

Minutes of Perrysburg City Council

Meeting Held October 18, 2022

CALL TO ORDER - 6:30 PM

Mayor Mackin called the meeting to order at 6:31 p.m.

ROLL CALL

Present were Council Members Cory Kuhlman, Kevin Fuller, Jonathan Smith, Mark Weber, Jan Materni, Tim McCarthy, and Barry VanHoozen (7). Also present were Bridgette Kabat, City Administrator, Kate Sandretto, Law Director, Brody Walters, Planning and Zoning Administrator, and Amber Rathburn, Clerk of Council.

PLEDGE OF ALLEGIANCE

MINUTES OF COUNCIL MEETING OF OCTOBER 4, 2022

Mr. Smith moved to approve the minutes of the City Council meeting held on October 4, 2022 as written and to dispense with their reading. There being no objections, the minutes were approved. Ayes: (7). Nays: (0).

Mr. Smith moved to approve the minutes of the two special Public Hearings held on September 20, 2022 and October 3, 2022 as written and to dispense with their reading. With one adjustment for the Public Hearing on September 20, 2022 where it states "anyone" replaced with "those who testified". There being no objections, the minutes were approved. Ayes: (7). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS, AND CITIZENS COMMUNICATIONS

Deborah Born, 125 East Front Street, asked about the proposed new government center and if the taxpayers are willing to pay \$14 million if they were aware of this. She stated that the emphasis should be on adaptive reuse.

ADMINISTRATIVE REPORTS

Mayor

Mayor Mackin noted that Halloween is on October 31st.

RESOLUTION 88-2022

A RESOLUTION URGING GOVERNOR DEWINE AND THE OHIO DEPARTMENT OF

TRANSPORTATION TO RECONSIDER ENDING THE ROUTE 23 CONNECT STUDY, AND IN SUPPORT OF AN IMPROVED HIGHWAY CONNECTION BETWEEN NORTHWEST OHIO AND THE CITY OF COLUMBUS

Mr. McCarthy introduced **RESOLUTION 88-2022 A RESOLUTION URGING GOVERNOR DEWINE AND THE OHIO DEPARTMENT OF TRANSPORTATION TO RECONSIDER ENDING THE ROUTE 23 CONNECT STUDY, AND IN SUPPORT OF AN IMPROVED HIGHWAY CONNECTION BETWEEN NORTHWEST OHIO AND THE CITY OF COLUMBUS** and moved that the rules be suspended to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Ms. Materni. Ayes: (7). Nays: (0). The Clerk read Resolution 88-2022 by number and title only. Mr. McCarthy moved that Resolution 88-2022 be passed. Seconded by Ms. Materni. Ayes: (7). Nays: (0).

City Administrator

Ms. Kabat wanted to let the Committees know that information requested at the Committee meetings should be coming to them shortly.

Finance Director

No report.

Law Director

No report.

PRESIDENT OF COUNCIL REPORT

Mr. Smith stated that they have all received a letter regarding a tenant at Shoppes at River Place. Mr. Smith made a motion to authorize the City and Planning and Zoning Administrator to issue a use permit to X-Golf as a commercial recreation facility and to add commercial recreational facilities with special approval use in C-3 Zoning. Seconded by Mr. Fuller. Mayor Mackin clarified if Mr. Smith is asking Administration to issue a use permit for something that likely is not permitted under the current code and does not believe he has the authority to do that. Mr. McCarthy stated that we are leapfrogging over Planning Commission. Mr. Smith would like suggestions on how to get this moving forward. Mayor Mackin stated that no one thinks this a bad project, but they do not see where it fits in their Zoning code that was created before these entities existed, and the plan to fix it will take some time.

Mr. Kuhlman stated that he does not see it as a problem that is Dave Kienzle's, Owner of Shoppes at River Place, but a problem our problem as a City and the Zoning code. He added that by not taking action, we could potentially drive away a viable business in the City of Perrysburg, and potentially getting rid of a year of revenue for them due to lack of language in the code. Mr. McCarthy stated that this is why we have a Planning Commission and that they are non-elected officials. Mr. Kuhlman suggested conditional approval based on going through the process and is prepared to support Mr. Smith's motion using a temporary permit or special use permit.

Ms. Materni stated that the motion violates the Ordinances. Ms. Sandretto stated that she does not believe that is the intent of Mr. Smith and that as she understands the code, City Council has the authority to ask the Mayor to not follow the code, but that it is problematic. Ms. Sandretto is happy to work with everyone to expedite this. Mr. Weber asked Mr. Walters what the best or worst case scenarios are regarding time. Mr. Walters stated that there are three courses of action. One option is for Mr. Kienzle to acknowledge that it is properly categorized as commercial recreational by definition and to amend the code so that it is permitted by right or by special use. The second option is to appeal to the Board of Zoning Appeals and convince the BZA that Mr. Walters' interpretation is incorrect. The third option is to make the claim that the code does not properly define this use; however, Mr. Walters stated that the code does properly define the use.

Mr. Walters added that they are tasked with finding the most appropriate definition based on the essential function of the business. Mr. Walters also stated that he would support and provide a recommendation that the code be changed. Mr. Smith stated that he is concerned we are going to drive away businesses. Mr. Kuhlman asked if X-Golf is a perfect fit under commercial recreational facility. Mr. Walters stated that they do not issue permits based on multiple categories. Mr. Smith made a retraction of his motion. Mr. Smith made a motion authorizing the Planning and Zoning Administrator to issue a use permit to X-Golf as an entertainment and spectator sport facility. Seconded by Mr. Fuller. Mayor Mackin stated that BZA and Planning Commission are the proper places to sort this out.

Mr. Weber stated that he could not get behind the first motion, as it did not respect the process, but the second motion is interpreting the use and is in support of this motion to accept that classification. Ms. Materni stated that they are bypassing Planning and Zoning altogether and setting a dangerous and unfair precedent. Mr. McCarthy stated that we should be careful what we ask for and that we are not anti-business. Mr. McCarthy added that we should not assume the roles of Planning Commission or BZA. Mr. VanHoozen is torn because we are trying to defend a code that is antiquated, but he is unsure why it was not included in Planning Commission this month, with as long as it has been around.

Mayor Mackin stated that they will do their best to schedule a Planning Commission meeting sooner and that they have not had time to consider this. Mr. Weber would like to give business owners all of the opportunities we can to make things happen in a timely fashion. Mr. Smith made a retraction of his motion. Mr. Kuhlman made a motion for City Council to make an interpretation that X-Golf fits into entertainment and spectator sports facilities. Seconded by Mr. Smith. Ms. Sandretto stated that the Mayor can issue a permit, barring it be an illegal action. Mr. Fuller asked if the Mayor plans to accept Council's recommendation if it passes. Mayor Mackin will take it under advisement. Ms. Materni will vote no because it sets a precedent and puts an undue burden on Planning and Zoning. Ayes: Kuhlman, Smith, Weber, Fuller (4). Nays: Materni, McCarthy, VanHoozen (3).

Mr. Smith made a motion to move to Executive Session to consider the appointment, employment, dismissal, discipline, or investigation of charges or complaints against a public employee. Seconded by Mr. Kuhlman. Ayes: (7). Nays: (0). City Council entered Executive Session at 7:39 p.m.

Mr. Smith made a motion to return from Executive Session. Seconded by Mr. Kuhlman. Ayes: (7). Nays: (0). City Council returned from Executive Session at 8:40 p.m.

COMMITTEE REPORTS

Finance & Economic Development

Mr. Weber gave his report of the October 11, 2022 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, November 8, 2022 at 5:30 p.m.

Res 83-2022 (Surplus Property DPU)

Mr. Weber introduced **RESOLUTION 83-2022 A RESOLUTION DECLARING ONE 2009 FORD F250 TRUCK, ONE 2004 DODGE RAM 2500 TRUCK, ONE 2004 FORD CROWN VICTORIA AND ONE 2010 FORD CROWN VICTORIA CURRENTLY USED IN THE DEPARTMENT OF PUBLIC UTILITIES AS NO LONGER NEEDED FOR PUBLIC USE OR UNFIT FOR PUBLIC SERVICE** and moved that the rules be suspended to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Smith. Ayes: (7). Nays: (0). The Clerk read Resolution 83-2022 by number and title only. Mr. Weber moved that Resolution 83-2022 be passed. Seconded by Mr. Smith. Ayes: (7). Nays: (0).

Res 84-2022 (Surplus Property Fire)

Mr. Weber introduced **RESOLUTION 84-2022 A RESOLUTION DECLARING FIVE PHILIPS MRX CARDIAC MONITORS CURRENTLY USED BY THE FIRE DIVISION NO LONGER NEEDED FOR PUBLIC USE OR UNFIT FOR PUBLIC SERVICE** and moved that the rules be suspended to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Smith. Ayes: (7). Nays: (0). The Clerk read Resolution 84-2022 by number and title only. Mr. Weber moved that Resolution 84-2022 be passed. Seconded by Mr. Smith. Ayes: (7). Nays: (0).

Res 85-2022 (Right Stuff)

Mr. Weber introduced **RESOLUTION 85-2022 AUTHORIZING A RENEWAL OF THE AGREEMENT WITH RIGHT STUFF FOR THE CITY OF PERRYSBURG'S PAYROLL SYSTEM; AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk

read Resolution 85-2022 by number and title only. Mr. Weber moved that Resolution 85-2022 be passed as an emergency measure. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Res 86-2022 (Then & Now)

Mr. Weber introduced **RESOLUTION 86-2022 A RESOLUTION TO APPROVE THEN AND NOW CERTIFICATES IN THE AMOUNT OF SIXTY THOUSAND NINE HUNDRED THIRTY-EIGHT DOLLARS FOUR CENTS (\$60,938.04) AS ATTACHED IN EXHIBIT A FOR THE CITY OF PERRYSBURG; AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Resolution 86-2022 by number and title only. Mr. Weber moved that Resolution 86-2022 be passed as an emergency measure. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Ord 53-2022 (Amend Budget)

Mr. Weber introduced **ORDINANCE 53-2022 AN ORDINANCE AMENDING ORDINANCE 54-2021 PREVIOUSLY AMENDED BY ORDINANCES 4-2022, 8-2022 & 43-2022 TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE YEAR ENDING DECEMBER 31, 2022 AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Smith. Ayes: (7). Nays: (0). The Clerk read Ordinance 53-2022 by number and title only. Mr. Weber moved that Ordinance 53-2022 be passed as an emergency measure. Seconded by Mr. Smith. Ayes: (7). Nays: (0).

Ord 54-2022 (Chart of Accounts)

Mr. Weber introduced **ORDINANCE 54-2022 AN ORDINANCE AMENDING CHART OF ACCOUNTS; AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Smith. Ayes: (7). Nays: (0). The Clerk read Ordinance 54-2022 by number and title only. Mr. Weber moved that Ordinance 54-2022 be passed as an emergency measure. Seconded by Mr. Smith. Ayes: (7). Nays: (0).

Ord 55-2022 (Urban Forester)

Mr. Weber introduced **ORDINANCE 55-2022 AN ORDINANCE AMENDING PERRYSBURG CODIFIED ORDINANCES 266.15-2** and moved that the rules be suspended to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Kuhlman. Ayes: (7). Nays: (0). The Clerk read Ordinance 55-2022 by number and title only. Mr. Weber moved that Ordinance 55-2022 be passed. Seconded by Mr. Kuhlman. Ayes: (7). Nays: (0).

Safety

No report.

Next meeting: Tuesday, October 25, 2022 at 6:00 p.m.

Recreation

Mr. Smith gave his report of the October 11, 2022 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, November 8, 2022 at 6:30 p.m.

Res 87-2022 (Grant)

Mr. Smith introduced **RESOLUTION 87-2022 AUTHORIZING THE CITY ADMINISTRATION TO PURSUE GRANTS THROUGH THE WOOD COUNTY PARK DISTRICT IN THE AMOUNT OF FORTY-ONE THOUSAND FOUR HUNDRED FORTY-EIGHT DOLLARS AND TWENTY-SIX CENTS (\$41,448.26); AND, IF AWARDED, AUTHORIZES THE ACCEPTANCE OF GRANT PROCEEDS; AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. VanHoozen. Ayes: (7). Nays: (0). The Clerk read Resolution 87-2022 by number and title only. Mr. Smith moved that Resolution 87-2022 be passed as an emergency measure. Seconded by Mr. VanHoozen. Ms. Sandretto noted that it is three receptacles, not four. Ayes: (7). Nays: (0).

Planning & Zoning

No report.

Next meeting: Wednesday, October 19, 2022 at 5:30 p.m.

Personnel

No report.

Next meeting: Tuesday, October 25, 2022 at 5:00 p.m.

Public Utilities

No report.

Next meeting: Wednesday, October 26, 2022 at 6:30 p.m.

Service

No report.

Next meeting: Wednesday, October 26, 2022 at 5:30 p.m.

Res 82-2022 (Building)

Ms. Materni introduced **RESOLUTION 82-2022 ACCEPTING THE PROPOSAL AND**

AUTHORIZING AN AGREEMENT WITH THE COLLABORATIVE INC. IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$155,000.00) FOR THE FIRST PHASE OF THE NEW MUNICIPAL BUILDING PROJECT; AND DECLARING AN EMERGENCY and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Smith. Ayes: (7). Nays: (0). The Clerk read Resolution 82-2022 by number and title only.

OTHER BUSINESS

Ms. Materni noted that First Responders Day is Friday, October 28th and wanted to commend our First Responders.

Mr. Kuhlman added that early voting is now active.

ADJOURNMENT

There being no objections, the the meeting adjourned at 8:59 p.m.

Amber Rathburn, Clerk

Thomas G. Mackin, Mayor