MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD DECEMBER 6, 2011

Acting Mayor Joe Lawless called the meeting to order at 7:00 p.m. Present were Council Members Maria Ermie, Todd Grayson, John Kevern, Joe Lawless, Tom Mackin, Tim McCarthy and Mike Olmstead (7). Also present were John Alexander, City Administrator, David Creps, Clerk of Council, and Mathew Beredo, Director of Law.

Mr. Grayson moved to appoint Mrs. Ermie as acting President of Council. Mr. Mackin seconded. Ayes: Grayson, Kevern, Lawless, Mackin, McCarthy, Olmstead (6). Abstain: Ermie (1).

Mrs. Ermie moved to approve the minutes from the November 15, 2011 meeting and to dispense with their reading. Mr. Lawless seconded the motion. Ayes: (7). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

Mr. Lawless noted that the TARTA issue will be addressed under the Health, Sanitation and Public Utilities report.

ADMINISTRATIVE REPORTS

Mayor's Report

No report.

City Administrator's Report

Mr. Alexander reported that notices were issued in water and sewer bills reminding residents about the requirements of removing snow from sidewalks. The notice will also be in the Perrysburg Messenger Journal on December 14, 2011.

Finance Director's Report

No report.

Director of Law

Mr. Beredo stated that Ordinance 202-2011 which is on tonight's agenda has an incorrect number for the purchase of trees; it should be 82. Mr. Beredo stated that due to the timing of the Committee of the Whole meeting with regards to Resolution 42-2011, the copy sent to City Council in their packets has been changed to reflect additional comments received from Council members. The version to be voted on was distributed in Council members' folders.

President of Council Report

No report.

COMMITTEE REPORTS

Health, Sanitation and Public Utilities Committee:

Mr. Grayson gave his report of the November 22, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next regular meeting: Tuesday, December 27, 2011 at 6:00 p.m.

Mr. Kevern moved to approve the following sewer credits:

650 Harrison Road	$1,442.56
10163 Fremont Pike	$3,568.55
26806 Ottekee Drive	$2,711.58

Mr. Mackin seconded. Ayes: (7). Nays: (0).

Mr. Grayson introduced **ORDINANCE 204-2011 AUTHORIZING AN AGREEMENT WITH DMYTRYKA JACOBS ENGINEERS INC. TO PROVIDE PROGRAMMING AND OTHER PROFESSIONAL SERVICES WITH RESPECT TO THE CITY'S WASTEWATER TREATMENT SYSTEM TELEMETRY PROJECT AT A COST NOT TO EXCEED SIXTEEN THOUSAND SIX HUNDRED SIXTY DOLLARS ($16,660.00) 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 readings. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 204-2011 by number and title only. Mr. Grayson moved that Ordinance No. 204-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Grayson introduced **ORDINANCE 205-2011 AUTHORIZING AN AGREEMENT WITH DMYTRYKA JACOBS ENGINEERS INC. FOR ELEVEN (11) COMMUNICATIONS PANELS FOR THE WASTEWATER TREATMENT SYSTEM TELEMETRY PROJECT AT A COST NOT TO EXCEED TWENTY-FOUR THOUSAND TWO HUNDRED FORTY DOLLARS ($24,240.00) 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 readings. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 205-2011 by number and title only. Mr. Grayson moved that Ordinance No. 205-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Grayson introduced **ORDINANCE 206-2011 AUTHORIZING THE PURCHASE OF ELEVEN (11) DATARADIOS FROM KUNDINGER CONTROLS AT A COST NOT TO EXCEED THIRTEEN THOUSAND EIGHT HUNDRED FIFTY DOLLARS ($13,850.00) 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 readings. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 206-2011 by number and title only. Mr. Grayson moved that Ordinance No. 206-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Grayson said that he feels that the City can have a more cost effective and functional transporation system. He called attention to research he did about what other areas within the State of Ohio are doing regarding transportation and what it costs them. He said there is a clear defining line in costs if you want a fixed route; it is very expensive, and being with TARTA forces us into a fixed route system. Mr. Grayson said that according to his research, the numbers show that an on demand system can be done in the $500,000 - $800,000 range.

Mr. Grayson introduced **RESOLUTION 41-2011 PLACING THE ISSUES OF THE CITY'S CONTINUED MEMBERSHIP IN THE TOLEDO AREA REGIONAL TRANSIT AUTHORITY (TARTA) AND RELIEF FROM TARTA PROPERTY TAXES ON THE BALLOT PURSUANT TO O.R.C. § 306.55 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. Lawless. Ayes: (7). Nays: (0). The Clerk read Resolution No. 41-2011 by number and title only.

Elizabeth Pinky Etens, 28838 E. River Road, noted that Rossford opted to table this issue because they are not prepared to deal with the gap in services. She added that if City Council votes for this it is unconscionable and not humanely supportable. Mr. Grayson stated that he spoke to Representative Randy Gardner and he was told that the Legislative Review Commission which is a non-partisan committee in Columbus, has said there is no legislative reason that TARTA would have to continue service through 2012 nor is there anything preventing them from doing so. Mr. Grayson said if TARTA decides to leave people out in the cold, that would be on TARTA.

Gil Lutz, 980 Maple Street, said the law should have been written so the services would be continued through the period taxes are paid for. Mr. Lutz said he is in favor of the law, but feels we should have a plan in place. He said he is frustrated with the process and asked if the alternative plan is on the November ballot, will it be in place January 1, 2013. Mr. Grayson said absolutely, if TARTA goes down and voters choose to pass the alternative, we will have it in place 1/1/13. Mr. Mackin stated that the problem is we don't have an alternative plan. Mr. Grayson said that this is not a unique problem, there are a myriad of companies in Ohio that can solve this problem. Mrs. Ermie said that Mr. Grayson has spoken with these alternatives and they have assured us they can have it place by January 1, 2013. Mr. Kevern asked why the alternative plan will not be on the June ballot. Mr. Lawless said there may not be a June ballot. Mr. Grayson stated that waiting until November gives us more time to develop the plan and to make the public aware of it. Mr. McCarthy said that the issue before Council at this time is whether to place the opt-out on the March ballot. He said he is not in favor of it.

Becky Williams, 421 E. Sixth Street, said that promises are being made that there will be an alternate tranportation system, but that won't happen if the voters don't approve it. Mrs. Ermie said that the other option is choosing for the voters and she does not believe that is in their job description. She said it is up to the voters to decide if we do or don't have public transit in Perrysburg. She added that she would favor going on the ballot with the alternate plan in June in case it is voted down so they could try again in November. Mr. McCarthy said that based on past election results he has little doubt that when the opt-out goes to the ballot it will be approved by the voters. He said, however, that it could go to the ballot as late as 2013 and he feels we are moving extraordinarily quickly. Mr. McCarthy said that as of November 22, 2011 the people that need public transit had a guarantee of service and now, two weeks later, they have no such assurance. He said he has grave concerns that we have an acceptable plan, and although we probably all agree that is should be an on demand service, there are complications to sort through. He stated that we need to give the folks that rely on pulic transit assurance that when this goes to the voers it's well thought out. He said he feels this is a rush to judgment and he cannot support it. Mr. Mackin stated that he also is going to vote no, but that his vote is not an endorsement of TARTA service. He said that he appreciates the hard work that Mr. Grayson and Mr. Rantanen have done, but we've always talked about this as a voters' rights issue and he's not sure that the voters can make an informed decision about voting out of TARTA without knowing what the other option is going to be.

Mr. Lawless asked if the opt-out were placed on the June ballot and was approved, would taxpayers have to pay TARTA taxes for 2013. Mr. Beredo said that in discussions with the Wood County Auditor which is the agency responsible for certifying taxes for Perrysburg, they said they have talked to the Ohio Department of Taxation and their position is that with a June primary you add six months which would possibly put us in the catch area for TARTA taxes for 2013. Mr. Beredo stated that if you read the specific language of ORC 306.55 however, it says the tax will stop. He said that if the opt-out were approved in June, he would argue that we should not be a part of the taxing pool.

Mrs. Ermie said that there is no perfect time to do anything, but this starts with getting out of TARTA. She said TARTA has made no comment about filling in the gap. Mr. Olmstead said that the people who we represent and have voted for Council have voted, and 60% of them have said to get out of TARTA. He said nothing is certain except that if we do nothing, we're going to be paying another $1.5 million dollars to TARTA.

Kevin Rantanen, 113 Silver Maple Drive, said that he has talked to the General Manager and legal counsel for TARTA and neither would give a commitment, but he feels the TARTA Board would have to have a contract to provide service to a non-member. Mr. Rantanen said that he spoke with a company that would be willing to fill in the gap. He also suggested that we require the transportation plan to be a part of the bid package for providers.

Jean Scech, 1061 Hickory Street, said Council just needs to get this done.

Mr. Grayson moved that Resolution No. 41-2011 be passed as an emergency. Seconded by Mrs. Ermie. Ayes: Ermie, Grayson, Kevern, Lawless, Olmstead (5). Nays: Mackin and McCarthy (2).

Mr. Grayson introduced **RESOLUTION 42-2011 RECOGNIZING THE VALUE OF DIVERSE PUBLIC TRANSPORATION SERVICES IN THE CITY OF PERRYSBURG, OHIO, AND REQUESTING THE PREPARATION OF A TRANSPORTATION 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 readings. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Resolution No. 42-2011 by number and title only. Mr. Grayson moved that Resolution No. 42-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

<u>Finance Committee:</u>

Next meeting: Tuesday, December 13, 2011 at 5:00 p.m.

Mr. Mackin introduced **ORDINANCE 201-2011 MAKING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER**

EXPENDITURES OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012 AND DECLARING AN EMERGENCY and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mrs. Ermie. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 201-2011 by number and title only.

<u>Economic Development Committee:</u>

No report.

Next meeting: Monday, December 19, 2011 at 5:30 p.m. which is a change from the regular meeting time.

Since the first two meetings of 2012 will fall on public holidays, a combined January/February meeting was scheduled for February 7, 2012 at 6:00 p.m.

<u>Service-Safety Committee:</u>

Mr. Kevern gave his report of the December 5, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Special meeting: December 20, 2011 at 6:50 p.m.

Mr. Kevern introduced **ORDINANCE 202-2011 AUTHORIZING AN AGREEMENT WITH NORTH BRANCH NURSERY IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS ($19,575.00) FOR PHASE TWO OF THE 2011 FALL TREE PLANTING 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. Mackin. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 202-2011 by number and title only. Mr. Kevern moved that Ordinance No. 202-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (7). Nays: (0).

<u>Recreation Committee:</u>

No report.

Next meeting: Monday, December 19, 2011 at 5:00 p.m.

Mr. Lawless noted that the first two meetings of 2012 will fall on public holidays so he recommended having a conbined January/February meeting on Tuesday, February 7, 2012 at 5:00 p.m.

<u>Planning And Zoning Committee:</u>

No report.

Next meeting: Wednesday, December 21, 2011 at 5:00 p.m.

Mr. McCarthy introduced **RESOLUTION 40-2011 DESCRIBING POTENTIAL MUNICIPAL SERVICES APPLICABLE TO THE PROPSED KERR ANNEXATION IN COMPLIANCE WITH SECTION 709.03 OF**

THE OHIO REVISED CODE 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. Mackin. Ayes: (7). Nays: (0). The Clerk read Resolution No. 40-2011 by number and title only. Mr. McCarthy moved that Resolution No. 40-2011 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7). Nays: (0).

Personnel Committee:

Mrs. Ermie gave her report of the November 22, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, December 27, 2011 at 5:00 p.m.

Mrs. Ermie introduced **ORDINANCE 203-2011 APPROVING THE JOB DESCRIPTION FOR SOFTWARE SPECIALIST** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Grayson. Ayes: (7). Nays: (0). The Clerk read Resolution No. 40-2011 by number and title only.

OTHER BUSINESS

None.

ADJOURNMENT

Mrs. Ermie moved to adjourn the meeting at 8:42 p.m. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

David D. Creps, Clerk   Nelson D. Evans, Mayor