MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD NOVEMBER 3, 2009

Present were Council members Tom Mackin, Maria Ermie, Joe Lawless, Joe Rutherford, Mike Olmstead and Tim McCarthy (6). Also present were Mayor Nelson Evans; John Alexander, City Administrator; David Creps, Clerk of Council and Mathew Beredo, Law Director. Council member John Kevern was absent.

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

Mr. Lawless moved to approve the minutes from the October 20, 2009 meeting and to dispense with their reading. Ms. Ermie seconded the motion. Ayes: (6) Nays: (0)

SPECIAL REPORTS

None

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

None

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans announced that the City had received the "Preserve America Award" and it has not been decided where the funds should go at this time. There have been several suggestions such as Fort Meigs, Downtown Perrysburg, creating a river walk along the Maumee River and the Historic Museum group.

Mayor Evans also announced that today was the 50th anniversary for the election of the original Charter Commission for the City of Perrysburg. He recognized the framers of the Charter and stated that the City is looking at celebrating the anniversary of the adoption of the Charter next year. Those who were framers of the original City Charter were Carlos A. Cordova, William P. Carr, Virginia Else, Marjorie Cherrington, James D. Gwyn, Betty Hart, Walter H. Hart, Larry O. Jensen, Harold C. Munger, Dale H. Kuhlman, John F. Landwehr, Mary Jane Lawrence, Frank C. Martin, and Jack C. Snyder.

City Administrator's Report

None

Finance Director's Report

None

Director of Law

Mr. Beredo, City Law Director, stated that he, the Director of Public Safety and the Municipal Prosecutor reviewed the subject of a large number of citations being issued on Ft. Meigs Road and decided that the police were doing their duty to protect the public and our public infrastructure. The residents receiving the citations have the right to appeal within the court system and it is within the court's jurisdiction to resolve the issue.

President of Council Report

Mr. Lawless requested a public hearing to be set on December 15, 2009 at 6:50 p.m. for Zoning Code Amendment – Special Approval Use – Massage Establishments and Technicians.

Mr. Lawless requested a public hearing to be set on December 15, 2009 at 6:55 p.m. for Zoning Code Amendment – Special Approval Use – Sexually Oriented Business.

Mr. Lawless also asked to reverse the order of the Committee reports and begin with Planning and Zoning.

COMMITTEE REPORTS

Planning And Zoning Committee:

Mr. McCarthy read the minutes from the October 21, 2009 meeting and these are attached and made a part of the minutes.

Mr. McCarthy introduced **ORDINANCE 195-2009 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE DAVIS I ANNEXTION 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: (6) Nays: (0). The clerk read Ordinance No. 195-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 195-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (5) Nays: (0) Abstain: (1). Mr. Rutherford abstained from the vote due to a business relationship with the property owner.

Mr. McCarthy introduced **RESOLUTION 23-2009 AUTHORIZING THE CITY ADMINISTRATION TO PURSUE A GRANT THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCES OFFICE OF COASTAL MANAGEMENT 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: (6) Nays: (0). The clerk read Resolution No. 23-2009 by number and title only. Mr. McCarthy moved that Resolution No. 23-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (6) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 194-2009 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, TO GRANT "RM" ZONING TO THE PROPOSED ST. CLARE COMMONS PROJECT AT 24250 DIXIE HIGHWAY FOR THE PURPOSE OF DEVELOPING A PLANNED ELDERLY HOUSING DEVELOPMENT 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: (6) Nays: (0). The clerk read Ordinance No. 194-2009 by number and title only. Mr. Mackin moved that Ordinance No. 194-2009 be passed as an emergency. Seconded by Mr. Lawless.

Ms. Ermie stated that she shares Mr. Lawless' concerns about the Comprehensive Plan and SR 25 being the economic corridor. She is not sure how to compare the type of job set which would be created by this project with other types of development and it would be necessary for this particular project to have the multi-family piece to support the jobs that would be available. She also asked if anyone on the Council had the exact number of employees that would be needed for the assisted living facility such that Kroger was able to provide. Mayor Evans responded that Kroger had sent a letter which included potential payroll for 110 jobs and encompassing approximately 22 acres.

Mr. Olmstead questioned whether or not the St. Clare's Project fits the parameters of economic development. Would the City even consider rezoning a certain portion of the property RM (Multi-Family) if it was not the Franciscan Living Communities group that was requesting the zoning change.

Mr. Mackin stated the City will have a signed contract with the developers of the assisted living project with the affirmation of jobs and that any jobs are better then an empty field. This project would not be a terrible use of space and it would create steady economic development. He stated that this is decent economic development and he is not sure if there is a better alternative.

Mr. Lawless stated he held the same position he has all along and that is to take 50 acres for economic development and change the zoning to RM (Multi-Family) is ignoring the City's Comprehensive Plan. Less then a quarter of the property will be used for economic development. If you make this change in zoning how do you say no in the future to other projects wanting to do the same thing.

Mr. Mackin responded that the zoning has been changed before and that Mr. Lawless is proving that it is possible to say no with the decision being made this evening about this project. This project is not purely economic develoment, but in these economic times getting jobs now is a priority.

Mr. Lawless asked Mr. Mackin if he thought the rezoning to RM (Multi-Family) was consistent with the Comprehensive Plan. Mr. Mackin responded that retail jobs are good jobs so zoning was changed for the Kroger parcel and jobs have not materialized. The Administration and the Planning & Zoning Committee felt that this rezoning was consistent with the Comprehensive Plan.

Ms. Ermie stated this decision was a tough one because she wants to see this project happen, but in turn, she wants to work with companies to keep them in the City and also to bring new companies into the City, but there is not a lot of space.

Ayes: Mackin (1) Nays: Ermie, Lawless, Olmstead (3) Abstain: McCarthy, Rutherford (2).

Mr. McCarthy introduced **ORDINANCE 196-2009 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE SPITLER (MOENTER) ANNEXTION 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: (6) Nays: (0). The clerk read Ordinance No. 196-2009 by number and title only. Mr. Mackin moved that Ordinance No. 196-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (6) Nays: (0).

Council Consideration of Appeal Regarding HLC Ruling – Smith

Mr. Beredo, City Law Director, introduced the case and then asked that Ms. Smith be sworn in and offer any comments that might help her case. Ms. Smith stated this was the sixth time she has come to the Municipal Building to plead her case and feels it is her property and there should be no question as to what rights she has, under the City Code, to improve her property. The hearing was opened up to City Council members for questioning. Mr. Lawless asked if Ms. Smith is still committed to allowing for easy access to the neighbor's garage for general maintenance and she responded in the affirmative. Ms. Ermie apologized to Ms. Smith for the six month period it has taken to approve her fence. She also commended the Historic Landmark Commission for the fact that this is the first time that an HLC decision has been appealed and gone this far, but feels Mr. McCarthy is right in that there is a mis-application of the HLC guidelines and an incomplete explanation of the decision.

Mr. McCarthy moved, in accordance with Section 1245.56 of the City Code, that City Council grant the appeal of the decision of the Historic Landmarks Comission, denying her a certificate of appropriateness, filed by Ms. Smith, on the basis that there was a clear mis-application of the Ordinance by the Commission in the sense that the gravamen of its decision was the location of the fence, as opposed to the design, texture, materials, etc., and also because there was an incomplete explanation for the decision reached by the Commission . The motion was seconded by Mr. Lawless. Ayes: (5) Nays: (0) Abstain: (1). Mr. Mackin abstained from the vote due to a business relationship with the one of the concerned parties.

The next Planning and Zoning meeting is scheduled for November 18, 2009 at 5:30 p.m.

<u>Finance Committee:</u>

The next Finance Committee meeting is scheduled for November 10, 2009 at 5:00 p.m.

<u>Economic Development:</u>

The next Economic Development meeting is schedule for November 16, 2009 at 6:30 p.m.

<u>Safety and Service:</u>

The next Safety-Service meeting is scheduled for November 4, 2009 at 5:30 p.m.

<u>Recreation Committee:</u>

Mr. Lawless read the minutes of the October 28, 2009 meeting and these are attached and made a part of the minutes.

Mr. McCarthy asked if the proposed banners to be used as advertising on the proposed baseball field fences were in the 2010 Budget. Mr. Lawless responded that he did not feel zoning would allow for the banners, but that scoreboards could be feasible. Mr. Mackin added that no final decisions had been made and the idea of banners and fences was a proposal. A decision will be made by the end of the year regarding the proposal for fencing certain fields. Mr. Mackin noted that even if the fencing is budgeted, there will still be many issues to work through.

The next Recreation meeting is scheduled for November 18, 2009 at 6:30 p.m.

Personnel Committee:

Ms. Ermie read the minutes from the October 27, 2009 meeting and these are attached and made a part of the minutes.

Ms. Ermie introduced **ORDINANCE 197-2009 AMENDING CODIFIED ORDINANCE 266.15-2 REGARDING THE COMPENSATION RANGE APPLICABLE TO 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 readings. Seconded by Mr. McCarthy. Ayes: (6) Nays: (0). The clerk read Ordinance No. 197-2009 by number and title only. Ms. Ermie moved that Ordinance No. 197-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (6) Nays: (0).

Ms. Ermie introduced for a first 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: (6) Nays: (0). The clerk read Resolution No. 24-2009 by number and title only.

The next Personnel meeting is scheduled for November 24, 2009 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read the minutes of the Special HSPU meeting held on October 20, 2009 and also the regular HSPU meeting held on October 27, 2009 and these are attached and made a part of the minutes.

Mr. Beredo clarified the amount of the rebate the City of Perrysburg would receive from First Energy which should be around $194,000 rather than $5.2 million, as referenced in the minutes.

Mr. Rutherford introduced **ORDINANCE 198-2009 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH ARCADIS IN AN AMOUNT NOT TO EXCEED NINE THOUSAND SIX HUNDRED DOLLARS ($9,600.00) TO PREPARE THE 2009 UPDATE TO THE CITY'S INFRASTRUCTURE COST RECOVERY REPORT 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: (6) Nays: (0). The clerk read Ordinance No. 198-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 198-2009 be passed as an emergency. Seconded by Ms. Ermie. Ayes: (6) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 199-2009 AUTHORIZING A CHANGE TO THE CITY'S AGREEMENT WITH GLEASON CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FOURTEEN THOUSAND EIGHT HUNDRED THREE DOLLARS ($114,803.00) TO REPAVE SECOND STREET AS PART OF CSSD 207 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: (6) Nays: (0). The clerk read Ordinance No. 199-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 199-2009 be passed as an emergency. Seconded by Ms. Ermie. Ayes: (6) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 200-2009 AUTHORIZING THE EXTENSION FOR SIX (6) YEARS OF THE CITY'S AGREEMENTS WITH FIRST ENERGY SOLUTIONS TO PROVIDE LOWER-COST ELECTRICITY TO RESIDENTIAL AND SMALL-COMMERCIAL USERS 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: (6) Nays: (0). The clerk read Ordinance No. 200-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 200-2009 be passed as an emergency. Seconded by Ms. Ermie. Ayes: (6) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 201-2009 AMENDING CODIFIED ORDINANCE 1060.06 TO SPECIFY THAT THERE IS NO MINIMUM BILLING ON SECOND METERS USED FOR IRRIGATION OR POOLS 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: (6) Nays: (0). The clerk read Ordinance No. 201-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 201-2009 be passed as an emergency. Seconded by Ms. Ermie. Ayes: (6) Nays: (0).

Mr. Olmstead stated that he heard on the news that TARTA would be stopping certain routes to cut costs. He noted that most companies start with the most expensive cost which would be "wages and benefits" and start the cuts. Perrysburg will be paying for services that are cut from TARTA. Ms. Ermie stated that she asked Mr. Rantanan if TARTA had identified the need for cutting costs and if so where they would begin and he was not aware of any cost cutting measures. Mr. Olmstead felt TARTA was following archaic rules and should look for the most expensive areas to start cutting. Mayor Evans stated he would get more information about what TARTA is planning on doing and pass it on to the Council members.

Mr. Lawless questioned the need for the Water Treatment Plant to hire a full-time person. He asked if this was in the department's budget. He also questioned the Plant's need for a part-time receptionist. Mr. Alexander responded that this position would be responsible for lab entries, filing, construction program paperwork, answering phones and helping with facility research. It would take the clerical work away from the technicians, so that they could focus on their work in the field. Mayor Evans stated he would check into whether or not 25 or 30 hours would be considered full-time.

The next Health, Sanitation, and Public Utilities meeting is November 24, 2009 at 6:00 p.m.

Other Business

No other business.

Mr. Lawless moved to adjourn at 8:38 p.m. Seconded by Ms. Ermie. Ayes: (6) Nays: (0)

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