to advertise for bids for the SOMO Flats Retaining Wall. Roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

Authorize clerk to advertise for bids....SOMO Flats Retaining Wall.

Mrs. Westphal stated that Council will now consider agenda item 12.

Service Director Aller presented the Petition for Zoning Ordinance Amendment ZA-1-2019 a request from Louisville Title Agency of N.W. Ohio for zoning change from B-2 “General Business District” to R-4 “Multi Dwelling Medium High Density District” for property located at 3921 and 3859 Sylvan Lakes Blvd, Sylvania, Ohio 43560.

Referral ZA-1-2019, to Plan Commission; Louisville Title, B-2 to R-4, 3921 & 3859 Sylvan Lakes.

Mr. Haynam moved, Mr. Richardson seconded to refer to the Plan Commission and to request they reject the plan.

Mr. Luetke moved, Mrs. Husman seconded to amend the motion to refer ZA-1-2019 to the Plan Commission for their review and recommendation. Roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

Mr. Luetke moved, Mr. Frye seconded to approve the original motion as amended. Roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal stated that Council will now consider agenda item 13.

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Mrs. Westphal presented the Petition for Zoning Ordinance Amendment SUP-1-2019 from Shalom of the Pie, LLC, 8216 Erie Street, Sylvania, OH 43560 request for change of hours and use of kitchen for catering. Mr. Haynam moved, Mrs. Husman seconded to refer to the Plan Commission for review and recommendation; Roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Referral
SUP-1-2019 to
Plan
Commission;
Shalom of the
Pie, LLC

Mrs. Westphal stated that Council will now consider agenda item 14.

Mrs. Westphal presented a Notice of transfer of the D5 and D6 liquor permit from Karam Enterprises, Inc. d/b/a Damascene Grill, 5834 Monroe, Suites B & C, Sylvania, Ohio to Damascene Grill LLC, d/b/a Damascene Grill, 5834 Monroe, Suites B & C, Sylvania, Ohio. Mr. Frye moved, Mr. Luetke seconded to not request a hearing. Roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

No liquor permit
hearing request,
Damascene
Grill, 5834
Monroe St.

Mrs. Westphal stated that Council will now consider agenda item 15.

Service Director presented obsolete equipment to be no longer if use in our City operations. Mr. Frye moved, Mr. Haynam seconded to approve the disposal of these items by posting them for sale on GovDeals as they are no longer of use to the City; roll call vote being: Husman, Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Approval of
obsolete
equipment to be
offered on
GovDeals.

Mrs. Westphal stated that Council will now consider agenda item 16.

Mrs. Westphal reported on the Committee of the Whole meeting held at 7:00 p.m. on this date. There was discussion on the new city logo final colors and the flag with Fuller Art House. Luetke provided reports on the 2020 city calendar and the proposal for the Downtown Masterplan.

C-O-W Mtg.
Report re: City
Logo.

Mrs. Westphal stated that Council will now consider agenda item 17.

Mr. Luetke set an Employee & Community Relations Committee meeting for Tuesday, September 10, 2019 at 4:15 p.m. to discuss the proposal from Environmental Design Group for the Downtown Masterplan.

Emp & Com
Relations Mtg;
9/10/19, 4:15
p.m.

Mr. Frye set a Safety Committee meeting for Monday, September 16, 2019 at 6:30 p.m. to discuss the request for a full-time Magistrate in the Municipal Court.

Safety Com
Mtg. 9/16/19,
6:30 p.m.

Mrs. Westphal stated that Council will now consider agenda item 18.

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Mrs. Westphal provided information on the water contract. The City of Sylvania will not vote on this contract until the City of Toledo approves it. The City's priority is language in the contract that includes redundancy and the wholesale vs. retail pricing. Service Director Aller and Law Director Brinning reported on the water contract negotiations with the City of Toledo and outlined Toledo's timeline on their process and public hearing schedule.

Water Contract update.

Mrs. Westphal stated that Council will now consider agenda item 19.

Mr. Luetke requested the Zoning & Annexation Committee explore the need for facade articulation for developments during the approval process that includes a degree of assessment as it pertains to landscaping, architectural variance to keep property values and maintain upscale development.

Refer Façade Articulation to Zoning & Annexation Committee.

Mr. Haynam moved, Mr. Luetke seconded to refer façade articulation during the zoning approval process to the Zoning & Annexation Committee for review. Roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal stated that Council will now consider agenda item 20.

Mr. Haynam moved, Mr. Luetke seconded to enter into Executive Session for the discussion of litigation matters at 9:07 p.m. Roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

Executive Session re: Litigation matters.

Mr. Haynam moved, Mrs. Husman seconded to return from Executive Session to General Session at 9:14 p.m. Roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Cappellini, Westphal, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal stated all items have been addressed.

Mr. Frye moved, Mrs. Cappellini seconded to adjourn at 9:15 p.m. Roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Adjournment.

Clerk of Council

Mayor

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