MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD OCTOBER 4, 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, and Mike Olmstead (6). Absent: Tim McCarthy (1). Also present were John Alexander, City Administrator, David Creps, Clerk of Council, and Mathew Beredo, Director of Law.

Mr. Lawless moved to approve the minutes from the September 20, 2011 meeting and to dispense with their reading. Mr. Grayson seconded the motion. Ayes: (6). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

Lloyd Hill Jr., 885 Mulberry Street, stated that he feels that the Perrysburg Farmers' Market is the premier market in the area and it is a great venue for the City and also a good social venue.

ADMINISTRATIVE REPORTS

Mayor's Report

No report.

City Administrator's Report

No report.

Finance Director's Report

No report.

Director of Law

Mr. Beredo reminded Council members that an earlier draft of Resolution 35-11 was included in their packets. The final version was sent to them electronically and a hard copy is available.

President of Council Report

Mr. Lawless said the following Public Hearings need to be scheduled for November 15, 2011:

6:50 p.m.	Assignment of Permanent Zoning – Dunsmoor Annexation
6:55 p.m.	Proposed Code Amendments: Chapter 1235.04(n); Chapter 1265.03(a)(1); Chapter 1230.01

Mr. Lawless moved to go into Executive Session at the end of the meeting to discuss a personnel issue. Mrs. Ermie seconded. Ayes: Ermie, Grayson, Kevern, Lawless, Mackin, Olmstead (6). Nays: (0).

Mr. Lawless moved to put a moratorium on the issuance of sidewalk permits or leases in the downtown area for more than five consecutive days or that conflict with the Farmers' Market until City Council discusses and resolves the issue. He also recommended that the matter be referred to the Economic Development committee. Mr. Grayson seconded. Mr. Kevern noted that there are only two more weeks of the Farmers' Market this year. Mr. Lawless said he is trying to protect it for next year. Mayor Evans stated that the use of public right-of-way has been referred to the City Real Estate Acquisition and Disposition (CREAD) committee. Mr. Mackin stated that he has several objections to this: it is an administrative matter; it was not on the agenda so there has been no public input; and he's not sure it's an economic development issue as in the past it has gone to either the Finance or Planning and Zoning Committee. He said he feels it gives an unfair advantage to certain businesses and vendors and we should not put a freeze on it to the benefit of some and to the detriment of others. Mrs. Ermie said we need some framework, but she agrees that a business that is there 365 days a year should be given preference. Mr. Lawless said that the guidelines for sidewalk permits are pretty specific as it states you can't get a sidewalk permit during the Farmers' Market, but that happened anyway. He said the guidelines are only policy and are not codified, and he thinks Council needs to do something quickly.

Mr. Beredo asked whose authority Council is looking to limit through the moratorium. Mr. Lawless asked if it would be better to call it a moratorium on applications. Mr. Mackin said he feels this is an overreach of the legislative branch, and he asked if the intention is to tell a private business that they cannot make an application. Mr. Grayson suggested that perhaps in lieu of a moratorium that the Administration could just agree not to issue sidewalk permits for the downtown area until this issue is resolved. Mr. Alexander stated that he is far more comfortable without the moratorium and he feels that the proper committee to refer this issue to is the Finance Committee. He stated that per the Charter, the Finance Committee is charged with considering the sale, lease and disposal of property. Mr. Olmstead asked that the Economic Development Committee be kept in the loop since the Convention and Visitors' Bureau is involved. Mayor Evans stated that the only change for 2012 will be Zingo's since the request from the Convention and Visitors' Bureau for the Farmers' Market is ready to be signed. Mr. Mackin requested a list of the Board of Directors of the Convention and Visitors' Bureau and their budget for the last two years. Mr. Lawless withdrew his motion for a moratorium as long as the Administration understands. Mayor Evans said he does understand.

<u>COMMITTEE REPORTS</u>

<u>Finance Committee:</u>

No report.

Next meeting: Tuesday, October 11, 2011 at 5:00 p.m.

Mr. Mackin introduced **RESOLUTION 31-2011 A RESOLUTION OF NECESSITY FOR LEVYING A TAX EXCEEDING THE TEN-MILL LIMITATION WITH RESPECT TO WAY PUBLIC LIBRARY EXPENSES 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 third reading. Seconded by Mr. Kevern. Ayes: (6). Nays: (0). The Clerk read Resolution No. 31-2011 by number and title only. Mr. Mackin moved that Resolution No. 31-2011 be passed as an emergency. Seconded by Mrs. Ermie. Ayes: (6). Nays: (0).

Economic Development Committee:

No report.

Next meeting: Monday, October 17, 2011 at 6:00 p.m.

Service-Safety Committee:

Mr. Kevern gave his report of the October 3, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

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

Mrs. Ermie questioned the roof repairs needed at the Police Division. Mr. Alexander stated that the Law Director has talked to the principals at the installers, the general contractor and the architect. He said he is not sure if the discussions have ended, but the fact is the roof needs to be repaired before it does further damage. He stated he will keep Council apprised of the outcome of the discussions.

Mr. Lawless clarified that none of the sidewalk repairs are reimbursable. Mr. Thielen said that is correct, they are all City issues. Mr. Grayson asked when we are reimbursed. Mr. Creps stated that any time other than when the repairs are needed because of City issues.

Mr. Kevern introduced **ORDINANCE 174-2011 AUTHORIZING AN AGREEMENT WITH BALDWIN & SOURS TO PURCHASE TRAFFIC CONTROL EQUIPMENT AT A PRICE NOT TO EXCEED FIFTEEN THOUSAND SEVEN HUNDRED FIFTY-SIX DOLLARS ($15,756.00) 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. Mackin. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 174-2011 by number and title only. Mr. Kevern moved that Ordinance No. 174-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 175-2011 AUTHORIZING AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION WITH RESPECT TO REPAIRS TO STATE ROUTE 199 OVERPASS 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: (6). Nays: (0). The Clerk read Ordinance No. 175-2011 by number and title only. Mr. Kevern moved that Ordinance No. 175-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 176-2011 AUTHORIZING AN AGREEMENT WITH WOLFE ROOFING TO REPAIR THE POLICE DIVISION ROOF AT A COST NOT TO EXCEED SIX THOUSAND EIGHT HUNDRED NINETY-FIVE DOLLARS ($6,895.00) 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. Mackin. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 176-2011 by number and title only. Mr. Kevern moved that Ordinance No. 176-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 177-2011 AUTHORIZING AN AGREEMENT WITH J. WILLIAMS CONCRETE AND EXCAVATING LLC TO PERFORM WORK ON THE CITY'S 2011 SIDEWALK PROGRAM AT A PRICE NOT TO EXCEED SEVENTY-ONE THOUSAND SIX HUNDRED TWENTY-THREE DOLLARS AND EIGHTY-SIX CENTS ($71,623.86) 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: (6). Nays: (0). The Clerk read Ordinance No. 177-2011 by number and title only. Mr. Kevern moved that Ordinance No. 177-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Recreation Committee:

No report.

Next meeting: Monday, October 17, 2011 at 5:00 p.m.

Planning And Zoning Committee:

Mr. Mackin gave his report of the September 21, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

The next regular committee meeting is Wednesday, October 19, 2011 at 5:00 p.m.

Mr. Mackin introduced **ORDINANCE 178-2011 AUTHORIZING EXTENSION OF MUNICIPAL UTILITY SERVICES TO DIVERSE DEVELOPMENT (10711 FREMONT PIKE) PURSUANT TO CERTAIN CONDITIONS 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. 178-2011 by number and title only. Mr. Mackin moved that Ordinance No. 178-2011 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (6). Nays: (0).

Mr. Mackin introduced **ORDINANCE 179-2011 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE ARMAN 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: (6). Nays: (0). The Clerk read Ordinance No. 179-2011 by number and title only. Mr. Mackin moved that Ordinance No. 179-2011 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (6). Nays: (0).

Mr. Mackin introduced **ORDINANCE 180-2011 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE BENDER ANNEXATION BY DIRECTING THE PLANNING, ZONING AND ECONOMIC DEVELOPMENT DIVISION TO CHANGE SAID MAP IN ACCORDANCE HEREWITH AND 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. 180-2011 by number and title only. Mr. Mackin moved that

Ordinance No. 180-2011 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (6). Nays: (0).

Mr. Mackin introduced **ORDINANCE 181-2011 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE LOUISVILLE TITLE (RICH) 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: (6). Nays: (0). The Clerk read Ordinance No. 181-2011 by number and title only. Mr. Mackin moved that Ordinance No. 181-2011 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (6). Nays: (0).

<u>Personnel Committee:</u>

Mrs. Ermie gave her report of the September 27, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, October 25, 2011 at 5:00 p.m.

<u>Health, Sanitation and Public Utilities Committee:</u>

Mr. Grayson gave his report of the September 27, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next regular meeting: Tuesday, October 25, 2011 at 6:00 p.m.

Mr. Grayson reported that he received a cost estimate for a Transportation Study from Robin Richter. Based on her experience and other similar studies that have been done, she estimated the cost to be $25,000.

Mr. Beredo reported that CTI provided an updated cost anaylsis but he just received it today and did not have time to review it with the Administration.

Mr. Grayson introduced **ORDINANCE 182-2011 AUTHORIZING AN AGREEMENT WITH JOHNOFF MASONRY ENTERPRISES TO COMPLETE MASONRY REPAIRS AT THE WATER DIVISION BUILDING AT A COST NOT TO EXCEED TEN THOUSAND DOLLARS ($10,000.00) 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. Kevern. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 182-2011 by number and title only. Mr. Grayson moved that Ordinance No. 182-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Grayson introduced **ORDINANCE 183-2011 AUTHORIZING AN AGREEMENT WITH TTL ASSOCIATES TO PERFORM MATERIALS TESTING ON CSSD 208 AT A COST NOT TO EXCEED FIVE THOUSAND SIX HUNDRED FIVE DOLLARS ($5,605.00) 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. Kevern. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 183-2011 by number and title only. Mr. Grayson moved that Ordinance No. 183-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Grayson introduced **ORDINANCE 184-2011 AUTHORIZING AN AGREEMENT WITH CSX RAILROAD IN AN AMOUNT NOT TO EXCEED TWENTY-NINE HUNDRED DOLLARS ($2,900.00) TO CROSS THE RAILROAD TRACK AT PINE STREET WITH A FIBER INTERDUCT 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. Kevern. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 184-2011 by number and title only. Mr. Grayson moved that Ordinance No. 184-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Grayson introduced **RESOLUTION 34-2011 AUTHORIZING THE CITY TO INITIATE A REQUEST FOR QUALIFICATION FROM TRANSPORTATION CONSULTANTS WITH RESPECT TO THE CITY'S NEEDS FOR PUBLIC TRANSPORTATION 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. Kevern. Ayes: (6). Nays: (0). The Clerk read Resolution No. 34-2011 by number and title only. Mr. Grayson moved that Resolution No. 34-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Grayson introduced **RESOLUTION 35-2011 ENDORSING IN PART THE U.S. CONFERENCE OF MAYORS RESOLUTION 43, WHICH WAS ADOPTED BY THE CONFERENCE IN JUNE 2011 AND WHICH RELATES TO THE REFORMATION OF FEDERAL CLEAN WATER ACT SEWER OVERFLOW POLICY, 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. Kevern. Ayes: (6). Nays: (0). The Clerk read Resolution No. 35-2011 by number and title only. Mr. Grayson moved that Resolution No. 35-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

OTHER BUSINESS

None.

ADJOURNMENT

Mr. Lawless moved to adjourn the regular meeting at 8:23 p.m. and Council went into Executive Session. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

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