

Minutes of the Meeting of Council  
August 21, 2017

The Council of the City of Sylvania, Ohio met in regular session on August 21, 2017 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: Katie Cappellini, Mark Frye, Doug Haynam, Sandy Husman, Mark Luetke, Jason Mishka, Mary Westphal; (7) present; (0) absent.

Roll call:  
All present.

Mrs. Westphal led the Pledge of Allegiance to the United States of America.

Pledge of  
Allegiance.

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

- 4a. Final action on Resolution No. 6-2017 -TARTA legislation.
- 14a. Report of the Zoning & Annexation Committee Meeting held at 6:30p.m.
- 16. Executive Session to discuss possible real estate sale.

Mrs. Westphal moved, Mrs. Husman seconded to approve the agenda as amended; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, 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 July 17, 2017, 2017 meeting minutes. Mrs. Westphal moved, Mr. Mishka 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 17, 2017 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the  
July 17 meeting  
minutes.

Mr. Haynam moved, Mr. Luetke seconded to allow Mr. Frye to push back from table due to conflict of interest; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye (7) yeas; (0) nays. The motion carried.

Mrs. Westphal moved, Mr. Haynam seconded to table Resolution No. 6-2017 - TARTA legislation due to the matter being withdrawn: roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

Resolution No.  
6-2017, TARTA  
legislation;  
tabled.

Mr. Frye returned to the table.

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

Mrs. Westphal reported on the public hearing held at 7:00 p.m. to consider proposed Ordinance No. 31-2017, Special Uses for Adult Day Care. She stated two spoke in favor and no one in opposition of the amendments to the Zoning code and a motion to advance legislation to Council was passed.

Public hearing  
report re: Adult  
Day Care.

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Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 31-2017, a written copy of same having been previously furnished to each member of Council, “Amending Part Eleven-Planning and Zoning Code of the Sylvania Codified Ordinances, 1979, as amended by amending Section 1101.01-Definitions and by amending Section 1153.02-Special uses; and declaring an emergency.”; Mr. Haynam moved, Mr. Frye seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried.

Ordinance No. 31-2017, “Amending Part Eleven...” (Adult Day Care)

Mr. Haynam moved, Mrs. Husman seconded, that Ordinance No. 31-2017 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

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

Mayor stated Zoning Ordinance Amendment Application SUP-2-2017, a request for a Special Use Permit for an Adult Day Services/Vocation Habilitation for property located at 5631, 5635, 5639 West Alexis Rd., and 5530 and 5526 Alger Road, Sylvania Ohio from Nicor, Inc. Mr. Haynam moved, Mr. Luetke seconded to refer SUP-2-2017 to the Planning Commission for review and recommendation. Roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

SUP-2-2017, referral to Planning Commission.

Mr. Haynam moved, Mrs. Westphal seconded to set the public hearing on SUP-2-2017 for October 2, 2017 at 7:00 p.m. and authorize the Clerk to advertise the same; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Set hearing: SUP-2-2017; Adult Day Care; 10/2/17 at 7:00 p.m.

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

Mayor Stough stated Council is in receipt of the recommendation from the Planning Commission regarding proposed Ordinance No. 57-2017, Amending Chapter 1166 of the Sylvania Codified Ordinances by amending Section 1166.11- Signs permitted in B-2 General Business District, Section 1166.12-Signs permitted in B-3 Central Business District and Section 1166.13- Signs permitted in B-4 Shopping Center District. Mrs. Westphal moved, Mr. Haynam seconded to set the public hearing for October 2, 2017 at 7:00 p.m. and authorize the clerk to advertise the same. Roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Set hearing on Ord. 57-2017, Sign Code amendments; 10/2/17 at 7:00 p.m.

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

Service Director's report on the request to apply for 2017 Highway Safety Improvement Program Funding was placed on file.

Mr. Frye presented and read aloud by title only, proposed Resolution No. 8-2017, a written copy of same having been previously furnished to each member of Council, "A Resolution authorizing the Mayor and Director of Finance to prepare and submit an application to pursue Safety Funds through the Ohio Department of Transportation's Highway Safety Improvement Program and to execute contracts as required; and declaring an emergency." Mr. Frye moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Resolution: roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Resolution No. 8-2017, "...authorizing application ... ODOT's Highway Safety Improvement Program..."

Mr. Frye moved, Mrs. Westphal seconded, that Resolution No. 8-2017 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on the Aesthetics Design Professional Services Contract was placed on file.

Mr. Frye moved, Mrs. Westphal seconded to amend the title on proposed Ordinance No. 58-2017, from "\$71,657.91" to "\$14,658.00"; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Mr. Frye presented and read aloud by title only, proposed amended Ordinance No. 58-2017, a written copy of same having been previously furnished to each member of Council, "Accepting the amendment to the proposal of DGL Consulting Engineers to provide engineering design services for the Main Street Reconstruction Project; appropriating funds therefore in the amount of \$14,658.00; and declaring an emergency." Mr. Frye moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ordinance No. 58-2017; "...DGL Engineers... Services for Main St. Reconstruction project..."

Mr. Frye moved, Mr. Mishka seconded, that Ordinance No. 58-2017 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on Sylvania Codified Ordinances Chapters 921 and 923, and proposed Chapter 922 was placed on file. Mr. Mishka moved, Mr. Haynam seconded to send proposed Ordinance No. 59-2017 to the Utilities Committee for review. Roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
59-2017 to  
Utilities  
Committee.

Mr. Mishka set a Utilities Committee meeting to discuss proposed Ordinance No. 59-2017 for September 6, 2017 at 6:45 p.m.

Set Utilities  
Com Mtg;  
9/6/17 at 6:45  
p.m.

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

Service Director's report on the OUPS Vehicle purchase was placed on file.

Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 60-2017, 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 Yark Automotive Group for the provision of a new 2018 Jeep Cherokee FWD Latitude for the Department of Public Service; appropriating \$22,706.50 therefore; and declaring an emergency." Mr. Mishka moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
60-2017,  
"Authorizing  
purchase...  
2018 Jeep  
...Public  
Service. (OUPS  
Vehicle)

Mr. Mishka moved, Mrs. Husman seconded, that Ordinance No. 60-2017 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Mr. Mishka moved, Mrs. Westphal seconded to dispose of the 2004 Jeep Grand Cherokee on GovDeals as it's no longer needed by the city; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

2004 Jeep  
Cherokee  
disposal:  
GovDeals.

Mayor Stough stated that Council will now consider agenda item 12.

Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 61-2017, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to execute on behalf of the City of Sylvania, A Corporation Warranty Deed of Conveyance of Property from the City of

Ordinance No.  
61-2017, "...  
execute Corp.  
Warranty Deed

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Sylvania to the Board of Education of the Sylvania City School District, for the purpose of correcting an ownership error relative to school property; and declaring an emergency.” Mrs. Husman moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried. of Conveyance of Property... Sylvania School District.....”

Mrs. Husman moved, Mr. Mishka seconded, that Ordinance No. 61-2017 be enacted as an emergency measure as declared therein; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 13.

Mrs. Westphal moved, Mr. Haynam seconded to not request a hearing on the transfer of D5 and D6 liquor permit to TLOO, Inc. d/b/a 21 West & Patio at 5605-07 W. Alexis Road, Sylvania, Ohio; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried. No hearing for liquor permit... 21 West & Patio at 5605-07 W. Alexis.

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

Mr. Haynam reported on the Zoning & Annexation Committee meeting held at 6:30 p.m. regarding the proposed amendments to the Zoning code, specifically to make commercial agriculture, including marijuana cultivation, a Special Use. Report on Zoning Com. Mtg. regarding amendments to Zoning code ....marijuana.

Mr. Haynam moved, Mr. Luetke to refer proposed Ordinance No. 62-2017 to the Planning Commission for review and recommendation. Roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

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

Mr. Haynam moved, Mrs. Westphal seconded to enter into Executive Session for the purpose of possible real estate property sale at 8:19 p.m. Roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried. Executive Session: possible Real Estate property sale.

Mrs. Westphal moved, Mr. Haynam seconded to return from Executive Session to General Session at 8:33 p.m. Roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

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Mr. Schroyer reported on agenda item C. He stated the sale of bonds will take place on Tuesday, August 22, 2017 and a report will follow.

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

Mrs. Westphal moved, Mrs. Cappellini seconded that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 8:38 p.m.

Adjournment.

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Clerk of Council

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Mayor

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