

Minutes of the Meeting of Council
February 7, 2022

The Council of the City of Sylvania, Ohio met in regular session on February 7, 2022 at 7:30 p.m. with Acting Mayor Frye in the chair. Roll was called with the following members present: Mark Frye, Marcus Hansen, Doug Haynam, Brian McCann, Patrick Richardson, Lyndsey Stough, Mary Westphal; (7) present; (0) absent.

Roll call:
All present.

Due to Mayor Stough's absence, Mr. Frye will be as Acting Mayor.

Frye, Acting Mayor.

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

Pledge of Allegiance.

Acting Mayor Frye stated that Council will now consider agenda item 3.

The following items were added to the agenda:

- 3a. Nomination of President Pro-Tem.
- 4b. Sylvania Area Joint Recreation District appointment.
- 14c. Council's Community Board appointments.

Ms. Stough moved, Mrs. Westphal seconded to approve the agenda as amended; roll call vote being: Frye, Hansen, Haynam, McCann, Richardson, Stough, Westphal; (7) yeas; (0) nays. The motion carried.

Agenda approval.

Mr. Haynam moved, Mr. McCann seconded to nominate Mrs. Westphal as President Pro-Tem. There were no other nominations, and all present voted: (7) Yeas, (0) Nays. The motion carried.

Nomination of President Pro-Tem.

Acting Mayor Frye stated that Council will now consider agenda item 4.

Mrs. Westphal presented the January 18, 2022 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 January 18, 2022 be approved; roll call vote being: Frye, McCann, Richardson, Stough, Westphal, Hansen, Haynam, (7) yeas; (0) nays. The motion carried.

Approval of the January 18, 2022 meeting minutes.

Acting Mayor Frye stated that Council will now consider agenda item 5.

Mr. Frye reported on the public hearing from this date regarding the Special Use Permit for a Medical Marijuana Dispensary Facility in the M-1 District at 5625 W. Alexis Road, Sylvania, Ohio. Mr. Howard provided information that this location was not selected by the State of Ohio for the Dispensary but wanted to complete the SUP process. Several spoke in opposition and no one spoke in favor. Mr. Haynam read a list of diseases that benefit from the utilization of such dispensary. No action was taken.

Rept. on P. H. on SUP-4-2021, Medical Marijuana Dispensary Facility at 5625 W Alexis Rd.

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Acting Mayor Frye stated that Council will now consider agenda item 6.

Service Director’s report on the Ohio Water Development Authority (OWDA) Loan Application for the Truck Sanitary Sewer Lining Phase 2 project was placed on file. Mr. McCann presented and read aloud by title only, proposed Ordinance No. 10-2022, a written copy of same having been previously furnished to each member of Council “Authorizing the Mayor and Director of Finance to apply for, accept, and enter into an Agreement as required for an Ohio Water Development Authority Loan for the Trunk Sanitary Sewer Lining Phase 2 Project; declaring an emergency.”; Mr. McCann moved, Mrs. Westphal seconded for passage of Ordinance No. 10-2022 as an emergency measure; roll call vote being: Richardson, Stough, Westphal, Frye, Hansen, Haynam, McCann; (7) yeas; (0) nays. The motion carried.

Ordinance No. 10-2022,
“Authorizing to enter into an agreement with OWDA... Trunk Sanitary Sewer Lining Phase 2 Project....”

Acting Mayor Frye stated that Council will now consider agenda item 7.

Service Director’s report on the Harroun Park Invasive Species Treatment was placed on file. Mr. Hansen presented and read aloud by title only, proposed Ordinance No. 11-2022, 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 the Nature Conservancy to provide invasive species treatments in Harroun Park; appropriating funds therefore in an amount not to exceed \$60,000; and declaring an emergency.”; Mr. Hansen moved, Mr. Haynam seconded for passage of Ordinance No. 11-2022 as an emergency measure; roll call vote being: Stough, Westphal, Frye, Hansen, Haynam, McCann, Richardson; (7) yeas; (0) nays. The motion carried.

Ordinance No. 11-2022,
“...Accept proposal of Nature Conservancy... Invasive Species treatment... Harroun Park...”

Acting Mayor Frye stated that Council will now consider agenda item 8.

Service Director’s report on the Contract and Construction Engineering and Inspection Services for the Maplewood Avenue Reconstruction was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 12 -2022, a written copy of same having been previously furnished to each member of Council “Accepting the proposal of American Structurepoint, Inc. to provide construction engineering and inspection services for the Maplewood Avenue Reconstruction Project; appropriating funds therefore in an amount not to exceed \$79,194; and declaring an emergency.”; Mr. Richardson moved, Ms. Stough seconded for passage of Ordinance No. 12-2022 as an emergency measure; roll call vote being:

Ordinance No. 12-2022,
“...Accepting proposal of American Structurepoint, Inc...Const. & Engineering Svcs...”
Maplewood Ave.

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Westphal, Frye, Hansen, Haynam, McCann, Richardson, Stough; (7) yeas; (0) nays. Reconstruction
The motion carried. project.

Acting Mayor Frye stated that Council will now consider agenda item 9.

Service Director’s report on the Cushman Road Improvements, Change Order #2 (Final) was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 13 -2022, 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. 2 (Final) to this City’s Agreement with Salenbien Trucking and Excavating, Inc. for the Cushman Road Improvement Project to reflect the as-built quantities; increasing the contract amount by \$38,168.39; appropriating funds therefore; and declaring an emergency.”; Mr. Richardson moved, Mr. McCann seconded for passage of Ordinance No. 13-2022 as an emergency measure; roll call vote being: Frye, Hansen, Haynam, McCann, Richardson, Stough, Westphal; (7) yeas; (0) nays. The motion carried. Ordinance No. 13-2022, “Authorizing to approve CO #1 (Final) for Cushman Rd. Improvements Project....”

Acting Mayor Frye stated that Council will now consider agenda item 10.

Mr. McCann moved, Mrs. Westphal seconded to table the Elden Ditch Watershed Improvements (Phase 1) – Veteran’s Memorial Field Detention Contract, proposed Ordinance No. 14-2022; roll call vote being: Frye, Hansen, Haynam, McCann, Richardson, Stough, Westphal; (7) yeas; (0) nays. The motion carried. Tabled proposed Ordinance No. 14-2022.

Acting Mayor Frye stated that Council will now consider agenda item 11.

Service Director’s report on the purchase of an Aerial Tower Truck was placed on file. Mr. Hansen presented and read aloud by title only, proposed Ordinance No. 15 -2022, 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 Altec Industries, Inc. for the provision of a 2022 Altec Model LR8-60 Articulating Overcenter Aerial Truck for the Department of Public Service; appropriating \$204,186 therefore; and declaring an emergency.”; Mr. Hansen moved, Mr. Haynam seconded for passage of Ordinance No. 15-2022 as an emergency measure; roll call vote being: Haynam, McCann, Richardson, Stough, Westphal, Frye, Hansen; (7) yeas; (0) nays. The motion carried. Ordinance No. 15-2022, “Authorizing proposal of Altec...2022 Altec Aerial Truck....”

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Acting Mayor Frye stated that Council will now consider agenda item 12.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 16 -2022, a written copy of same having been previously furnished to each member of Council “Authorizing the Mayor and Director of Finance to enter into an Agreement with Morgan Dietrich; and declaring an emergency.”; Mrs. Westphal moved, Mr. McCann seconded for passage of Ordinance No. 16-2022 as an emergency measure; roll call vote being: McCann, Richardson, Stough, Westphal, Frye, Hansen, Haynam; (7) yeas; (0) nays. The motion carried.

Ordinance No. 16-2022, “... agreement with Morgan Dietrich...”

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 17 -2022, a written copy of same having been previously furnished to each member of Council “Authorizing the Mayor and Director of Finance to enter into an Agreement with Richard Heber; and declaring an emergency.”; Mrs. Westphal moved, Ms. Stough seconded for passage of Ordinance No. 17-2022 as an emergency measure; roll call vote being: Richardson, Stough, Westphal, Frye, Hansen, Haynam, McCann; (7) yeas; (0) nays. The motion carried.

Ordinance No. 17-2022, “.... agreement with Richard Heber...”

Acting Mayor Frye stated that Council will now consider agenda item 13.

Ms. Stough presented and read aloud by title only, proposed Ordinance No. 18 -2022, a written copy of same having been previously furnished to each member of Council “Authorizing the Mayor and Director of Finance to enter into a Demolition Assessment Agreement with Mitchell P. Gorsha and Barbara A. Sutherlin for the demolition of the structure at 5301 S. Main St., Sylvania, Ohio; and declaring an emergency.”; Ms. Stough moved, Mr. McCann seconded for passage of Ordinance No. 18-2022 as an emergency measure; roll call vote being: Stough, Westphal, Frye, Hansen, Haynam, McCann, Richardson; (7) yeas; (0) nays. The motion carried.

Ordinance No. 18-2022, “authorizing a Demolition Assessment Agreement.... 5301 S. Main St....”

Acting Mayor Frye stated that Council will now consider agenda item 14.

Mrs. Westphal reported on the Employee & Community Relations Committee meeting held on this date to interview candidates and discuss the 2022 SAJRD appointment by Council to the SAJRD Board of Trustees. Mrs. Westphal stated the Committee interviewed four strong candidates with the Committee’s decision to appoint Shawn Murphy.

Report of Emp & Com Relations Committee RE: SARJD Appt.

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Mrs. Westphal presented and read aloud by title only, proposed Resolution No. 5 -2022, a written copy of same having been previously furnished to each member of Council “Appointing Shawn Murphy to the Board of Trustees of Sylvania Area Joint Recreation District (“SAJRD”) for a term expiring December 21, 2024; and declaring an emergency.”; Mrs. Westphal moved, Mr. Haynam seconded for passage of Resolution No. 5-2022 as an emergency measure; roll call vote being: Stough, Westphal, Frye, Hansen, Haynam, McCann, Richardson; (7) yeas; (0) nays. The motion carried.

Resolution No. 5-2022, “Appointing Shawn Murphy to SARJD for term expiring 12/31/24...”

Mrs. Westphal reported on Council Member’s appointments to various Boards. Mrs. Westphal moved, Mr. Hansen seconded the following appointments:

Council’s Appointments on Community Boards.

- | | |
|-------------------------------|--------------------|
| Downtown Sylvania Association | Mark Frye |
| Sylvania Community Services | Doug Haynam |
| Sylvania Prevention Alliance | Brian McCann |
| Heritage Sylvania | Lyndsey Stough |
| Sylvania Arts Commission | Marcus Hansen |
| Sister City | Patrick Richardson |

Roll call vote being: Frye, Hansen, Haynam, McCann, Richardson, Stough, Westphal, (7) yeas; (0) nays. The motion carried.

Acting Mayor Frye stated that there are no items for agenda item 15, so Council will now consider agenda item 16.

Lindsey Samuelson and Nancy Larson voiced concern on the procedures of the Cell Tower litigation, now being handled through the Court system.

Mr. Richardson moved, Mr. McCann seconded to enter into Executive Session for the purpose of possible real estate property sale and pending litigation at 8:41 p.m. Roll call vote being: Frye, Hansen, Haynam, McCann, Richardson, Stough, Westphal, (7) yeas; (0) nays. The motion carried.

Executive Session for purpose of possible sale of city-owned property and pending litigation.

Mrs. Westphal moved, Mr. Haynam seconded to return from Executive Session to General Session at 9:09 p.m. Roll call vote being: Hansen, Haynam, McCann, Richardson, Stough, Westphal, Frye, (7) yeas; (0) nays. The motion carried.

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Ms. Stough presented and read aloud by title only, proposed Ordinance No. 19-2022, a written copy of same having been previously furnished to each member of Council “Approving the Offer to Purchase of RD Investment Holdings, LLC to purchase the City’s real estate located at 6501, 6503, and 6511 Monroe Street, Sylvania, Ohio at a sale price of \$350,000.00; authorizing the Mayor and Director of Finance to accept said Offer to Purchase on behalf of the City of Sylvania; determining said real estate to be no longer needed for municipal purposes; and declaring an emergency.”; Ms. Stough moved, Mr. Haynam seconded for passage of Ordinance No. 19-2022 as an emergency measure; roll call vote being: Westphal, Frye, Hansen, Haynam, McCann, Richardson, Stough; (7) yeas; (0) nays. The motion carried.

Ordinance No. 19-2022, “Approving offer to purchase from RD Investment Holdings, LLC - 6501, 6503 and 6511 Monroe St....”

Ms. Stough presented and read aloud by title only, proposed Ordinance No. 20-2022, a written copy of same having been previously furnished to each member of Council “Approving the Offer to Purchase of RD Investment Holdings, LLC to purchase a portion of the City’s real estate located at 6517 Monroe Street; Sylvania, Ohio at a sale price of \$47,500.00; authorizing the Mayor and Director of Finance to accept said Offer to Purchase on behalf of the City of Sylvania; determining said real estate to be no longer needed for municipal purposes; and declaring an emergency.”; Ms. Stough moved, Mrs. Westphal seconded for passage of Ordinance No. 20-2022 as an emergency measure; roll call vote being: Frye, Hansen, Haynam, McCann, Richardson, Stough, Westphal; (7) yeas; (0) nays. The motion carried.

Ordinance No. 20-2022, “Approving offer to purchase from RD Investment Holdings, LLC – a portion of 6517 Monroe St....”

Acting Mayor Frye stated all agenda items have been addressed.

Adjournment.

Mrs. Westphal moved, Mr. McCann seconded to adjourn at 9:15 p.m. Roll call vote being: Haynam, Westphal, McCann, Richardson, Stough, Frye, Hansen, (7) yeas; (0) nays.

Clerk of Council

Mayor

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