

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD NOVEMBER 4, 2008

Mayor Evans called the meeting to order at 7:30 p.m. Present were Mayor Nelson Evans, Council Members John Kevern, Tom Mackin, Mike Olmstead, Joe Rutherford, Joe Lawless, Maria Ermie and Tim McCarthy (7). Also present were David Creps, Clerk of Council and Mathew Beredo, Law Director. Absent was John Alexander, City Administrator.

Mr. Lawless moved to approve the minutes from the previous meeting and to dispense with their reading. Mr. Kevern seconded the motion Ayes: (7) Nays: (0)

SPECIAL REPORTS

Mr. Doug Pratt was recognized for 32 years of service with the Perrysburg Fire Division.

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

None

ADMINISTRATIVE REPORTS

Mayor's Report

No report

City Administrator's Report

No report.

Finance Director's Report

No report.

Director of Law

Mr. Beredo stated the City of Perrysburg was being sued by Perrysburg Township and various County offices and as of October 22, had officially received a copy of the complaint. He recommended the council to adjourn to executive session to discuss a response to the complaint.

Mr. Lawless moved that Council adjourn to executive session after the regularly scheduled meeting to discuss pending litigation. Mr. Olmstead seconded the motion. Ayes: (7) Nays: (0)

President of Council Report

Mr. Lawless introduced **ORDINANCE NO. 206-2008 ACCEPTING THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY (BAKER ANNEXATION) IN PERRYSBURG TOWNSHIP TO THE CITY OF PERRYSBURG** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Tim McCarthy. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 206-2008 by number and title only. Mr.

Lawless moved that Ordinance No. 206-2008 be passed. Seconded by Ms. Ermie. Ayes: (7) Nays: (0).

Mr. Lawless introduced **RESOLUTION NO. 27-2008 AUTHORIZING THE DIRECTOR OF LAW TO PETITION THE BOARD OF COMMISSIONERS OF WOOD COUNTY, OHIO, TO CHANGE CERTAIN BOUNDARY LINES WITH RESPECT TO THE BAKER ANNEXATION IN ACCORDANCE WITH REVISED CODE SECTION 503.07** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Tim McCarthy. Ayes: (7) Nays: (0). The Clerk read Resolution No. 27-2008 by number and title only. Mr. Lawless moved that Resolution No. 27-2008 be passed. Seconded by Ms. Ermie. Ayes: (7) Nays: (0).

COMMITTEE REPORTS

Finance Committee:

No report

Next Finance Committee meeting is scheduled for November 12, 2008 at 5:00 p.m. with the Council of the Whole meeting to follow at 5:30 p.m.

Economic Development:

No report.

The next meeting will be November 5, 2008 at 9:00 a.m.

Safety and Service:

Mr. Olmstead reported that the Service-Safety Committee met prior to the regular Council meeting to discuss needed repairs to the 5-point Road Ditch embankment.

Mr. Olmstead introduced **ORDINANCE NO. 203-2008 AUTHORIZING AN AGREEMENT WITH GEORGE GRADEL CO. TO REPAIR THE EMBANKMENT FOR THE DITCH ALONG FIVE POINT ROAD AT A COST NOT TO EXCEED TWENTY-NINE THOUSAND SEVEN HUNDRED DOLLARS (\$29,700.00) AND TO DECLARE 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. 203-2008 by number and title only. Mr. Olmstead moved that Ordinance No. 203-2008 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

The next Safety and Service meeting is November 5 at 5:30 p.m.

Recreation Committee:

Mr. Lawless read the minutes from the October 20, 2008 meeting. This report is attached and made a part of the minutes.

The next Recreation Committee meeting will be November 17, at 5:30 p.m.

Planning And Zoning Committee:

Mr. McCarthy read the minutes from the October 22, 2008 meeting. This report is attached and made a part of the minutes.

Mr. McCarthy introduced **ORDINANCE NO. 204-2008 AMENDING CHAPTER 1235.04(gg) OF THE CODIFIED ORDINANCES TO ELINIMATE ANY APPEARANCE OF A CONFLICT WITH CHAPTER 1235.04(yy) OF THE CODIFIED ORDINANCES, AND TO DECLARE 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 Ordinance No. 204-2008 by number and title only. Mr. McCarthy moved that Ordinance No. 204-2008 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 205-2008 AMENDING CHAPTER 1215.02(93.1) OF THE CODIFIED ORDINANCES OF PERRYSBURG TO INCLUDE THE WORD "PUBLIC" IN THE DEFINITION OF INSTITUTIONAL USE AND TO DECLARE 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 Ordinance No. 205-2008 by number and title only. Mr. McCarthy moved that Ordinance No. 205-2008 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 207-2008 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE HOWALD #2 ANNEXATION BY DIRECTING THE PLANNING, ZONING, AND ECONOMIC DEVELOPMENT DIVISION TO CHANGE SAID MAP IN ACCORDANCE HERewith 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 Ordinance No. 207-2008 by number and title only. Mr. McCarthy moved that Ordinance No. 207-2008 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 208-2008 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE CRANDENBROOK ANNEXATION BY DIRECTING THE PLANNING, ZONING, AND ECONOMIC DEVELOPMENT DIVISION TO CHANGE SAID MAP IN ACCORDANCE HERewith 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 Ordinance No. 208-2008 by number and title only. Mr. McCarthy moved that Ordinance No. 208-2008 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 209-2008 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE FASTNACHT ANNEXATION BY DIRECTING THE PLANNING, ZONING, AND ECONOMIC DEVELOPMENT DIVISION TO CHANGE SAID MAP IN ACCORDANCE HERewith 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 Ordinance No. 209-2008 by number and title only. Mr. McCarthy moved that Ordinance No. 209-2008 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 210-2008 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE GROGAN PLACE ANNEXATION BY DIRECTING THE PLANNING, ZONING, AND ECONOMIC DEVELOPMENT DIVISION TO CHANGE SAID MAP IN ACCORDANCE HERewith 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 Ordinance No. 210-2008 by number and title only. Mr. McCarthy moved that Ordinance No. 210-2008 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

The next Planning & Zoning Committee meeting will be held on November 19, 2008 at 5:30 p.m.

Personnel Committee:

Ms. Ermie read the minutes from the October 28, 2008 meeting. This report is attached and made a part of the minutes.

Ms. Ermie introduced **ORDINANCE NO. 212-2008 AMENDING SECTION 220.05(a) OF THE CODIFIED ORDINANCES OF PERRYSBURG TO CHANGE THE TIME OF CITY COUNCIL MEETINGS FROM 7:30 P.M. TO 7:00 P.M.** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Lawless. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 212-2008 by number and title only. Ms. Ermie moved that Ordinance No. 212-2008 be passed. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Next Personnel Committee meeting is November 25, 2008 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read minutes from the October 28, 2008 meeting. This report is attached and made a part of the minutes.

Mr. Rutherford introduced for the third reading **ORDINANCE 181-2008 "AMENDING SECTION 1050.02 OF THE CODIFIED ORDINANCES REGARDING SEWER CHARGES OUTSIDE THE CITY OF PERRYSBURG."** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 181-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 181-2008 be passed. Seconded by Ms. Ermie. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead (6) Nays Rutherford (1).

Mr. Rutherford introduced for the third reading **ORDINANCE 182-2008 "AMENDING SECTION 1050.015 OF THE CODIFIED ORDINANCES REGARDING SANITARY SEWER COLLECTION CHARGES."** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0). The Clerk read Ordinance

No. 182-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 182-2008 be passed. Seconded by Ms. Ermie. Ayes: (6) Nays: (1).

Mr. Rutherford introduced for the third reading **ORDINANCE 183-2008 “AMENDING SECTION 1050.01 OF THE CODIFIED ORDINANCES REGARDING SEWER CHARGES WITHIN THE CITY OF PERRYSBURG.”** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0) The Clerk read Ordinance No. 183-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 183-2008 be passed. Seconded by Ms. Ermie. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead (6) Nays: Rutherford (1).

Mr. Rutherford introduced for the third reading **ORDINANCE 184-2008 “AMENDING SECTION 1050.09(a) OF THE CODIFIED ORDINANCES REGARDING CAPITAL EXPANSION CHARGES ON SEWER SERVICE.”** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0) The Clerk read Ordinance No. 184-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 184-2008 be passed. Seconded by Mr. Kevern. Ayes: Ermie, Kevern, Mackin, McCarthy, Olmstead (5) Nays: Lawless, Rutherford (2).

Mr. Rutherford introduced for the third reading **ORDINANCE 185-2008 “AMENDING SECTION 1060.08 OF THE CODIFIED ORDINANCES REGARDING CAPITAL EXPANSION CHARGES ON WATER SERVICE.”** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0) The Clerk read Ordinance No. 185-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 185-2008 be passed. Seconded by Mr. Kevern. Ayes: Ermie, Kevern, Mackin, McCarthy, Olmstead (5) Nays: Lawless, Rutherford (2).

Mr. Rutherford introduced for the third reading **ORDINANCE 186-2008 “AMENDING SECTION 1060.02 OF THE CODIFIED ORDINANCES REGARDING WATER CHARGES WITHIN THE CITY OF PERRYSBURG.”** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0) The Clerk read Ordinance No. 186-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 186-2008 be passed. Seconded by Ms. Ermie. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead (6) Nays: Rutherford (1).

Mr. Rutherford introduced for the third reading **ORDINANCE 187-2008 “AMENDING SECTION 1060.03 OF THE CODIFIED ORDINANCES REGARDING WATER CHARGES OUTSIDE THE CITY OF PERRYSBURG.”** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0) The Clerk read Ordinance No. 187-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 187-2008 be passed. Seconded by Ms. Ermie. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead (6) Nays: Rutherford (1).

There was some concern regarding the fact that Water and Sewer Capital Expansion Fees would see a 21% increase over the first year and a 4% increase over the next three years with a total increase of 33% over four years. Several citizens were not in favor of this increase and made comments to the council such as Kurt Miller, representing the Toledo Area Home Builders Association, who voiced his concern that this action would have a negative effect on residential growth in the City of Perrysburg and Chuck Bartcheck who stated that he is encouraging new homeowners to build in surrounding areas because of the intended rate increase. The plan also calls for 10.4% increases for each of the

next four years for a total 41.6 % increase on sewer rates and 2.9% increase for each of the next four years for a total 11.60% increase on water rates. Greg Bade, who is a member of the City Planning Commission, voiced his concern that the increases would be transferred to the existing residents of Perrysburg and suggested that additional increases to the rates could be too much for some to handle. Significant discussion followed regarding the plan, and whether to delay its approval until the next Council meeting.

Mr. Rutherford introduced **ORDINANCE NO. 211-2008 AUTHORIZING AN AGREEMENT WITH DMYTRYKA JACOBS ENGINEERS, INC. FOR ENGINEERING SERVICES ASSOCIATED WITH A WASTEWATER TELEMETRY SYSTEM IN AN AMOUNT NOT TO EXCEED EIGHT THOUSAND NINE HUNDRED DOLLARS (\$8,900.00) AND TO DECLARE AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only and to dispense of the second and third readings. Seconded by Ms. Ermie. Ayes: (7) Nays: (0). The Clerk read Ordinance No. 211-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 211-2008 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced for the third reading **RESOLUTION 25-2008 “REQUESTING THAT THE CITY OF PERRYSBURG REPRESENTATIVE TO THE TOLEDO AREA REGIONAL TRANSIT AUTHORITY (TARTA) INTRODUCE A RESOLUTION BEFORE THE TARTA BOARD OF TRUSTEES TO REMOVE THE CITY OF PERRYSBURG FROM THE TERRITORY SERVICED BY TARTA AND TO RELIEVE ALL CITY OF PERRYSBURG PROPERTY TAXPAYERS FROM THE BURDEN OF THE TARTA PROPERTY TAX LEVIES.”** and moved to introduce an amendment to Resolution 25-2008 which would be introduced at the next City Council meeting as the third reading. Seconded by Ms. Ermie. Ayes: (7) Nays (0).

Several citizens and employees of TARTA attended the Council meeting in favor of keeping Perrysburg’s contract with TARTA in place. Citizens such as Lee Graham and Derek O’Neill felt that TARTA provided an excellent services, especially to those in need such as the elderly and handicapped and felt the loss of TARTA would not be in the best interest of the citizens of Perrysburg. Employees of TARTA, David Combs, 20 year driver and Jim Gee, Manager of TARTA both requested that the City Council table Resolution No. 25-2008 until TARTA could complete study and return in March to present the findings.

The next meeting will be November 25, 2008 at 6:00 p.m.

OTHER BUSINESS

Mr. Lawless stated that there would be a public hearing on December 16, 2008 at 6:50 p.m. concerning the Wellman/Eckel Junction Permanent Zoning issue.

At 10:30 p.m. the Council adjourned to executive session.

Council returned from Executive session at 10:50 p.m.

Mr. Lawless moved to adjourn. Mr. Kevern seconded. Ayes: (7) Nays: (0) The meeting adjourned at 10:50 p.m.

David D. Creps, Clerk

Nelson D. Evans, Mayor