

**Sylvania City Council**  
December 2, 2019

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

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mrs. Husman, Mr. Luetke, Mr. Richardson. Mrs. Westphal, absent.
2. Pledge of Allegiance to the United States of America led by Mr. Haynam.
3. Additions to the agenda.
4. Approval of the regular council meeting of 11/18/19.
5. South of Monroe (SOMO) Retaining Wall Extension Project.
  - a. Service Director's report on engineering services contract.
  - b. Proposed Ordinance No. 97-2019, Accepting proposal of Fishbeck to provide professional engineering services for the SOMO Retaining Wall Improvement project.
6. Committee reports.
7. Committee referrals.
8. Executive Session to discuss possible purchase of property.

**INFORMATION**

- A. Letter from ODOT regarding the Silica Drive Bridge Replacement project.

Minutes of the Meeting of Council  
November 18, 2019

The Council of the City of Sylvania, Ohio met in regular session on November 18, 2019 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. Frye.

Pledge of  
Allegiance.

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

The following items were added to the agenda:

- 4c. Funigan's update.
- 11b. Update of Woodstock/Sister City activities.
- 13. Service Director's report on Monroe/Silica Open House.
- 14. Heritage Sylvania update.

Mrs. Westphal moved, Mrs. Husman 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 November 4, 2019 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 November 4, 2019 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the  
November 4  
meeting  
minutes.

Mrs. Westphal presented the November 6, 2019 special 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 special meeting of November 6, 2019 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the  
November 6  
Special meeting  
minutes.

Law Director Brinning provided an update of Funigan's compliance of their Conditional Use permit.

Funigan's  
Update.

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

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Mrs. Westphal presented and read aloud by title only, the proposed Ordinance No. 92-2019, a written copy of same having been previously furnished to each member of Council, "To make Appropriations for Current Expenditures and Other Expenditures of the City of Sylvania, Ohio, for the fiscal year ending December 31, 2020; and waving the third reading." Mrs. Westphal moved for final passage, Mr. Frye seconded, that Ordinance No. 92-2019 be enacted as declared therein; roll call vote being: Richardson, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ordinance No. 92-2019;  
2020 Budget.

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

Mr. Haynam moved, Mrs. Westphal seconded to set the public hearing on PD-1-2019 for January 6, 2020 at 7:00 p.m. and authorize the clerk to advertise for same. Roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

Set public hearing PD-1-2019; 1/6/20; 7:00 p.m.

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 94-2019, a written copy of same having been previously furnished to each member of Council, "An Ordinance authorizing the Chief of Police to contribute unclaimed property in the possession of the Sylvania City Police Department; and declaring an emergency." Mr. Frye moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Richardson, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ordinance No. 92-2019;"... "Authorizing Police Chief to contribute unclaimed property..."

Mr. Frye moved, Mr. Luetke seconded, that Ordinance No. 94-2019 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 95-2019, a written copy of same having been previously furnished to each member of Council, "Accepting the proposal of Kiesler Police Supply for new duty weapons, with trade-ins for the City of Sylvania Police Department; and declaring an emergency." Mr. Frye moved, Mrs. Westphal 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. 95-2019; "Accepting proposal...new duty weapons ....."

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Mr. Frye moved, Mr. Luetke seconded, that Ordinance No. 95-2019 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.

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

Service Director's report on Engineering Services Contract for the Cushman Road Improvements was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 96-2019, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to accept the proposal of ESA, LLC to provide engineering services for the Cushman Road Improvements Project; appropriating funds therefore in the amount of \$12,500; and declaring an emergency." Mr. Richardson moved, Mr. Haynam 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. 96-2019; "Authorizing proposal of ESA, LLC... Engineering services... Cushman Road Improvements ..."

Mr. Richardson moved, Mrs. Westphal seconded, that Ordinance No. 96-2019 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.

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

Mrs. Westphal moved, Mr. Richardson seconded to set the 2020 Organizational meeting of Council as required by Charter for January 2, 2020 at 12:00 noon. Roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Set Organizational Meeting of Council; 1/2/20; 12:00 noon.

Mayor Stough stated that Council will now consider agenda item 11.

Mr. Luetke stated the Employee & Community Relations Committee held a meeting on November 13, 2019 to discuss the 2020 Board of Zoning Appeals appointment. The Committee interviewed three candidates and voted to advance to council for approval the appointment of Matthew Snell to a three year term expiring December 31, 2022. The Committee also voted to advance to council the re-appointment of George France to the Sylvania Area Joint Recreation District for a three year term expiring December 31, 2022.

Report from Emp. & Com. Relations Committee re: BZA Appt.

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Mr. Luetke presented and read aloud by title only, proposed Resolution No. 19-2019, a written copy of same having been previously furnished to each member of Council, “Appointing Matthew J. Snell to the Zoning Board of Appeals for a term expiring December 31, 2022; and declaring an emergency.” Mr. Luetke moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Resolution; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

Resolution No. 19-2019; “Appointing Matthew Snell to BZA for 3yr term expiring 12/31/22...”

Mr. Luetke moved, Mrs. Husman seconded, that Resolution No. 19-2019 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

Mr. Luetke presented and read aloud by title only, proposed Resolution No. 18-2019, a written copy of same having been previously furnished to each member of Council, “Re-appointing George France to the Board of Trustees of Sylvania Area Joint Recreation District (SAJRD) for a three year term to expire on December 31, 2022; and declaring an emergency.” Mr. Luetke moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Resolution; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Resolution No. 18-2019; “Re-appointing George France to SAJRD...3yr term expiring 12/31/22....”

Mr. Luetke moved, Mr. Haynam seconded, that Resolution No. 18-2019 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.

Mr. Luetke provided an overview of the City’s delegation activities attending the Santa Claus parade in Woodstock this past weekend. Mayor Stough stated the City received an art piece from the City of Woodstock that will hang in city hall.

Sister City activities update.

Mayor Stough stated there were no items for agenda item 12, so Council will now consider agenda item 13.

Service Director Aller provided a report on the Monroe-Silica Open House held this evening at Northview high school to provide information on the intersection upgrades. He stated it was well attended and many provided written comments for review. The consultant will review and a recommendation will come to Council in January.

Monroe/Silica intersection upgrade Open House.

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

Mrs. Husman provided information on the Heritage Sylvania Deck the Halls for History Silent Auction to be held on December 6th & 7<sup>th</sup>.

Heritage  
Sylvania update.

Mrs. Westphal moved, Mr. Richardson seconded to adjourn at 8:32 p.m. Roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Adjournment.

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Clerk of Council

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Mayor

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DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

December 2, 2019

To: The Mayor and Members of Sylvania City Council

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

Dear Mr. Mayor and Council Members:

On April 2, 2018 City Council authorized the Service Department (Ord. 18-2018) to enter into an engineering services contract with Northwest Consultants, Inc. (NCI) to prepare the construction plans and specifications for a new retaining wall along the north property line of the SOMO site. NCI completed the plans and specifications in May 2019.

On October 31, 2019 the City purchased property immediately to the west of the proposed retaining wall (commonly referred to as Joe's Tire, 6501, 6503 & 6511 Monroe Street). The condition of the existing retaining wall in between this property and the Wingate Hotel is in poor condition and in need of replacement. As a result of this new ownership, the Service Department would like the design engineer to revise the plans to extend the retaining wall to a logical termination point.

The City requested a proposal from Fishbeck to complete this task. Fishbeck recently acquired NCI's Toledo Office in 2019 and the Service Department would like for the same design engineers to complete the plan revisions. The engineering proposal received from Fishbeck was in the amount of \$21,915. Their scope of work includes obtaining additional topographic survey and updating the construction plans for the retaining wall extension. 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 Fishbeck in the amount of \$21,915. Please call if you should have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

November 26, 2019

Joseph Shaw, PE, PS  
DPS Deputy Director  
City of Sylvania  
6730 Monroe Street, Suite 101  
Sylvania, OH 43560-1948

### **Proposal for Professional Services**

Dear Joe:

Fishbeck is pleased to provide this professional design services proposal for modifications to the retaining wall related to the South of Monroe Street (SOMO) development project in downtown Sylvania.

### **Scope of Services**

The purpose of this project is to modify the SOMO retaining wall plans prepared by Northwest Consultants, Inc. (now a part of Fishbeck) previously designed in May of 2019. Plan modifications will be made to extend the wall westward to a logical termination point. It is our understanding the City of Sylvania (City) has purchased the property at 6501 Monroe Street, which will allow for the extension.

Topographic survey will be performed for the extension area at the 6501 Monroe Street property, the Wingate Hotel property, and the overlap area of the previous survey.

Plan updates will include modifications to the details, notes, and quantities on the wall layout and grading sheets, aesthetic detail sheets, structural detail sheets, and sheets related to the restoration of the adjacent properties (parking lots, slopes, and lighting).

Additional coordination with First Energy will be required prior to bidding the project. We have assumed First Energy will accept similar wall design features utilized in the original portion of the wall to reduce impacts to their transmission poles.

Modifications to the west end of the wall on the SOMO property will be necessary in order to continue the wall further west. These modifications shouldn't impact the layout of the SOMO parking lot, but we will coordinate these changes with Feller Finch so they can make any necessary adjustments.

It is assumed the City will secure permission from the Wingate Hotel for work on their property.

We will utilize existing soil boring data from the first portion of the project to design the wall extension.

Demolition of the existing building at 6501 Monroe Street will not be included in this plan package.

Final plans and estimate will be provided in PDF format, and drawings will be provided in drawing file format.

### **Professional Services Fees**

Fishbeck proposes to perform the referenced services for a lump sum fee of Twenty-One Thousand Nine Hundred Fifteen Dollars (\$21,915). Please see attached Proposed Consultant Fee Summary for a breakdown of costs.

## Authorization

Attached is our Professional Services Agreement. If you concur with our scope of services, please sign in the space provided and return the executed contract to the attention of Molly Studneski ([mstudneski@fishbeck.com](mailto:mstudneski@fishbeck.com)). This proposal is made subject to the attached Terms and Conditions for Professional Services. Invoices will be submitted every four weeks and payment is due upon receipt.

If you have any questions or require additional information, please contact me at 419.360.0863 or [jdrummond@fishbeck.com](mailto:jdrummond@fishbeck.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'J Drummond', written over a horizontal line.

**Jonathan Drummond, PE**  
Senior Project Manager

Attachments  
By email

**PROPOSED CONSULTANT FEES  
LABOR & SUMMARY**

PROJECT: SOMO Retaining Wall Extension

CLIENT: City of Sylvania  
CONSULTANT: Fishbeck  
DATE: 11/26/2019

**Legend and Hourly Rate (Year 2019)**

Personnel Category	Rate
PM = Project Manager, P.E.	\$190
PE=Engineer, P.E.	\$119
E = Staff Engineer, E.I.	\$89
PS=Senior Surveyor, P.S.	\$175
S=Surveyor	\$89

Task Description	PM	PE	E	PS	S	Total Hours	Total Cost
<b>Survey</b>							
OUPS & Initial Utility Coordination			2			2	\$178
Field Survey					20	20	\$1,780
Basemap Creation			4	2		6	\$706
<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>2</b>	<b>20</b>	<b>28</b>	<b>\$2,664</b>
<b>Detailed Design</b>							
Site Visit / Field Check	2	2				4	\$618
Utility Coordination (First Energy)	4	4				8	\$1,236
Update Title Sheet (1)			1			1	\$89
Update Schematic Plan (1)	2	8	16			26	\$2,756
New Lighting Details Sheet - Windham Parking Lot (1)		4	12			16	\$1,544
Update General Notes and General Summary (1)		2	8			10	\$950
Update Maintenance of Traffic Sheet (1)			1			1	\$89
Update Aesthetic Details (2)			1			1	\$89
Update/New Wall Plan & Elevation Sheets (8)	2	16	32			50	\$5,132
Update/New Wall Section Sheets (6)	2	8	16			26	\$2,756
Update Reinforcing Steel List (2)	2	4	8			14	\$1,568
Cost Estimate		4	4			8	\$832
Meetings: Coordination/Utility (2)	4	4	4			12	\$1,592
<b>Subtotal</b>	<b>18</b>	<b>56</b>	<b>103</b>	<b>0</b>	<b>0</b>	<b>177</b>	<b>\$19,251</b>
						<b>Total:</b>	<b>\$21,915</b>

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**ORDINANCE NO. 97 -2019**

**ACCEPTING THE PROPOSAL OF FISHBECK TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE SOUTH OF MONROE (SOMO) RETAINING WALL IMPROVEMENT PROJECT; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$21,915; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 18-2018, passed April 2, 2018, authorized the Mayor and Director of Finance to enter into an engineering services contract with Northwest Consultants, Inc. (“NCI”) to prepare the construction plans and specifications for a new retaining wall along the north property line of the SOMO site; and,

WHEREAS, Ordinance No. 86-2019, passed October 7, 2019, authorized the Mayor and Director of Finance to enter into an Assignment of Purchase Agreement for the property located at 6501, 6503 & 6511 Monroe St. and authorized the purchase of said property; and,

WHEREAS, the condition of the existing retaining wall between this property and the Wingate Hotel is also in poor condition and in need of replacement; and,

WHEREAS, the Director of Public Service, by report dated December 2, 2019, has recommended that the retaining wall be replaced and has solicited a proposal from Fishbeck (formerly NCI) to revise the retaining wall replacement plans; and,

WHEREAS, the Director of Public Service has recommended that the proposal of Fishbeck to provide professional engineering services including obtaining additional topographic survey and updating the construction plans for the SOMO Retaining Wall Improvement Project at a cost of Twenty-One Thousand Nine Hundred Fifteen Dollars (\$21,915.00), 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 Fishbeck in the amount Twenty-One Thousand Nine Hundred Fifteen Dollars (\$21,915.00) to provide professional 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 (SOMO)**, the amount of Twenty-One Thousand Nine Hundred Fifteen Dollars (\$21,915.00).

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 for the additional retaining wall replacement 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, \_\_\_\_\_, 2019, as an emergency measure.

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

ATTEST:

APPROVED AS TO FORM:

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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



OHIO DEPARTMENT OF TRANSPORTATION  
Mike DeWine, Governor  
Jack Marchbanks, Ph.D., Director

A

1980 W. Broad Street, Columbus, OH 43223  
614-466-7170  
transportation.ohio.gov

October 28, 2019

Mr. Joseph Shaw  
City of Sylvania  
6730 Monroe Street  
Sylvania, Ohio 43560

Dear Mr. Shaw:

The Ohio Department of Transportation (ODOT) is pleased to inform you that the Silica Drive Bridge Replacement project (SFN 4862473) has been selected for funding in the Municipal Bridge Program. The project selections are contingent upon the availability of future federal funds.

In the past, ODOT has provided 80% of the eligible costs in Federal funds through the Municipal Bridge Program. This year the program is utilizing Toll Revenue Credit (TRC) to provide 95% of the eligible costs, up to a maximum of \$1,209,333 in Federal funds through the Municipal Bridge Program, in State Fiscal Year (SFY) 2023.

Please provide written acceptance of the awarded Municipal Bridge funds by **Friday, December 13<sup>th</sup>, 2019** via email to [Nichole.Lawhorn@dot.ohio.gov](mailto:Nichole.Lawhorn@dot.ohio.gov). If acceptance is not received by this date, the funds will be rescinded and awarded to another project in order to ensure a fully funded program.

Please contact Aaron Behrman, in the ODOT District 2 office at (419) 373-4403, to schedule a project scope meeting and to start the process of programming your project. It is very important to establish solid commitment dates for your project. Failure to meet the agreed upon dates could result in funding being withdrawn.

If you have any questions, please feel free to contact me at (614) 752-6581 or at the email address provided above.

Respectfully,

A handwritten signature in black ink, appearing to read "Nichole Lawhorn".

Nichole Lawhorn  
Program Manager  
Office of Local Programs

c: Aaron Behrman, ODOT District 2