MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD NOVEMBER 1, 2011

Mayor Evans 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). Mr. Mackin left the meeting at 7:39 p.m. Also present were John Alexander, City Administrator, David Creps, Clerk of Council, and Mathew Beredo, Director of Law.

Mayor Evans stated that Webelos Pack 209 was present to lead the Pledge of Allegiance.

Mr. Lawless moved to approve the minutes from the October 18, 2011 meeting and to dispense with their reading. Mr. Olmstead seconded the motion. Ayes: (7). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

Jeff Blanker of American Steel Treating was present to express his concern regarding the upcoming assessment for the sewer separation project. Mr. Blanker acknowledged that this is a very important and worthwhile improvement, but his company is looking at a very large financial impact, approximately $330,000. He said he plans on attending the Health, Sanitation and Public Utilities committee meeting on November 22nd, but he wanted to encourage City Council to work together with them with creativity and common sense for a fair and reasonable cost and payment plan which will leave AST a stable and viable employer in Perrysburg. Mr. Grayson stated that he invited Mr. Blanker as it was brought to the Committee's attention last month about the upcoming assessment.

Donna Glisman, candidate for the U.S. Senate, was visiting and introduced herself to City Council.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans reported that as of Thursday, November 3, 2011 the City will no longer have any General Fund Debt.

City Administrator's Report

Mr. Alexander reported that the technical services for the Riverfront Development Project will be on the Service Safety Committee's November agenda and the entire project will be presented at the November Recreation Committee meeting. He encouraged those with interest in this project to attend.

Finance Director's Report

No report.

Director of Law

No report.

President of Council Report

Mr. Lawless moved that Council go into Executive Session immediately following tonight's meeting to discuss personnel issues, specifically collective bargaining. Mrs. Ermie seconded the motion. Ayes: (7). Nays: (0).

COMMITTEE REPORTS

Personnel Committee:

Mrs. Ermie gave her report of the October 25, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, November 22, 2011 at 5:00 p.m.

Mrs. Ermie stated that two years ago she and Mr. McCarthy requested that City Council and the Administration consider a resolution requesting that changes be made to ORC 4117. At that time the political climate was not there but things have changed, and Senate Bill 5 was passed. Now there is an effort to repeal it. As chairman of the Personnel Committee for the last ten years, it has been her goal to provide employees with a safe work environment and competitive salaries and benefits, but consistent with those that taxpayers receive and can afford to pay. Mrs. Ermie said that the objective in having a review of ORC 4117 and potential changes was so local government and elected officials can make necessary decisions in running the City. She said she strongly supports Issue 2 although she does not believe any legislation is perfect; less is preferable. She said that we have done a good job working with the employees and unions and we are in far better shape than some other communities. Mrs. Ermie continued that we are directly impacted by what happens in Toledo; it's a mess and there are other cities throughout the State that are a mess. If we don't make changes, she believes that we will see a reduction in police, fire and teachers because we have to fill the eight billion dollar gap.

Mrs. Ermie introduced **RESOLUTION 38-2011 URGING THE ELECTORATE TO VOTE "YES" ON STATE ISSUE 2 AT THE NOVEMBER 8, 2011 GENERAL ELECTION (REFERENDUM ON LEGISLATION RELATIVE TO GOVERNMENT UNION CONTRACTS AND OTHER GOVERNMENT EMPLOYMENT CONTRACTS AND POLICIES) 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.

Mr. Mackin said that he does not feel the second and third readings should be waived because this issue was presented to the Personnel Committee for the first time last week and it was not even on the agenda for the meeting. The minutes were not released until tonight, so the only way voters would have known about it is if they had seen the Council agenda. He said that he does not believe we should urge voters to do anything, particularly something as important as to how to vote until we listen to the voters. He stated that this resolution could have been brought to Council any time this fall. He noted that the Council minutes from the last meeting discuss how Council should avoid taking action on measures as emergencies when possible. Mr. Mackin said that he believes the premise is that Council's actions should be fully vetted to the public and not voted on until the public has a chance to be heard. Mr. Grayson said that this resolution is a statement of intent and is not asking for comment, and he sees no harm in pushing it through. He said Council is not telling voters what to do, it is giving Council's opinion. Mr. Mackin said that this procedure is activism legislation, it is not governmental legislation restraint and we are telling voters what to do. He said Council is overreaching substantively and procedurally this is not how we should do business. Mr. McCarthy stated that as Mrs. Ermie said earlier, this is not something Council has done before. He said he believes it has not been done before because voters send City Council there to do business not to tell them how to vote. He said that he does not feel the second and third readings should be waived and this measure should not be passed. Mr. Lawless said that he would not normally agree with going along with this type of resolution, but because City Council previously passed a resolution asking the State to give us relief, we should support it. Mr. Olmstead stated that after the last round of contract negotiations which resulted in a 7-0 no vote on a contract, it then went to binding arbitration. A person sitting outside this City decided what we were going to do at the taxpayers' expense and ignored Council's no vote. He said that he believes this resolution is totally appropriate.

Ayes: Ermie, Grayson, Kevern, Lawless, Olmstead (5). Nays: Mackin and McCarthy (2).

The Clerk read Resolution No. 38-2011 by number and title only. Mrs. Ermie moved that Resolution No. 38-2011 be passed as an emergency. Seconded by Mr. Lawless.

Mr. Kevern stated that Senate Bill 5 as it is written is flawed because it tries to do too much in a scattered way. He said we as a City asked Columbus for some relief in the arbitration process and ended up with a Dranconian law that can't help but negatively affect the overall morale of our employees, and he does not see that as a benefit to Perrysburg. Perrysburg has been and is run by professionals, not political hacks who only aspire to higher office or better paying government positions. Mr. Kevern said let's let the hacks worry about passing SB5 to help their own failing, poorly run cities. Perrysburg is running exceptionally well and he thinks it will continue to do so without the mandates of SB5. From another perspective, he thinks that it is very presumptuous and arrogant of City Council to officially tell the intelligent voters of Perrysburg how to vote on a particular statewide issue. Mrs. Ermie asked Mr. Creps to read the resolution again to see if at any place it says hey, go vote for this. Mr. Creps again read the title of the resolution. Mrs. Ermie said that she does not feel urging voters to vote yes means telling them how to vote and that if the City of Toledo could get out of this mess without help from the State, then why haven't they done it. Mr. Kevern stated that they are their own problem. Mr. Grayson stated that Issue 2 is about a balance of power and the question is not if SB5 is fair to unions, but if the status quo is fair to taxpayers. Mr. McCarthy stated that we've all known for some time that Chapter 4117 needs revision and it is regrettable that the Governor had a golden chance to make a meaningful reform that would represent a fair balance that would stick and he blew it. He said that he hopes that if SB5 is repealed that the Governor and legislature will take a meaningful look at Chapter 4117 and do it correctly.

Ayes: Ermie, Grayson, Lawless, Olmsted (4). Nays: Kevern, Mackin and McCarthy (3).

Mrs. Ermie introduced **ORDINANCE 188-2011 AMENDING CODIFIED ORDINANCE 266.15-1 REGARDING COMPENSATION TO CERTAIN CITY EMPLOYEES** 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. Grayson. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 188-2011 by number and title only. Mrs. Ermie moved that Ordinance No. 188-2011 be passed. Seconded by Mr. McCarthy. Ayes: (6). Nays: (0).

Mrs. Ermie introduced **ORDINANCE 189-2011 APPROVING THE JOB DESCRIPTIONS FOR CITY ADMINISTRATOR, EXECUTIVE SECRETARY, LEGAL ASSISTANT AND POLICE SECRETARY** 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. Grayson. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 189-2011 by number and title only. Mrs. Ermie moved that Ordinance No. 189-2011 be passed. Seconded by Mr. McCarthy. Ayes: (6). Nays: (0).

Mr. Lawless stated that with regard to the software specialist position, once we hire a new employee a lot of the expense of that employee is out of our hands. He said that he feels we should hire a contractor, either a company or an individual, and concerns could be addressed through an RFP and if they don't follow through, the contract could be terminated. Mr. Grayson said that the issue is not whether the need is there, it is an issue of commitment. This employee is a potential multi-million dollar asset we're buying. Mr. McCarthy stated that if we're looking for someone to delve into the needs of the City and yield effective information for City Council and the Administration to make decisions, he feels it should be an employee. Mrs. Ermie said that normally should she would be inclined to go with a contractor, but after listening to Mr. Kleinfelter, she realizes that this person would need to know each division and help link information within the divisions.

<u>Finance Committee:</u>

No report.

Next meeting: Tuesday, November 8, 2011 at 5:00 p.m.

Mr. Kevern introduced **RESOLUTION 37-2011 AUTHORIZING THE CITY TO SUBMIT TO GENERAL ELECTION THE QUESTION OF A REPLACEMENT OF AN EXISTING LEVY FOR THE BENEFIT OF THE WAY PUBLIC LIBRARY** 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 Mrs. Ermie. Ayes: (6). Nays: (0). The Clerk read Resolution No. 37-2011 by number and title only. Mr. Kevern moved that Resolution No. 37-2011 be passed. Seconded by Mrs. Ermie. Ayes: (6). Nays: (0).

<u>Economic Development Committee:</u>

No report.

Mr. Olmstead read a statement he prepared in support of State Issue 3. He noted that this is not the opinion of the Economic Development Committee as it has not been discussed. Mr. Olmstead stated that Issue 3 will have an impact on economic development, the City, State and the country as a whole.

Next meeting: Monday, November 14, 2011 at 6:45 p.m. which is a change from the regular meeting date.

Service-Safety Committee:

No report.

Next meeting: November 7, 2011 at 5:00 p.m.

Recreation Committee:

No report.

Next meeting: Monday, November 14, 2011 at 6:00 p.m. which is a change from the regular meeting date.

Planning And Zoning Committee:

No report.

Next meeting: Monday, November 14, 2011 at 5:00 p.m. which is a change from the regular meeting date.

Health, Sanitation and Public Utilities Committee:

Mr. Grayson gave his report of the October 25, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Mr. Grayson stated that with regards to the upcoming assessments for businesses within the Cherry Street Sewer Separation Project, he wonders why the businesses were not notified about the assessment when we developed the map of the project. He said we could have told them we don't know the amount, but it's going to stink, and it's going to stink a lot. He said he believes we did not provide them cursory notice, and it would be prudent for the City to be more pro-active in matters like this so businesses are prepared for a "kick in the groin".

Mr. Grayson introduced **ORDINANCE 190-2011 AUTHORIZING THE PURCHASE OF A CHEVROLET ¾ TON TRUCK FROM ED SCHMIDT FOR A PRICE NOT TO EXCEED NINETEEN THOUSAND TWO HUNDRED NINETY-TWO DOLLARS AND SEVENTY FIVE CENTS ($19,292.75) 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. 190-2011 by number and title only. Mr. Grayson moved that Ordinance No. 190-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (6). Nays: (0).

Mr. Grayson introduced **ORDINANCE 191-2011 AUTHORIZING AN AGREEMENT WITH ARCADIS FPS IN AN AMOUNT NOT TO EXCEED FORTY-THREE THOUSAND DOLLARS ($43,000.00) FOR SERVICES WITH RESPECT TO UPDATING THE CITY'S SEWER MASTER 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: (6). Nays: (0). The Clerk read Ordinance No. 191-2011 by number and title only. Mr. Grayson moved that Ordinance No. 191-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (6). Nays: (0).

Mr. Grayson introduced **ORDINANCE 192-2011 AUTHORIZING AN AGREEMENT WITH CTI/O'BRIEN & GERE FOR PROFESSIONAL SERVICES WITH RESPECT TO WASTEWATER TREATMENT PLANT OPERATIONS AT A PRICE NOT TO EXCEED EIGHTY-ONE THOUSAND FIVE HUNDRED SIXTY-NINE DOLLARS ($81,569.00) 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: (6). Nays: (0). The Clerk read Ordinance No. 192-2011 by number and title only. Mr. Grayson moved that Ordinance No. 192-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (6). Nays: (0).

Mr. Grayson introduced **ORDINANCE 193-2011 AUTHORIZING AN AGREEMENT WITH OHIO EXCAVATING TO PERFORM IMPROVEMENTS TO DRAINAGE IN THE VALLEYBROOK AREA AT A COST NOT TO EXCEED NINE THOUSAND FIVE HUNDRED TWENTY DOLLARS ($9,520.00) 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: (6). Nays: (0). The Clerk read Ordinance No. 193-2011 by number and title only. Mr. Grayson moved that Ordinance No. 193-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (6). Nays: (0).

Mr. Grayson introduced **ORDINANCE 194-2011 AUTHORIZING A FOURTEEN THOUSAND FIVE HUNDRED NINETY-THREE DOLLAR AND TWENTY-TWO CENT ($14,593.22) SEWER REFUND FOR THE SHOPPES AT RIVER PLACE 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. 194-2011 by number and title only. Mr. Grayson moved that Ordinance No. 194-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (6). Nays: (0).

Next regular meeting: Tuesday, November 22, 2011 at 6:00 p.m.

OTHER BUSINESS

Denny Barrett said that he thought the discussion regarding State Issue 2 was informative on both sides. He questioned how the voters would find out that the Council Resolution urging voters to approve Issue 2 passed. Mayor Evans noted that several members of the media were present and if they choose, they could report on it.

ADJOURNMENT

Mr. Lawless moved to adjourn the regular meeting at 8:12 p.m. and go into Executive Session. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Council returned from Executive Session at 8:23 p.m.

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