

## **MINUTES OF PERRYSBURG CITY COUNCIL**

### **MEETING HELD DECEMBER 21, 2010**

Mayor Evans called the meeting to order at 7:00 p.m. Present were Council Members Maria Ermie, John Kevern, Joe Lawless, Tom Mackin, Tim McCarthy, Mike Olmstead, and Joe Rutherford (7). Also present were John Alexander, City Administrator, David Creps, Clerk of Council, Mathew Beredo, Director of Law, Jon Eckel, Service Director, Rick Thielen, Planning and Zoning Administrator, and Kelly Louderback, Human Resource Director.

Mr. Lawless moved to approve the minutes from the December 7, 2010 meeting and to dispense with their reading. Mrs. Ermie seconded the motion. Ayes: (7) Nays: (0).

#### **SPECIAL REPORTS**

None.

#### **LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS**

None.

#### **ADMINISTRATIVE REPORTS**

##### **Mayor's Report**

Mayor Evans stated that the final reading of the 2011 Appropriations Budget would be tonight. The budget does not reflect any wage increases as that matter is still in fact finding. Mayor Evans also noted that the budget does not reflect any expenditure for the contract with Bridge Consulting which expires January 31, 2011. He added that the Administration will have to keep a close watch on State appropriations since there will be a new Governor and there is a state budget deficit, so there may be cuts. Mayor Evans said that the local economy will also have to be monitored.

Mayor Evans requested the following appointments:

| <u>Name</u>        | <u>Committee</u>         | <u>Term Ending</u> |
|--------------------|--------------------------|--------------------|
| Stephen Williams   | Civil Service Commission | 12-31-13           |
| James Todd Grayson | Board of Zoning Appeals  | 12-31-13           |

Mr. Lawless stated that the Appointment Review Committee met prior to the meeting and agreed to recommend these appointments. Mr. Lawless moved to approve the recommended appointments. Mr. Rutherford seconded. Ayes: (7) Nays: (0).

##### **City Administrator's Report**

Mr. Alexander stated that the TMACOG survey on priority and secondary projects has been received and will be on the January 3, 2011 agenda for the Service Safety Committee. He noted that the City has an interest in item #10 which is a project involving the bridge deck on SR 25.

### **Finance Director's Report**

No report.

### **Director of Law**

Mr. Beredo gave a brief update on litigation involving the City. He stated that an appeal of a decision of the Income Tax Board of Review was heard in Wood County Common Pleas Court and the judge affirmed the decision of the Board of Review. He noted that this decision will be the basis for the Tax Division to act in similar cases this upcoming tax season. Mr. Beredo reported that in the Geddis Paving case, the trial was held December 16, 2010 in Lucas County before Judge Dartt. Judge Dartt is retiring December 31, 2010 so we will have a decision by then. Mr. Beredo stated that an appeal of a Board of Zoning Appeals decision was received on December 15, 2010 from David Noe, 528 East Boundary Street. There was discussion regarding setting this matter for a public hearing. It was decided that the matter would be on the agenda for the January Planning and Zoning Committee meeting and if not resolved, then a Public Hearing would be scheduled.

### **President of Council Report**

Mr. Lawless reported that Mrs. Ermie has agreed to stay on as City Council's representative to the Cemetery Board until at least the budget is approved in May, 2011. Mr. Lawless stated that he feels this continuity is important as there are some big issues regarding the cemetery coming up in the near future.

### **COMMITTEE REPORTS**

#### **Finance Committee:**

Mr. Mackin gave his report of the December 14, 2010 meeting, a copy of which is attached hereto and made a part of these minutes. He stated that the Committee also met prior to the Council meeting to discuss the City's health insurance carrier. He stated that the Committee agreed 2 -1 to recommend staying with the current provider, Medical Mutual of Ohio.

Mr. Mackin introduced **ORDINANCE NO. 182-2010 MAKING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011** and moved that the rules be suspended to allow for its reading by number and title only and to dispense with the third reading. Seconded by Mrs. Ermie. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 182-2010 by number and title only. Mr. Mackin moved that Ordinance No. 182-2010 be passed as an emergency. Ayes: (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 195-2010 AMENDING ORDINANCE NO. 207-2009 BY AUTHORIZING CERTAIN ADDITIONS TO APPROPRIATIONS FOR CURRENT EXPENDITURES FOR THE YEAR ENDING DECEMBER 31, 2010 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 reading. Seconded by Mrs. Ermie. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 195-2010 by number and title only. Mr. Mackin moved that Ordinance No. 195-2010 be passed as an emergency. Seconded by Mrs. Ermie. Ayes: (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 196-2010 AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH MEDICAL MUTUAL OF OHIO TO ADMINISTER THE CITY'S HEALTH INSURANCE PLAN 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 reading. Seconded by Mrs. Ermie. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 196-2010 by number and title only. Mr. Mackin moved that Ordinance No. 196-2010 be passed as an emergency. Seconded by Mrs. Ermie. Ayes: Ermie, Kevern, Lawless, McCarthy, Olmstead, Rutherford (6). Nays: Mackin (1).

Mr. Mackin introduced **ORDINANCE 197-2010 AUTHORIZING CERTAIN CASH TRANSFERS WITHIN THE CITY'S BUDGETS 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 reading. Seconded by Mrs. Ermie. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 197-2010 by number and title only. Mr. Mackin moved that Ordinance No. 197-2010 be passed as an emergency. Seconded by Mrs. Ermie. Ayes: (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 198-2010 AMENDING ORDINANCE NO. 207-2009 TO REVISE THE ESTIMATED REVENUES FOR THE YEAR ENDING DECEMBER 31, 2010 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 reading. Seconded by Mrs. Ermie. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 198-2010 by number and title only. Mr. Mackin moved that Ordinance No. 198-2010 be passed as an emergency. Seconded by Mrs. Ermie. Ayes: (7) Nays: (0).

Mr. Lawless thanked Mrs. Ermie for the work she has done with the cemetery. He stated that it appears revenues will be declining for the Cemetery and that he will not support the Cemetery budget unless they look into some other options to reduce spending.

Mrs. Ermie thanked Mr. Alexander and Mr. Eckel for their help in the cost analysis that she prepared for the Cemetery.

Next meeting: January 11, 2011 at 5:00 p.m.

**Economic Development Committee:**

No report.

Next meeting: January 31, 2011 at 6:30 p.m. which is a change from the normal date.

**Service-Safety Committee:**

No report.

Next meeting: January 3, 2011 at 5:00 p.m.

**Recreation Committee:**

No report.

Next meeting: January 31, 2011 at 5:30 p.m. which is a change from the normal meeting date.

**Planning And Zoning Committee:**

Mr. McCarthy gave his report on the December 15, 2010 meeting, a copy of which is attached hereto and made a part of these minutes.

Mr. McCarthy introduced **ORDINANCE 199-2010 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, TO REZONE 455 MULBERRY STREET AS R3 (SINGLE FAMILY RESIDENTIAL) 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 reading. Seconded by Mr. Lawless. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 199-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 199-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 200-2010 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, TO REZONE 444 MULBERRY STREET AS R3 (SINGLE FAMILY RESIDENTIAL) 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 reading. Seconded by Mr. Lawless. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 200-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 200-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 201-2010 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, TO REZONE PROPERTY AT AND AROUND 13015 ECKEL JUNCTION ROAD AND 13017 ECKEL JUNCTION ROAD AS PBP (PLANNED BUSINESS PARK) 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 reading. Seconded by Mr. Lawless. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead (6) Nays: (0) Abstain: Rutherford (1). The Clerk read Ordinance No. 201-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 201-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead (6) Nays: (0) Abstain: Rutherford (1).

Mr. McCarthy introduced **RESOLUTION 22-2010 ADOPTING A STATEMENT OF SERVICES WITH RESPECT TO THE ANNEXATION OF 254.201 ACRES OF PROPERTY SOUTH OF HULL PRAIRIE ROAD IN COMPLIANCE WITH OHIO REVISED CODE § 709.03 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 reading. Seconded by Mr. Lawless. Ayes: (7) Nays: (0). The Clerk read Resolution No. 22-2010 by number and title only. Mr. McCarthy moved that Resolution No. 22-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **RESOLUTION 23-2010 ADOPTING A STATEMENT OF SERVICES WITH RESPECT TO THE ANNEXATION OF CERTAIN LANDS NORTH OF ECKEL JUNCTION ROAD AND EAST OF FORT MEIGS ROAD (THE "ARMAN ANNEXATION") IN**

**COMPLIANCE WITH OHIO REVISED CODE § 709.03 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 reading. Seconded by Mr. Lawless. Ayes: (7) Nays: (0). The Clerk read Resolution No. 23-2010 by number and title only. Mr. McCarthy moved that Resolution No. 23-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **RESOLUTION 24-2010 ADOPTING A STATEMENT OF SERVICES WITH RESPECT TO THE ANNEXATION OF CERTAIN LANDS EAST OF FORT MEIGS ROAD (THE “BENDER ANNEXATION”) IN COMPLIANCE WITH OHIO REVISED CODE § 709.03 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 reading. Seconded by Mr. Lawless. Ayes: (7) Nays: (0). The Clerk read Resolution No. 24-2010 by number and title only. Mr. McCarthy moved that Resolution No. 24-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Next meeting: January 19, 2011 at 5:00 p.m. which is a correction from the date in the minutes of the December 15, 2010 meeting.

#### **Personnel Committee:**

Mrs. Ermie reviewed the report from the meeting held on December 20, 2010. This report is attached and made a part of the minutes.

Mrs. Ermie asked if there is any update on negotiations. Mr. Alexander stated that the Fact Finder’s report for the Fire union should be received prior to the next Council meeting. Mrs. Ermie stated that if it is received before the next meeting, she will schedule a special Personnel Committee meeting to discuss the findings.

Mrs. Ermie introduced **ORDINANCE 202-2010 AMENDING CODIFIED ORDINANCE 250.02(b) REGARDING THE STRUCTURE OF THE CITY’S DEPARTMENT OF PUBLIC SERVICE 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 reading. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 202-2010 by number and title only. Mrs. Ermie moved that Ordinance No. 202-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mrs. Ermie introduced **ORDINANCE 203-2010 AMENDING CODIFIED ORDINANCE 266.15-2 REGARDING ORGANIZATION OF CITY PUBLIC SERVICE DEPARTMENT 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 reading. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 203-2010 by number and title only. Mrs. Ermie moved that Ordinance No. 203-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mrs. Ermie introduced **ORDINANCE 204-2010 APPROVING PROPOSED JOB DESCRIPTION FOR SUPERINTENDENT OF THE CITY’S DIVISION OF LANDS AND SANITATION 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 reading.

Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 204-2010 by number and title only. Mrs. Ermie moved that Ordinance No. 204-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mrs. Ermie introduced **ORDINANCE 205-2010 APPROVING PROPOSED JOB DESCRIPTION FOR SUPERINTENDENT OF THE CITY'S DIVISION OF STREETS AND BUILDING SERVICES 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 reading. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 205-2010 by number and title only. Mrs. Ermie moved that Ordinance No. 205-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mrs. Ermie introduced **ORDINANCE 206-2010 AMENDING CODIFIED ORDINANCE 266.13-1 REGARDING RESIDENCY OF CERTAIN CITY EMPLOYEES 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 reading. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 206-2010 by number and title only. Mrs. Ermie moved that Ordinance No. 206-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Next regular meeting: January 25, 2011 at 5:00 p.m.

#### **Health, Sanitation and Public Utilities Committee:**

Mr. Rutherford reviewed the report from the meeting held on December 20, 2010. This report is attached and made a part of the minutes.

Mr. Rutherford moved to grant a sewer credit to Andrea DeWood, 30202 Waterford Drive, in the amount of \$2,651.67. Mr. McCarthy seconded. Ayes: (7) Nays (0).

Mr. Rutherford introduced **ORDINANCE 207-2010 AUTHORIZING AN AGREEMENT WITH THE HAAS GARAGE DOOR COMPANY TO INSTALL EQUIPMENT BAY DOORS AT A PRICE NOT TO EXCEED TWELVE THOUSAND EIGHT HUNDRED SIXTY-FOUR DOLLARS (\$12,864.00) 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 reading. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 207-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 207-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 208-2010 AUTHORIZING AN AGREEMENT WITH JONES AND HENRY ENGINEERING LTD. TO PERFORM LOCAL LIMITS REVISION AT A PRICE NOT TO EXCEED SIX THOUSAND DOLLARS (\$6,000.00) 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 reading. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 208-2010 by number and title only. Mr. Rutherford moved that Ordinance

No. 208-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 209-2010 AUTHORIZING AN AGREEMENT WITH OHIO EXCAVATING TO PERFORM SEWER REPAIRS AT A COST NOT TO EXCEED ELEVEN THOUSAND FIVE HUNDRED DOLLARS (\$11,500.00) 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 reading. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 209-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 209-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 210-2010 AUTHORIZING AN AGREEMENT WITH BEST-AIRE FOR REPAIR OF A CENTRIFUGAL BLOWER AT A PRICE NOT TO EXCEED FOURTEEN THOUSAND EIGHT HUNDRED SEVENTY-EIGHT DOLLARS (\$14,878.00) 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 reading. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 210-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 210-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Mackin reminded the Administration about City Council voting on items not included in their packets. Mr. Alexander apologized and stated that the Administration will be diligent in the future, especially with the new time for Service-Safety committee meetings, with regards to what needs to be passed the following evening.

#### OTHER BUSINESS

None.

#### ADJOURNMENT

Mr. Lawless moved to adjourn. Seconded by Mr. Rutherford. Ayes: (7) Nays: (0). The meeting adjourned at 7:54 p.m.

David D. Creps, Clerk

Nelson D. Evans, Mayor