MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD DECEMBER 1, 2009

Present were Council members Tom Mackin, John Kevern, Maria Ermie, Joe Lawless, Mike Olmstead, Joe Rutherford, and Tim McCarthy (7). Also present were Mayor Nelson Evans; John Alexander, City Administrator; David Creps, Clerk of Council and Mathew Beredo, Law Director.

Mayor Evans called the meeting to order at 7:00 p.m.

Mr. Lawless moved to approve the minutes from the November 17, 2009 meeting and to dispense with their reading. Ms. Ermie seconded the motion. Ayes: (7) Nays: (0)

SPECIAL REPORTS

None

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

None

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans asked Jon Eckel, Public Service Director, to bring City Council up-to-date on the Public Service Building. Mr. Eckel reported that the final progress meeting was held today and that construction is on time and under budget. He gave credit to Steve Herwat, City Consultant, for being present through all phases of construction and helping with all the details of the building process. He also gave credit to Jeff Normand, Architect, for doing a wonderful job of bringing all aspects of the building together. The Public Service Department will be moving into the building either the weekend of December 26th – 27th or the first weekend in January. The open house will be held sometime in January for the public.

Mr. Eckel also reported on the City's salt supply for the winter season. The City was able to join with ODOT and buy salt in bulk which allowed them to receive a price cut of $20 per ton less than last year. One thousand tons of salt will be delivered next week and there is presently 700 tons at the East Boundary location. Being able to have supplies at both ends of the City this season will allow for optimization of the salting process.

Mayor Evans reported that the Ft. Meigs Road Phase II construction is now complete except for restoration and the road is now opened for residents.

Mayor Evans also reported on the status of sewer projects around the City. The Cherry Street Sewer District 207 project and the Southwood project are both complete with landscaping being finished in spring 2010. The City also paid off the mortgage on the Ft. Meigs Viewshed.

The first reading of the 2010 Budget will be this evening and will also be made available on the City Website.

Mayor Evans asked the Council to approve the following appointments and reappointments to the various City Boards:

Appointments:

Matt J. Skotynsky	Way Public Library Board	12/31/2013
John P. Hayward	Way Public Library Board	12/31/2013
Megan Kaczinski	Litter Prevention & Recycling Board (Student Member)	06/01/1010

Reappointments:

Mary Krueger	Planning Commission	12/31/2013
Rick Davis	Historic Landmarks Commission	12/31/2012
Robert Harden	Board of Zoning Appeals	12/31/2012
Ronald Moenter	Street Tree Commission	12/31/2012
Robert Zak	Street Tree Commission	12/31/2012
Richard Sipp	Way Public Library Board	12/31/2013
Aubrey Arndt	Board of Income Tax Review	12/31/2013
Joanne Sudman	Litter Prevention & Recycling Board	12/31/2011
Ron Stewart	PRAC	12/31/2012
Tom St. Meyers	PRAC	12/31/2012

Mr. Lawless made a motion to approve the appointments and reappointments to the various City Boards. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

City Administrator's Report

Mr. Alexander reported that all committees had reviewed the 2010 Budget and recommended approval to the full Council. One item taken to the forefront is line item for the lobbyist position. The City is not hiring a specific lobbyist at this time, but could come into play in early January. Mr. Mackin stated that the Finance Committee approved the lobbyist line item, but not all Council members approved the lobbyist item. Before the Budget is passed, at the next Council meeting, everyone should have the opportunity to have a voice in this decision.

Finance Director's Report

None

Director of Law

None

President of Council Report

None

COMMITTEE REPORTS

Finance Committee:

Mr. Mackin introduced for a first reading **ORDINANCE 207-2009 MAKING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF PERRYSBURG. WOOD COUNTY, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 207-2009 by number and title only.

The next Finance Committee meeting is scheduled for December 8, 2009 at 5:00 p.m.

Economic Development:

The next Economic Development meeting is schedule for December 21, 2009 at 6:30 p.m.

Safety and Service:

Mr. Olmstead had Steve Herwat, City Consultant, report on the Special Safety-Service meeting that took place prior to the City Council meeting this evening. Mr. Herwat reported that Masters Electrical Company that was the successful bidder for completing the electrical work for constructing the police division indoor firing range had notified the City that they had just filed bankruptcy and would not be able to follow through with their contract. They will be sending an official letter to announce their resignation from the project. Mr. Beredo spoke to Masters Electrical who stated that they would not be able to complete any of the work. Ms. Ermie asked if there was a process set in place to check with companies, prior to hiring, to make sure of their financial status and that they are paying their taxes. Mr. Herwat responded that there was a process in place and that Masters had passed all qualifications by filing a certified bid and presenting official bonding. Mr. Lawless asked if it cost the City extra money to separate projects out by trade. Mr. Herwat responded that the City received twenty-five different bids for this project and that at this time bidding is very competitive and bids are coming in very low due to the economic times. Mr. Mackin wanted it noted that when the new police building was constructed the City had looked at the cost for a fixed firing range, which would have been approximately $311,000. Now that the range is being built, it has been changed to a tactical range, meaning targets are mobile and different scenarios can be set up to create real world situations, at an approximate price of $330,000 with a rebate of $200,000 from the State of Ohio through Owens Community College. These figures mean that the cost will be less for taxpayers now then when the police station was built. Mr. Herwat was also requesting permission to hire the second lowest bidder for the electrical contract and that it would take two weeks to get all of the necessary paperwork completed to present at the December 15, 2009 City Council meeting.

Mr. Olmstead introduced **ORDINANCE 208-2009 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH RUPP ROSEBROCK, INC., IN AN AMOUNT NOT TO ECEED TWO HUNDRED FIVE THOUSAND DOLLARS ($205,000.00) TO PERFORM GENERAL TRADES WORK FOR THE CONSTRUCTION OF THE DIVISION OF POLICE INDOOR FIRING RANGE 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. 208-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 208-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 210-2009 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH BAYES MECHANICAL, IN AN AMOUNT NOT TO ECEED NINETY-FOUR THOUSAND DOLLARS ($94,000.00) TO PERFORM PLUMBING, FIRE**

PROTECTION, AND HVAC WORK FOR THE CONSTRUCTION OF THE DIVISION OF POLICE INDOOR FIRING RANGE 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. 210-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 210-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Olmstead referred **ORDINANCE 209-2009 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH MASTERS ELECTRICAL, IN AN AMOUNT NOT TO ECEED THIRTY-FOUR THOUSAND THREE HUNDRED SIXTY-FIVE DOLLARS ($34,365.00) TO PERFORM ELECTRICAL WORK FOR THE CONSTRUCTION OF THE DIVISION OF POLICE INDOOR FIRING RANGE AND DECLARING AN EMERGENCY** back to administration. Mr. Alexander stated that Ordinance 209-2009 would be eliminated and a new Ordinance would be presented to City Council at the December 15, 2009 meeting.

Mr. Mackin asked about the idea of sharing assests with other communities once the firing range is completed. Mr. Alexander stated the City has a fifteen year agreement with Owens Community College already in place along with all entities associated with Owens. Mr. Beredo stated the City needed to be very careful in crafting an agreement with Owens and that it would be difficult to have the same agreement with other political jurisdictions because of usage issues. The purpose of the firing range is to benefit both the City and Owens and Owens has first choice in scheduling.

The next Safety-Service meeting is scheduled for December 2, 2009 at 5:30 p.m.

Recreation Committee:

Mr. Lawless read the minutes from the November 18, 2009 meeting and these are attached and made a part of the minutes.

Mr. McCarthy voiced his concern regarding the placement of advertising banners in parks, and was not sure if the idea mentioned in the minutes was something that had already been decided on or not. He had some concerns about the hanging of banners on fences and wondered if that had been addressed at the meeting. Mr. Lawless responded that nothing was definite yet and everything was still in the discussion phase. Mayor Evans added that Special Approval Use was needed before anything could proceed as far as advertising.

The next Recreation meeting is scheduled for December 21, 2009 at 5:30 p.m.

Planning And Zoning Committee:

Mr. McCarthy read the minutes from the November 18, 2009 meeting and these are attached and made a part of the minutes.

The next Planning and Zoning meeting is scheduled for December 16, 2009 at 5:30 p.m.

Personnel Committee:

Ms. Ermie introduced for a third and final reading **RESOLUTION 24-2009 REQUESTING THAT THE OHIO GENERAL ASSEMBLY**

COMMISSION A REVIEW OF THE IMPACT OF OHIO REVISED CODE CHAPTER 4117 ON PUBLIC EMPLOYERS and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The clerk read Resolution No. 24-2009 by number and title only. Ms. Ermie moved that Resolution No. 24-2009 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: Ermie, Lawless, Mackin, McCarthy, Olmstead, Rutherford (6) Nays: Kevern (1).

Mr. Mackin felt this Resolution should have been handled before bargaining began and that recommendations he had made were not considered. Mr. Kevern stated ORC 4117 serves the City well as written and that the Council needs to be careful with Resolution No. 24 because they might get what they are asking for. Ms. Ermie responded to Mr. Mackin asking why he did not request a review before the bargaining and she responded to Mr. Kevern by questioning how could ORC 4117 serve the City well when it did not understand the shape the economy was in at the time. Mr. Mackin stated that everyone knew what the rules were and were willing to play by them. Now everyone wants to change the rules. His main concern is the timing of Resolution No. 24. Mr. Olmstead stated that a beauracrat came from another area and made the final decision for the Council. At some point there needs to be a push back. The final decision mandated by an unelected beauracrat insisting the City pay the raises requested whether they like it or not is not right. Ms. Ermie stated that even the City's legal representative advised the Council to vote against the raises.

The next Personnel meeting is scheduled for December 22, 2009 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read the minutes from the November 24, 2009 meeting and these are attached and made a part of the minutes.

Mr. Rutherford introduced **ORDINANCE 211-2009 AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH NORMAND ASSOCIATES, INC., FOR THE REDESIGN OF THE EISTING STREET DIVISION BUILDING TO ACCOMMODATE THE CITY'S WATER AND SEWER BILLING OFFICE, IN AN AMOUNT NOT TO ECEED FIVE THOUSAND EIGHT HUNDRED DOLLARS ($5,800.00) TO ADDRESS HVAC ISSUES, 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 211-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 211-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 212-2009 AUTHORIZING AN AGREEMENT WITH INDUSTRIAL POWER SYSTEMS IN AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED NINETY-EIGHT THOUSAND NINE HUNDRED THIRTY DOLLARS ($1,398,930.00) TO PERFORM WORK ON WASTE WATER TREATMENT PLANT EXPANSION PHASE IIB 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 212-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 212-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 213-2009 AUTHORIZING AN**

AGREEMENT WITH JONES & HENRY IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY-EIGHT THOUSAND DOLLARS ($238,000.00) TO PERFORM ENGINEERING SERVICES WITH RESPECT TO THE CITY'S WASTE WATER TREATMENT PLANT EXPANSION PHASE IIB 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 213-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 213-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Mackin questioned beginning work on the Waste Water Treatment Plant without knowing if the City would receive stimulus funds or not. Mr. Alexander confirmed that the City has a 0% chance of receiving stimulus funds and that the work will begin winter 2010.

Ms. Ermie made a motion to approve the sewer credit request for $5,922.49 for the Fort Meigs YMCA, 13415 Eckel Junction Road. Mr. Kevern seconded the motion. Ayes: (5) Nays: (0) Abstain: (2). Mr. Mackin and Mr. Rutherford abstained from the vote because of their membership on the Fort Meigs YMCA Board.

Mr. Rutherford made a motion to approve the sewer credit request for $2,418.91 for Landmark Development, 750 W. Boundary Street. Ms. Ermie seconded the motion. Ayes: (7) Nays: (0).

The next Health, Sanitation, and Public Utilities meeting is December 22, 2009 at 6:00 p.m.

<u>Other Business</u>

No other business.

Mr. Lawless moved to adjourn at 8:10 p.m. Seconded by Mr. Rutherford.

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