

Sylvania City Council
In-person/Zoom
May 17, 2021

7:30 p.m. Council Meeting
Agenda

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mr. McCann, Mr. Richardson, Ms. Stough, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mrs. Westphal.
3. Additions to the agenda.
4. Approval of the regular council meeting minutes of May 3, 2021.
5. Kim Dunham, Chief Executive Officer of TARTA will present the State of the Agency.
6. Proposed Ordinance No. 12-2021, Amending Chapter 1157-Off-Street Parking of the Sylvania Codified Ordinances by adding Section 1157.16 – Bicycle Parking.
7. Proposed Ordinance No. 41-2021, Authorizing the trade-in of the Dump Truck currently used by the Division of Streets, Department of Public Service in the amount of \$7,500; reducing the purchase price appropriated by Ordinance No. 38-2021 to \$75,660.
8. Proposed Ordinance No. 42-2021, Authorizing to enter into a Joint Cooperating Agreement on behalf of the City of Sylvania with Olander Park System, relative to the 2021 Fossil Park Improvement Project.
9. Notice of new liquor permit for D1, Beer for on premises consumption until 1:00 a.m.; D2, Wine & mixed beverages for on premises consumption or for carryout only until 1:00 a.m.; D3, Spirituous liquor for on premises consumption until 1:00a.m.; and D3A, Extend issued permit privileges until 2:30a.m. for Joseph Starlite Plaza LLC, 5700 Monroe St, Unit 5702 & Patio, Sylvania, OH 43560.
10. Committee reports.
 - a. Employee & Community Relations Committee meeting held on 5/6/21.
 1. Proposed Ordinance No. 29-2021, Amending the Codified Ordinances by adding Chapter 769 – Mobile Food Vehicles.
 - b. Utility Committee meeting scheduled for 7:00 p.m. on this date was cancelled and will be rescheduled.
11. Committee referrals.

INFORMATION

- A. April 2021 Bank Reconciliation.
- B. Board of Architectural Review minutes from May 12, 2021
- C. Municipal Planning Commission minutes from May 12, 2021.

Minutes of the Meeting of Council
May 3, 2021

The Council of the City of Sylvania, Ohio met in regular session via in-person and Zoom on May 3, 2021 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, Brian McCann, Mary Westphal, Lyndsey Stough; (6) present; Patrick Richardson (1) absent.

Roll call:
Richardson
absent: excused.

Pledge of Allegiance to the United States of America led by Ms. Stough

Pledge of
Allegiance.

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

The following items have been added to the agenda:

Item # 4a. Update & discussion of Cushman Road Project.

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

Agenda approval.

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

Mr. Frye presented the April 19, 2021 meeting minutes. Mr. Frye moved, Ms. Stough 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 April 19, 2021 be approved; roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Cappellini, (6) yeas; (0) nays. The motion carried.

Approval of the
April 19, 2021
meeting minutes.

Service Director Aller provided an updated on the Cushman Road Improvement Project. Several residents spoke about their concerns on the project including the size of the swale, the contractor's work, the lack of communication, speed humps and sidewalks. Administration will continue to work with residents to address their concerns.

Cushman Rd.
Improvement
discussion.

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

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 35-2021, a written copy of same having been previously furnished to each member of Council, "Providing for the controlling blight and disease of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania; authorizing the Director of Public Service, by and through the proper officers of said City to do said work during the year 2021; establishing one district for said purpose in accordance with the provisions of Section 727.011 of the Revised Code of Ohio; providing for the assessment of the cost and expense thereof upon abutting property; and declaring an emergency"; Mrs.

Ordinance No.
35-2021,
"Providing for
the controlling of
blight and
disease...shade
trees..."

Minutes of the Meeting of Council
May 3, 2021

Cappellini moved, Mr. Haynam seconded for passage of Ordinance No. 35-2021 as an emergency measure”; roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, McCann, (6) yeas; (0) nays. The motion carried.

Mr. McCann presented and read aloud by title only, proposed Ordinance No. 36-2021, a written copy of same having been previously furnished to each member of Council, “Providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches located within the Corporate limits of the City of Sylvania; authorizing the Director of Public Service, by and through the proper officers of said City to do said work during the year 2021; establishing one district for said purpose in accordance with the provisions of Section 727.012 of the Revised Code of Ohio; providing for the assessment of the cost and expense thereof upon abutting property; and declaring an emergency”; Mr. McCann moved, Mr. Haynam seconded for passage of Ordinance No. 35-2021 as an emergency measure”; roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Stough (6) yeas; (0) nays. The motion carried.

Ordinance No.
36-2021,
“Providing...
repair, cleaning
...ditches...”

Mrs. Westphal presented and read aloud by title only, proposed Resolution No. 6-2021, a written copy of same having been previously furnished to each member of Council, “Declaring the necessity of lighting the streets in the City of Sylvania, Ohio; determining the manner of providing street lighting and the basis for the property owner’s share of the cost and annual assessment; and declaring an emergency”; Mrs. Westphal moved, Mr. McCann seconded for passage of Resolution No. 6-2021 as an emergency measure”; roll call vote being: Cappellini, Frye, Haynam, McCann, Stough, Westphal, (6) yeas; (0) nays. The motion carried.

Resolution No.
6-2021,
“declaring the
necessity of
lighting the
streets...”

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

Service Director’s report on ODOT LPA Local LET project Agreement for full-depth movement reconstruction of Main Street between the bridge over Ten Mile Creek and Convent Blvd. was placed on file. Mrs. Westphal introduced and read by title only Ordinance No. 37-2021, “Authorizing the Mayor and Director of Finance to enter into an Agreement with the State of Ohio, Department of Transportation on behalf of the City of Sylvania for the Main Street (between Ten Mile Creek and Convent Blvd.) Reconstruction project; and declaring an emergency”. Mrs. Westphal moved, Mr. Haynam seconded for passage of Ordinance No. 37-2021 as an emergency measure”; roll call vote being: Frye, Haynam, McCann, Stough, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

Ordinance No.
37-2021;
“Authorizing
ODOT
Agreement....
Main St.
Reconstruction
Project...”

Minutes of the Meeting of Council
May 3, 2021

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

Service Director's report on the purchase of a Dump Truck Chassis, Dump Truck Body and Snow & Ice Plow Package was placed on file.

Mrs. Westphal introduced and read by title only Ordinance No. 38-2021, "Authorizing the Mayor and Director of Finance to accept the proposal of Whiteford Kenworth for the provision of a new Dump Truck Chassis for the Division of Streets, Department of Public Service; appropriating \$82,410 therefore; and declaring an emergency". Mrs. Westphal moved, Mr. Frye seconded for passage of Ordinance No. 38-2021 as an emergency measure"; roll call vote being: Haynam, McCann, Stough, Westphal, Cappellini, Frye, (6) yeas; (0) nays. The motion carried.

Ordinance No.
38-2021,
"...accepting
proposal for
Dump Truck
Chassis...for
Dept. of
Streets...."

Mrs. Westphal introduced and read by title only Ordinance No. 39-2021, "Authorizing the Mayor and Director of Finance to accept the proposal of Kalida Truck Equipment – Ohio for the provision of a new Dump Truck Body and Snow and Ice Plow Package for the Division of Streets, Department of Public Service; appropriating \$92,500 therefore; and declaring an emergency". Mrs. Westphal moved, Mr. McCann seconded for passage of Ordinance No. 39-2021 as an emergency measure"; roll call vote being: McCann, Stough, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Ordinance No.
39-2021,
"...accepting
Proposal for
Dump truck bod
& snow/Ice Plow
Package...for
Dept of
Streets..."

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

Mayor Stough presented the Application for a Street Banner from Lourdes University. Mr. Haynam introduced and read by title only Ordinance No. 40-2021, "Approving the Banner Application of the Lourdes University; authorizing the Zoning Administrator to indicate such approval on behalf of the City of Sylvania; and declaring an emergency". Mr. Haynam moved, Mrs. Westphal seconded for passage of Ordinance No. 40-2021 as an emergency measure; roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, McCann, (6) yeas; (0) nays. The motion carried.

Ordinance No.
40-2021,
"approving
Banner
Application...
Lourdes
University...."

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

Minutes of the Meeting of Council
May 3, 2021

Service Director Aller provided an update on the Refuse/Recycling program stating the city received a proposal from Republic to extend the current contract for 5 years.

Set Util Com
Mtg: 5/17 /21 at
7:00p.m. Re:
Refuse &
Recycling.

Mr. McCann moved, Mr. Frye seconded to set a Utilities Committee meeting for May 17, 2021 at 7:00 p.m. Roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Stough, (6) yeas; (0) nays. The motion carried.

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

Mr. Haynam reported the Zoning & Annexation Committee met at 6:00 p.m. on this date to discuss Proposed Ordinance No. 12-2021-Bicycle Parking and SUP-1-2021, Sylvania Board of Education-Cell Tower. Proposed Ordinance No. 12-2021 revisions was ordered from administration. Mr. Haynam requested additional information on property value impact near cell towers.

Report of Zoning
Committee re:
Bike Parking &
SUP-1-2021,
Cell Tower.

Mayor Stough stated there were no items for agenda item 11 so Council will now consider agenda item 12.

Mr. Frye moved, Mr. McCann seconded to enter into COW Executive Session for the purpose of possible litigation at 9:30 p.m. Roll call vote being: Cappellini, Frye, Haynam, McCann, Stough, Westphal, (6) yeas; (0) nays. The motion carried.

Executive
Session Re:
Potential
Litigation.

Mr. Frye moved, Mr. Haynam seconded to return from COW Executive Session to General Session at 10:30 p.m. Roll call vote being: Frye, Haynam, McCann, Stough, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

Mayor Stough stated all agenda items have been addressed.

Mr. Haynam moved, Mr. Cappellini seconded to adjourn at 10:35 p.m. Roll call vote being: McCann, Stough, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays.

Adjournment.

Clerk of Council

Mayor

ORDINANCE NO. 12 -2021

AMENDING CHAPTER 1157 – OFF-STREET PARKING OF THE SYLVANIA CODIFIED ORDINANCES, 1979, AS AMENDED, BY ADDING SECTION 1157.16 – BICYCLE PARKING; MODIFYING THE RECOMMENDATION OF THE SYLVANIA MUNICIPAL PLANNING COMMISSION; AND DECLARING AN EMERGENCY.

WHEREAS, the Zoning and Annexation Committee met on January 4, 2021 to review and discuss the City’s off-street parking requirements and to consider adding a requirement for bicycle parking spaces; and,

WHEREAS, thereafter, the Zoning and Annexation Committee recommended that Chapter 1157 – Off-Street Parking should be amended to include bicycle parking requirements; and,

WHEREAS, at the January 19, 2021 meeting of Sylvania City Council, this matter was referred to the Planning Commission for its review and recommendation; and,

WHEREAS, the Sylvania Municipal Planning Commission met on February 10, 2021 to review the proposed amendments to Chapter 1157 – Off-Street Parking of the Sylvania Codified Ordinances, 1979, as amended, by adding Section 1157.16 – Bicycle Parking:

“...Mr. Schaaf moved, Ms. Fischer seconded to recommend to Council to approve the proposed ordinance with the following changes and additions as discussed at the February 10, 2021 Planning Commission meeting:

- that there be a change for the wording of “required” to “encouraged” (for existing businesses to comply) as suggested by Mayor Stough and discussed at the February 10, 2021 meeting;
- an “exclusion by commission” clause could be added to section (b) that could waive or modify the requirement of bicycle parking spaces for businesses such as a gas station that does not have a convenience store;
- that a minimum requirement of (2) bicycle parking spaces be added to section (c);
- that a bike space requirement addition to section (e) for when multiple bike racks are installed side-by-side, that the space between racks be reduced from (4) feet to (3) feet;

- a provision that the bicycle parking spaces are not installed in an area that encroaches on ADA requirements/compliance;
Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (5) aye; (0) nay.
Motion passed by a 5 to 0 vote...”

WHEREAS, at the March 15, 2021 meeting of Sylvania City Council, this Council set April 19, 2021 at 5:30 p.m. as the date and time for the public hearing on the proposed amendments to Chapter 1157; and,

WHEREAS, the Public Hearing was held on April 19, 2021 at 5:30 p.m. and thereafter, this matter was referred to the Zoning and Annexation Committee for its review and recommendation; and,

WHEREAS, the Zoning and Annexation Committee met on May 3, 2021 and thereafter recommended that the Planning Commission recommendation be modified to require compliance with the bike parking requirements at the time of construction of a new building or at the time of enlargement or change in use of an existing structure; and,

WHEREAS, City Council ordered the preparation of legislation modifying the recommendation of the Planning Commission to amend Chapter 1157 as set forth on the attached “Exhibit A”

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

SECTION 1. That Chapter 1157 – Off-Street Parking of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

SECTION 2. 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 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 amendment to this Chapter should be provided for 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 this Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2021, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

CHAPTER 1157 Off-Street Parking

1157.01	Purpose.	1157.09	Existing Parking Spaces.
1157.02	Off-street Parking Space.	1157.10	Location.
1157.03	Parking Areas on Applications.	1157.11	Truck Parking.
1157.04	Central Business District.	1157.12	Front Yard Parking Prohibited.
1157.05	Requirements.	1157.13	Improvements.
1157.06	Computing Required Spaces.	1157.14	Parking Areas Adjacent to Residentially Zoned Land.
1157.07	Application to Existing Buildings; Change of Use.	1157.15	Additional Requirements.
1157.08	Enlargement of Existing Buildings.	1157.16	Bicycle Parking.

* * * * *

1157.16 BICYCLE PARKING.

- (a) Purpose. The requirements for bicycle parking are established for the purpose of ensuring adequate and safe facilities to accommodate bicycle parking and to encourage use of bicycles for travel as an alternative to use of motorized vehicles.
- (b) Time of Compliance. All new developments subject to site plan review, including development of parking facilities, shall comply with the provisions of this section. At the time of construction of a new parking area or at the time of enlargement of an existing parking area, bicycle parking spaces shall be provided as indicated in this section.
- (c) Number of Bicycle Parking Spaces. Bicycle parking spaces shall be provided at a rate of two (2) bicycle parking spaces for each twenty (20) automobile spaces provided. However, no automobile parking lot or garage shall be required to provide more than twenty-four (24) bicycle parking spaces.
- (e) Bicycle Parking Space Size. Required bicycle parking spaces for nonresidential uses must have minimum dimensions of two (2) feet in width by six (6) feet in length. When multiple bike racks are installed side-by-side, the space between racks be reduced from four (4) feet to three (3) feet.
- (f) Bicycle Parking Space Location. Required bicycle parking spaces shall be located at least as close to the entrance of the building as the nearest non-handicapped automobile parking space. In addition, bicycle parking spaces shall not be installed in an area that encroaches on Americans with Disabilities Act ("ADA") requirements and/or compliance with those requirements.

(g) Bicycle Racks and Lockers. Each required bicycle parking space shall be equipped with a bicycle rack or "bicycle locker", as defined in this section.

(1) Design. Bicycle racks and lockers must be securely anchored to the ground or a building. Bicycle racks must provide a stable frame to which the bicycle may be conveniently secured, such as the inverted-U, post and loop, or another type of rack that meets these standards. Bicycle racks that support the wheel but not the frame of the bike may not be used to fulfill a bicycle parking requirement. In parking lots and parking garages, physical barriers, such as posts or bollards, shall be provided so as to prevent a motor vehicle from striking a parked bicycle.

(2) Residential Uses. Neither bicycle racks nor bicycle lockers are required for bicycle parking associated with residential uses. Required bicycle parking for residential uses may be provided in garages, storage rooms, or any other resident-accessible, secure areas.

(h) Bike Locker. As used in this section, "bike locker" means a locker or storage space large enough to house a single bicycle and which may be secured and accessed by a single user.

(Ord. 12-2021. Passed _____-2021.)

ORDINANCE NO. 41 -2021

AUTHORIZING THE TRADE-IN OF THE DUMP TRUCK CURRENTLY USED BY THE DIVISION OF STREETS, DEPARTMENT OF PUBLIC SERVICE IN THE AMOUNT OF \$7,500; REDUCING THE PURCHASE PRICE APPROPRIATED BY ORDINANCE NO. 38-2021 TO \$75,660; DETERMINING SAID DUMP TRUCK TO BE NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 38-2021, passed May 3, 2021, authorized the Mayor and Director of Finance to accept the proposal of Whiteford Kenworth for the provision of a new dump truck chassis for the Division of Streets, Department of Public Service and appropriated \$82,410 for said dump truck purchase; and,

WHEREAS, Whiteford Kenworth has offered a trade-in of \$7,500, less the industry surcharge fee of \$750, for a total purchase price of \$75,660; and,

WHEREAS, the Director of Public Service has recommended that the proposal of Whiteford Kenworth for a trade-in of the City's existing dump truck in the Streets Division of \$7,500, less the industry surcharge fee of \$750, for a total purchase price of \$75,660 be approved.

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 Whiteford Kenworth, Toledo, Ohio 43611, for the total sum of Seventy-Five Thousand Six Hundred Sixty Dollars (\$75,660.00), for the furnishing of one (1) new dump truck cab and chassis, with trade-in, for the Division of Streets, Department of Public Service, is hereby accepted.

SECTION 2. That the City's existing dump truck in the Division of Streets, Department of Public Service, is determined to be no longer needed for municipal purposes.

SECTION 3. That the Mayor and Director of Finance be, and hereby are, authorized and directed to sign any and all instruments and to do any and all things necessary to complete said purchase.

SECTION 4. That, upon receipt of delivery of said pick-up trucks and the title documents therefore by the City of Sylvania, the Director of Finance is hereby authorized to issue his warrant or warrants in payment therefore in the amount of Seventy-Five Thousand Six Hundred Sixty Dollars (\$75,660.00), pursuant to the proposal thereby accepted, upon presentation of proper voucher or vouchers therefore, duly approved by the Director of Public

Service.

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.

SECTION 6. 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 7. 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 furnishing of one new dump truck is determined to be necessary to provide dependable equipment for the City of Sylvania and this particular piece of equipment should be ordered immediately so as to have it available for use as the need requires. 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 on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2021, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

8

ORDINANCE NO. 42 -2021

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO
ENTER INTO A JOINT COOPERATION AGREEMENT ON BEHALF OF
THIS CITY OF SYLVANIA WITH THE OLANDER PARK SYSTEM,
RELATIVE TO THE 2021 FOSSIL PARK IMPROVEMENT PROJECT;
AND DECLARING AN EMERGENCY.**

WHEREAS, The Olander Park System is applying for an Ohio Department of Natural Resources NatureWorks grant in the amount of \$125,000 to make improvements to Fossil Park including an open air shelter house and playground; and,

WHEREAS, although the City owns the Fossil Park property, The Olander Park System operates and manages it pursuant to the Amended and Restated Fossil Park Operating Agreement; and,

WHEREAS, The Olander Park System and the City of Sylvania have agreed to enter into this Joint Cooperation Agreement for said grant application; and,

WHEREAS, the Director of Public Service has recommended the approval the Joint Cooperation Agreement.

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

SECTION 1. That the Mayor and Director of Finance be, and they hereby are, authorized, on behalf of the City of Sylvania, Ohio, to enter into a Joint Cooperation Agreement with The Olander Park System for the NatureWorks grant application and improvements to Fossil Park.

SECTION 2. 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 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 Joint Cooperation Agreement should be entered into forthwith. 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 on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2021, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

**JOINT COOPERATION
AGREEMENT
FOR
2021 FOSSIL PARK IMPROVEMENTS
BETWEEN
CITY OF SYLVANIA
AND
THE OLANDER PARK SYSTEM**

This Agreement is by and between the The Olander Park System (TOPS), and the City of Sylvania (CITY).

WITNESSTH

WHEREAS, the CITY and TOPS agreed to participate in a joint NatureWorks grant application for improvements in Fossil Park to include an open air shelter house and playground to assist TOPS with their programming needs, hereinafter referred to as the PROJECT.

WHEREAS, TOPS wishes to apply for Ohio Department of Natural Resources (ODNR) NatureWorks grant in the amount of \$125,000 for said PROJECT, and

WHEREAS, the CITY is the land owner of the proposed PROJECT area, and

WHEREAS, TOPS operates and manages the Fossil Park Property pursuant to the Amended and Restated Fossil Park Operating Agreement dated January 21, 2021, and

WHEREAS, the CITY and TOPS desire to conclude an Agreement which will accomplish the construction of said PROJECT.

NOW, THEREFORE, the CITY and TOPS for mutual benefits, herein contained and specified, have agreed and do hereby agree to as follows:

1. TOPS will prepare the necessary survey and detailed construction plans, bid documents, specifications, construction estimate, provide contract administration, advertising, bidding, testing, and administer the construction work including inspection for the PROJECT.
2. The CITY agrees to provide the land area for the project as approved in the PROJECT documents mentioned above.
3. The CITY shall provide the area for the PROJECT as noted in Exhibit A. TOPS will be responsible for all costs of the PROJECT as estimated in Exhibit B. TOPS further agrees to be responsible for the proper maintenance of the PROJECT upon its completion. The CITY agrees to act as a funding conduit if required by the NatureWorks grant program.
4. It is the intent of the Agreement that the CITY and TOPS shall each properly and expeditiously discharge any requirements that may devolve upon them from time to time during the period this Agreement will be in force.

IN WITNESS WHEREOF, the Board of The Olander Park System pursuant to Resolution _____ adopted on _____ day of _____ 2021, and the City of Sylvania, by its Mayor and Director of Finance pursuant to Ordinance Number _____ passed this _____ day of _____ 2021, have affixed their signatures respectively.

CITY OF SYLVANIA

OLANDER PARK SYSTEM

Craig A. Stough, Mayor

President

Toby Schroyer, Finance Director

Erika Buri, Executive Director

Approved as to Form:

Leslie Brinning, Law Director

Legal Counsel

EXHIBIT A
PROJECT PLANS

(See attached PDF drawing 2021-04-07_DimandGrading.pdf)

EXHIBIT B
PROJECT ESTIMATE

(See attached Engineer's Estimate from Choice One
Engineering and the Olander file: Fossil Park Upgrades -
Estimate Sheet - 2021-04-25)

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

9

TO

8512077		NEW		JOSEPH STARLITE PLAZZA LLC 5700 MONROE ST UNIT 5702 & PATIO SLYVANIA OH 43560
PERMIT NUMBER		TYPE		
ISSUE DATE				
08 11 2020				
FILING DATE				
D1 D2 D3 D3A				
PERMIT CLASSES				
48		077 A		C86804
TAX DISTRICT				RECEIPT NO.

FROM 04/30/2021

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 04/30/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/01/2021

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 8512077

(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



**Department
of Commerce**

Rev 2/10/2021

Mike DeWine, Governor
Jon Husted, Lt. Governor

Division of Liquor Control
Sheryl Maxfield, Director

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You must, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing or not; or
- Ask for your one-time only, 30-day extension.
 - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered timely, your above response must be:

FAXED to the Division no later than 30 days after the "mailed" date (this is the date listed after the "responses must be postmarked no later than." You can fax your response to: (614) 644 - 3166

EMAILED to the Division no later than 30 days after the "mailed" date (this is the date listed after the "responses must be postmarked no later than." You can email your response to: LiquorLicensingMailUnit@com.state.oh.us

POSTMARKED, if mailed, no later than the date listed on the notice after "responses must be postmarked no later than." You can mail your response to

Ohio Division of Liquor Control
Attn: Licensing Unit
6608 Tussing Road
PO Box 4005
Reynoldsburg, Ohio 43068-9005

In an effort to speed up processing times and reduce paper, the Division respectfully asks that you either fax or email the above notice. In a similar effort, please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to https://www.comapps.ohio.gov/llqr/llqr_apps/PermitLookup/PermitHolderOwnership.aspx and enter the permit number listed on the legislative notice; or
- Contact your police department or county sheriff, if you are a township fiscal officer or county clerk, as the Division sends the applicable law enforcement agency the pertinent ownership disclosure information when it notifies them of the permit application.

Licensing Section
6608 Tussing Road
Reynoldsburg, OH 43068-9009

Fax 614-728-1281
TTY/TDD 800-750-0750
com.ohio.gov

ORDINANCE NO. 29 -2021**AMENDING THE CODIFIED ORDINANCES, 1979, AS AMENDED, BY
ADDING CHAPTER 769 – MOBILE FOOD VEHICLES; AND DECLARING
AN EMERGENCY.**

WHEREAS, the Director of Public Service has recommended that Chapter 769 be added to the Sylvania Codified Ordinances, 1979, as amended, as set forth on the attached “Exhibit A”; and,

WHEREAS, the Employee and Community Relations Committee met on April 9, 2021, April 16, 2021 and May 6, 2021 to review the proposed Chapter 769 and thereafter recommended approval of the amendment to the Sylvania Codified Ordinances by adding Chapter 769 – Mobile Food Vehicles as set forth on the attached “Exhibit A.”

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

SECTION 1. That Chapter 769 – Mobile Food Vehicles of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

SECTION 2. 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 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 regulation of Mobile Food Vehicles should be enacted 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 this Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2021, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

CHAPTER 769

Mobile Food Vehicles

769.01 Definitions.

769.02 Registration Required.

769.03 Application for Registration.

769.04 Furnishing of Information.

769.05 Permit.

769.06 Operation in the Public Right of Way.

769.99 Enforcement and Penalty.

769.01 DEFINITIONS.

The following terms shall have the following meanings when used in this chapter:

- (a) The Zoning Administrator shall mean the Zoning Administrator of the City of Sylvania.
- (b) The Tax Administrator shall mean the Income Tax Commissioner of the City of Sylvania.
- (c) Food Establishment shall mean a business operation or any part thereof that stores, prepares, packages, serves, vends or otherwise provides food and/or beverages for human consumption.
- (d) Mobile Food Vehicle shall mean a Food Establishment that is located upon a vehicle including motorcycles and bicycles, or which is pulled by a vehicle. This definition includes mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks and coffee trucks.
- (e) Mobile Food Vehicle Operator shall mean any and all persons associated with the operation of a Mobile Food Vehicle for which registration has been made to operate the Mobile Food Vehicle within the City.

(Ord. ____-2021. Passed ____-2021.)

769.02 REGISTRATION REQUIRED.

Except as provided in 769.03(c), no Mobile Food Vehicle shall be operated in the City without first registering with the Zoning Administrator. A separate registration must be made for each and every Mobile Food Vehicle to be operated within the City.

(Ord. ____-2021. Passed ____-2021.)

769.03 APPLICATION FOR REGISTRATION.

- (a) An application packet for a mobile food vending license and a health license must be submitted by the owner of the unit to the Zoning Administrator. A separate application packet must be submitted for each unit. Application for a mobile food vending license shall be on a form prescribed by the Director of Public Service and shall substantially comply with subsection (b).
- (b) Applications for registrations to operate Mobile Food Vehicles will be accepted by the Zoning Administrator each year beginning January 1.
- (c) Mobile Food Vehicles operating within the boundaries of the City, stopping, standing or otherwise parking in the public right of way for only 15 consecutive minutes or less, shall not be required to apply for registration to operate a Mobile Food Vehicle within the boundaries of the City in the public right of way.

(Ord. ____-2021. Passed ____-2021.)

769.04 FURNISHING OF INFORMATION.

A Mobile Food Vehicle Operator, prior to commencing Mobile Food Vehicle operations within the City, shall furnish the Zoning Administrator with the following documents and information:

- (a) A current, written certification that the Mobile Food Vehicle has passed all necessary inspections required by the Sylvania Township Fire Department;
- (b) A current written certification that the Mobile Food Vehicle Operator and the Mobile Food Vehicle have passed all necessary inspections and are in full compliance with the Lucas County Health Department;
- (c) A letter of good standing from the City Income Tax Division with respect to the Mobile Food Vehicle operations; and
- (d) A current certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000.00) in the aggregate in a form acceptable to the City.

(Ord. ____-2021. Passed ____-2021.)

769.05 PERMIT.

(a) Each Mobile Food Vehicle Operator shall, prior to commencing operations within the City, pay an annual, nonrefundable permit fee to the Zoning Administrator in the amount of \$100.00.

(b) The City shall, no later than 14 days after receiving (i) a fully executed application for registration to operate a Mobile Food Vehicle within the City, (ii) all other required documents and information, and (iii) an annual permit fee, issue a permit to the Mobile Food Vehicle Operator to operate the Mobile Food Vehicle within the City.

(c) Mobile Food Vehicle permits must be on display, on the vehicle, in full sight for all to see at all times while the Mobile Food Vehicle is operating within the City.

(d) Mobile Food Vehicle permits are specific to the Mobile Food Vehicle Operator and the Mobile Food Vehicle.

(e) Mobile Food Vehicle permits will automatically expire each year on December 31.

(f) No annual permit fee shall be required of Mobile Food Vehicles or Mobile Food Vehicle Operators owned or compensated by a food establishment currently operating within the boundaries of the City, from a fixed location (i.e., from owned or leased real property), and in compliance with all other applicable, local regulations.

(Ord. ____-2021. Passed ____-2021.)

769.06 OPERATION IN THE PUBLIC RIGHT OF WAY.

(a) No individual or organization shall operate or cause to be operated any mobile food vending unit in the public right of way within the corporate limits of the City of Sylvania without first meeting the licensing and fee requirements of this chapter.

(b) No individual or organization shall cause or allow the operation of a mobile food vending unit within five hundred (500) feet of any temporary special event, unless the mobile food vendor is participating and included in the temporary special event permit.

(c) The Director of Public Safety or his or her designee, shall establish rules and regulations for the operation of mobile food vending unit in the public right of way.

(Ord. ____-2021. Passed ____-2021.)

769.99 ENFORCEMENT AND PENALTY.

In the event of a failure by any Mobile Food Vehicle Operator to comply with any of the provisions of this chapter, such Mobile Food Vehicle Operator shall be in violation and shall be subject to a penalty.

- (a) The provisions of this section shall be enforceable by the Sylvania Police Division.
- (b) A penalty in the amount of five hundred dollars (\$500.00) shall be assessed and immediately payable for failure to comply with any of the provisions of this chapter. A separate offense shall be deemed committed each day, or part thereof, for which a Mobile Food Vehicle Operator fails to comply with any of the provisions of this chapter. Any and all penalties are in addition to the annual permit fee.
- (c) No penalty shall be imposed under this chapter with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.
- (d) Upon discovery of the violation, the Mobile Food Vehicle operator shall be served with notice of violation and demand for penalty in the same manner as a fine. Upon service with the notice of violation, the Mobile Food Vehicle operator shall immediately cease operations within the City of Sylvania until such time as the Mobile Food Vehicle operator is issued a valid permit for operations.
- (e) No Mobile Food Vehicle Operator shall be permitted to operate a Mobile Food Vehicle within the City for any year in which it has been assessed penalties under this chapter on more than two occasions.

(Ord. ____-2021. Passed ____-2021.)

City of Sylvania
Bank Reconciliation
April 2021

A

Ending balance for March 2021	31,943,458.86
Add: Monthly Receipts	<u>3,816,949.52</u>
Subtotal	\$ 35,760,408.38
Less: Monthly Disbursements	<u>3,331,468.93</u>
Ending balance for April 2021	\$ 32,428,939.45

Less:	
CD Metamora Bank	\$ (2,176,639.59)
Star Ohio	(82,318.37)
Petty Cash (1)	(2,050.00)
Cemetery Savings	(1,062.86)
Toledo Community Fund	(31,803.18)
Key Bank Securities	(8,173.41)
5/3rd Securities	(8,143,993.43)
SJS Account	(5,840,615.09)
Morgan Stanley Investment	
UBS Financial	(7,397,204.71)
Premier Bank (CD)	(2,100,782.56)
Key Bank (CD)	(1,048,400.00)
Sylvania Township Bonds	(155,000.00)
	\$ 5,440,896.25

(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

Petty Cash Balance \$ 2,050.00

BANK BALANCE

EOM 5/3rd Bank Balance	\$ 5,757,374.70
Deposit in Transit:	
Income Tax	37,163.26
General Deposit	30,827.62

Subtotal \$ 5,825,365.58

Less: Outstanding Checks (2) 384,469.33

Adjusted Bank Balance \$ 5,440,896.25

(2)	
March Outstanding Checks	\$ 221,879.68

Checks written this month 1,234,382.76

Subtotal \$ 1,456,262.44

Checks Cleared this month (1,071,793.11)

April Outstanding Checks \$ 384,469.33



Toby Schroyer
Director of Finance, City of Sylvania

Board of Architectural Review

Minutes of the regular meeting of May 12, 2021. Mr. Marciniak called the meeting to order.

Members present: Mayor Craig Stough, Carol Lindhuber, Jeff Schaaf and Ken Marciniak, (4) present. Kate Fischer, excused. Zoning Administrator, Timothy Burns also present.

Ms. Linduber moved, Mr. Schaaf seconded to approve the Minutes of the April 14, 2021, meeting as submitted. Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 3 – Regulated Sign – app. no. 10-2021 requested by Myra Gueli of Toledo Sign for Grumpys, 5629 Main Street, Sylvania, Ohio 43560. Application is for two new wall signs and two new window signs.

Ms. Gueli was present.

Signs are within the limits of the Sylvania Sign Code.

Mr. Schaaf moved, Ms. Linduber seconded, to approve the signs shown in the drawing submitted with the application. Vote being: Stough, Lindhuber, Schaaf and Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 4 – Regulated Sign – app. no. 11-2021 requested by Dana Fairchild of Toledo Sign for Sandals Nail Spa, 7645 Sylvania Ave., Sylvania, Ohio 43560. Application is for a new wall sign and an area identification sign.

Mr. Fairchild was present.

Mr. Burns said that the original drawings showed two wall signs but that they are only allowed one.

Mr. Fairchild said that the wall sign will be installed on the Sylvania side of the building and that a small directional sign will be on the other side.

Signs are within the limits of the Sylvania Sign Code.

Mr. Schaaf moved, Ms. Linduber seconded, to approve signs; and that only the one wall sign on the north side of the building would be installed. Vote being: Stough, Lindhuber, Schaaf and Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 5 – Regulated Sign – app. no. 12-2021 requested by Mark Clark for Appliance Center, 5660 Monroe Street, Sylvania, Ohio 43560. Application is for a new all sign and two new awning signs.

Mr. Clark was present and stated that the company wished to change the design of the new wall

Board of Architectural Review
Minutes of May 13, 2021
Page 2

sign from the one that was submitted with the application to a new design that he presented to the members at the meeting.

Mr. Burns stated that the new sign meets the Sign Code. Mr. Burns added that a second wall sign was shown in the drawing submitted with the application and that the second sign does not meet the Sign Code. Mr. Burns said that the Appliance Center was informed that they are unable to install the second wall sign.

Ms. Linduber moved, Mr. Schaaf seconded, to approve the wall sign shown in the drawing presented at the meeting and the awning signs shown in the drawing submitted with the application. Vote being: Stough, Lindhuber, Schaaf and Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 6 – Regulated Sign – app. no. 13-2021 requested by Andrea Erbskorn for Heritage Sylvania, 5717 Main Street, Sylvania, Ohio 43560. Application is for two new monument type signs.

Karrie Brock of Fast Signs was present and stated that the signs would be single post mount hanging signs that would match the recently installed signs for the other buildings

Signs are within the limits of the Sylvania Sign Code.

Mayor Stough moved, Mr. Schaaf seconded, to approve the signs shown in the drawing submitted with the application. Vote being: Stough, Lindhuber, Schaaf and Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 7 – Building Review – app. no. 14-2021 requested by Steve Moyer of J.C. Hart Company for Somo Flats, 6445 & 6465 Monroe Street, Sylvania, Ohio 43560. Application is for the architectural review of a Gazebo.

Mr. Moyer was present and said that the materials used on the gazebo will match the materials used on the other buildings.

Mr. Burns added that the applicant worked with the City on the location of the gazebo by moving the structure back so that it would be off of the sight line.

Mr. Schaaf moved, Ms. Linduber seconded, to approve design shown in the drawing submitted with the application. Vote being: Stough, Lindhuber, Schaaf and Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 8 – Regulated Sign – app. no. 15-2021 requested by Kyle Saxton of CGS Imaging for Somo Flats, 6445 & 6465 Monroe Street, Sylvania, Ohio 43560. Application is for one new monument

Board of Architectural Review
Minutes of May 13, 2021
Page 3

sign, two new wall signs, one new projecting sign, and two identification signs.

Mr. Saxton was present.

Signs are within the limits of the Sylvania Sign Code.

Ms. Linduber moved, Mr. Schaaf seconded, to approve the signs shown in the drawing submitted with the application. Vote being: Stough, Lindhuber, Schaaf and Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

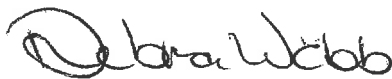
Item 9 – Building Review – app. no. 16-2021 requested by Julie Cavese of PMBA Architects for Promedica Goerlich Center – Dementia & Alzheimer Care Facility, 5320 Harroun Road, Sylvania, Ohio 43560. Application is for the architectural review of a new building design.

Mr. Brennan Cox was present and stated that the materials on the new building would match the materials of the existing buildings.

Mr. Schaaf moved, Ms. Linduber seconded, to approve the design shown in the drawing submitted with the application. Vote being: Stough, Lindhuber, Schaaf and Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Ms. Linduber moved, Mr. Schaaf seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary
Municipal Planning Commission

C

Sylvania Municipal Planning Commission

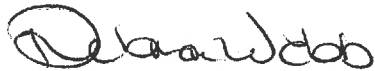
Minutes of the regular meeting of May 12, 2021. Mr. Marciniak called the meeting to order.

Members present: Mayor Craig Stough, Carol Lindhuber, Jeff Schaaf and Ken Marciniak, (4) present. Kate Fischer, excused. Zoning Administrator, Timothy Burns also present.

Ms. Linduber moved, Mr. Schaaf seconded to approve the Minutes of the April 14, 2021, meeting as submitted. Vote being: Stough, Lindhuber, Fischer, Schaaf and Marciniak (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Mr. Schaaf moved, Ms. Linduber seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary
Municipal Planning Commission