MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD SEPTEMBER 20, 2011

Mayor Evans called the meeting to order at 7:00 p.m. Present were Council Members Todd Grayson, John Kevern, Joe Lawless, Tom Mackin, and Mike Olmstead (5). Absent: Maria Ermie (1). Tim McCarthy arrived at 7:03 p.m. 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 6, 2011 meeting and to dispense with their reading. Mr. Olmstead seconded the motion. Ayes: (5). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

Sandy Latchem, Executive Director of the Perrysburg Convention and Visitors Bureau, thanked the City for its participation in another successful Harrison Rally Day. Mayor Evans thanked Ms. Latchem for all of her work to make it a success.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans called attention to the 2012 Preliminary Budget that was distributed to Council members. He stated that it will be discussed at the Committee level and if Council feels that any items that were left out need to be included, please let him know.

City Administrator's Report

Mr. Alexander stated that Fort Meigs Road is currently under construction but will remain open throughout construction. Also, the contractor is ready to begin work on the Multi-Use Path on SR 65 from SR 25 to Fort Meigs Road.

Finance Director's Report

No report.

Director of Law

Mr. Beredo called attention to the Findings of Fact from the August 31, 2011 special Council meeting regarding the Kingston Residence Special Approval Use appeal that was distributed to Council members.

President of Council Report

Mr. Lawless said an Executive Session to discuss a personnel issue is needed, but it is not an emergency, and he recommended waiting until the next meeting so Mrs. Ermie could be included.

COMMITTEE REPORTS

Finance Committee:

Mr. Mackin gave his report of the September 13, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

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

Regarding the proposed IT position, Mr. Lawless asked what the rule is about benefits. Mr. Alexander stated that they felt they would attract a better pool of candidates if the position included part-time benefits. He stated that it will be discussed further by the Finance and Personnel Committees as part of the budget process.

Mr. Lawless asked Ms. Latchem if she would like to make any comments about the proposed lease with Zingo's. Ms. Latchem stated that the Farmers' Market is in its 14^{th} year and is wildly popular. She said five or six vendors would have to be moved and although on paper or when taking a quick look, it appears that there is a lot of space available to move the vendors that would be displaced by this request, there really is not. She is concerned that what they have worked for could be greatly diminished. She added that she feels people love coming to the Farmers' Market because of the setting. Mr. Mackin agreed that the atmosphere draws people to the Farmers' Market, however a downtown business wants to expand and use the front of their building, which he believes is an appropriate request. Mr. Lawless said he feels this has gotten out of whack as ten years ago no permit was needed. Now sidewalk permits are issued to limit who can sell in the right-of-way. He said that Casa Baron and Stella's are totally different because they had to have control of the area including a fence to get a liquor permit. He said O'Deer made a significant financial contribution to improve the City right-of-way. Mr. Grayson stated that the Farmers' Market was pre-existing when Zingo's purchased their building and he would have more sympathy if they had been there before the Farmers' Market. Also, he expressed concerns about the impact on other businesses. He stated that every other downtown business loses if Zingo's gets this. Mr. Mackin stated that he feels they are giving preferential treatment to some businesses by allowing some and not allowing others. He added that is why he had previously stressed the need for some type of policy.

Mr. Mackin introduced **ORDINANCE 162-2011 AUTHORIZING THE LEASE OF THE RESIDENTIAL UNIT LOCATED AT 221½ WEST INDIANA AVENUE TO KENT A. BERGER AT THE RATE OF FOUR HUNDRED FIFTY DOLLARS ($450.00) PER MONTH 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. 162-2011 by number and title only. Mr. Mackin moved that Ordinance No. 162-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

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. Seconded by Mr. Kevern. Ayes: (6). Nays: (0). The Clerk read Resolution No. 31-2011 by number and title only.

Mr. Lawless said that as a businessman operating in the State of Ohio, he agrees that filing multiple returns is complex and from that standpoint the State's initiative to collect all municipal income taxes would be advantageous. However, he is very leery turning money over to the State without a long term guarantee. Mr. Olmstead said he will support the Resolution opposing the State's initiative, but he agrees there is a complexity in dealing with multiple jurisdictions. However, he feels this goes in the absolute wrong direction. He added that the Tax Code is out of control, oppressive and overly complex. Mr. Grayson said the concept is good, but the execution is bad.

Mr. Mackin introduced **RESOLUTION 32-2011 OPPOSING THE CONSOLIDATION OF MUNICIPAL TAX COLLECTIONS BY THE STATE OF OHIO** 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. 32-2011 by number and title only. Mr. Mackin moved that Resolution No. 32-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Mackin said that he did not see anything in the budget dealing with what would happen if we get out of TARTA. He asked if the City has gone through the formal process of hiring someone to help determine alternatives and what millage would be needed to fund those alternatives. Mr. Grayson stated that Robin Richter of WSOS is available until the end of the year if we want to use her services which at this point it are being paid for through a state grant. Mr. McCarthy stated that it has not been determined if we are going to use this service. Mr. Mackin stressed that we need to have a plan. Mr. Grayson stated that it would be discussed at the next HSPU committee meeting.

<u>Economic Development Committee:</u>

Mr. Olmstead gave his report of the September 19, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Mr. Olmstead introduced **ORDINANCE 163-2011 AUTHORIZING ALL ACTIONS NECESSARY TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH 26610 ECKEL, LLC, 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. 163-2011 by number and title only. Mr. Olmstead moved that Ordinance No. 163-2011 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (6). Nays: (0).

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

<u>Service-Safety Committee:</u>

Mr. Kevern gave his report of the September 12, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: October 3, 2011 at 5:00 p.m.

Mr. Grayson stated that he is a paint guru and the amount for painting the Engineering Division building looks excessive for the scope of the work. Mr. Eckel explained that normally the Street Division does painting, but there was enough involved with this project that it is beyond the scope of what they can do, and he feels that the price is in line with the work to be completed. Mr. Grayson asked how many trees Davey Tree Service will be removing. Mr. Eckel said he would estimate about 100 dead trees will be removed. Mr. Lawless asked why the Police Division only keeps police cars for three years and why they chose to go with the Chevy Tahoe. Chief Paez stated that the three cars to be replaced are from 2005, 2006 and 2008. The 2008 vehicle has 100,000 miles on it. The Chief reviewed the information regarding what police vehicles are available for purchase. He added that the Ford Crown Vic is no longer available as a police vehicle. Mayor Evans noted that when the cars are no longer used by the police division, they are passed onto other divisions.

Mr. Kevern introduced **ORDINANCE 164-2011 AUTHORIZING THE CITY TO PURCHASE NEW UNIVERSAL HYDRANT ADAPTERS FROM HARRINGTON INC. AT A PRICE NOT TO EXCEED ELEVEN THOUSAND NINE HUNDRED NINETY-NINE DOLLARS AND EIGHTY-SEVEN CENTS ($11,999.87) 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 164-2011 by number and title only. Mr. Kevern moved that Ordinance No. 164-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 165-2011 AUTHORIZING THE CITY TO PURCHASE BREATHING EQUIPMENT FOR ITS FIRE DIVISION FROM FINLEY FIRE AT A PRICE NOT TO EXCEED NINE THOUSAND TWO HUNDRED THIRTY-SIX DOLLARS AND NINETY CENTS ($9,236.90) 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 165-2011 by number and title only. Mr. Kevern moved that Ordinance No. 165-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 166-2011 AUTHORIZING AN AGREEMENT WITH DELVENTHAL COMPANY AT A PRICE NOT TO EXCEED ONE HUNDRED SEVENTEEN THOUSAND TWENTY DOLLARS ($117,020.00) TO PERFORM WORK AT 222 WEST THIRD STREET 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 166-2011 by number and title only. Mr. Kevern moved that Ordinance No. 166-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 167-2011 AUTHORIZING AN AGREEMENT WITH LAKESIDE INTERIOR CONTRACTORS TO PAINT EXTERIOR DOORS, TRIM AND CONDUIT AT 127 WEST 5TH STREET AT A PRICE NOT TO EXCEED SIX THOUSAND ONE HUNDRED FIFTY DOLLARS ($6,150.00) 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 167-2011 by number and title only. Mr. Kevern moved that Ordinance No. 167-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 168-2011 APPROVING AN AMENDED MUTUAL AID AGREEMENT WITH NEIGHBORING**

COMMUNITIES 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 168-2011 by number and title only. Mr. Kevern moved that Ordinance No. 168-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 169-2011 AUTHORIZING AN AGREEMENT WITH DAVEY TREE SERVICE IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS ($20,750.00) TO REMOVE DEAD ASH TREES WITHIN THE CITY 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 169-2011 by number and title only. Mr. Kevern moved that Ordinance No. 169-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 170-2011 AUTHORIZING THE PURCHASE OF THREE CHEVY TAHOE AS REPLACMENT VEHICLES FOR THE CITY'S POLICE DIVISION AT A TOTAL COST NOT TO EXCEED SEVENTY-SIX THOUSAND NINE HUNDRED FORTY-FOUR DOLLARS ($76,944.00) 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 170-2011 by number and title only. Mr. Kevern moved that Ordinance No. 170-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 171-2011 AUTHORIZING THE PURCHASE OF A PRISONER TRANSPORT VEHICLE AT A TOTAL COST NOT TO EXCEED THIRTY-SIX THOUSAND FIVE HUNDRED TWENTY-FIVE DOLLARS ($36,525.00) 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 171-2011 by number and title only. Mr. Kevern moved that Ordinance No. 171-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **RESOLUTION 33-2011 ADOPTING THE 2011 WOOD COUNTY MITIGATION PLAN** 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Resolution No. 33-2011 by number and title only. Mr. Kevern moved that Resolution No. 33-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Recreation Committee:

Mr. Lawless gave his report of the September 19, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

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

Planning And Zoning Committee:

Mr. McCarthy gave his report of the September 15, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

The next regular committee meeting is Wednesday, September 21, 2011 at 5:00 p.m.

Mr. McCarthy introduced **ORDINANCE 172-2011 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, TO REZONE AS RM (MULTIPLE FAMILY RESIDENTIAL) 351 EAST BOUNDARY STREET (THE PERRYSBURG EYE CENTER) 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. 172-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 172-2011 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (6). Nays: (0).

Mr. McCarthy noted that the Special Approval Use for Kingston Residence was approved at the Special Council meeting on August 31, 2011. Mr. McCarthy moved that City Council adopt the Conclusions of Fact from that meeting, a copy of which is attached hereto and made a part of these minutes. Mr. Lawless seconded. Ayes: (6). Nays (0).

Personnel Committee:

No report.

Next meeting: Tuesday, September 27, 2011 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Grayson gave his report of the September 8, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next regular meeting: Tuesday, September 27, 2011 at 6:00 p.m.

Mr. Grayson reported that CTI submitted a contract requesting $100,000 for the base scope of work. He stated that this is steeper than what he had expected. Mr. Mackin stated that he has serious concerns with how this process has gone. He said that we already had a consultant on board, and this additional consultant fee was estimated much lower. Mr. McCarthy said that he was impressed with CTI and the hope is to come back with a Phase III plan that all of Council can support. Mr. Beredo stated that the procedure is dicated by the State and this does not commit the City to CTI or $100,000. He will negotiate to determine what is best for the City.

Mr. Grayson introduced **ORDINANCE 173-2011 AUTHORIZING THE DIRECTOR OF LAW TO NEGOTIATE FOR CERTAIN PROFESSIONAL SERVICES WITH RESPECT TO WASTEWATER TREATMENT PLANT OPERATIONS AND PURSUANT TO A RANKED LISTING OF SUCH SERVICE PROVIDERS 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. 173-2011 by number and title only.

Mr.Grayson moved that Ordinance No. 173-2011 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (6). Nays: (0).

OTHER BUSINESS

None.

ADJOURNMENT

Mr. Lawless moved to adjourn the regular meeting at 8:43 p.m. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

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