**MINUTES OF PERRYSBURG CITY COUNCIL**
**MEETING HELD SEPTEMBER 16, 2008**

Mayor Evans called the meeting to order at 7:40 p.m. Present were Council Members Ermie, Kevern, Lawless, Mackin, Olmstead, and Rutherford (6). Mr. McCarthy was absent. Also present were John Alexander City Administrator, Matthew Beredo Law Director, and David Creps Clerk of Council.

Mr. Lawless moved to approve the minutes from the previous meeting and to dispense with their reading, seconded by Mr. Rutherford. Ayes: (6) Nays: (0)

## Special Reports

Mayor Evans introduced Larry Mershman, from Wood County Alcohol, Drug Addiction and Mental Health Services. Mr. Mershman, together with Michael Marsh of Bowling Green and Rick Rudy of Perrysburg are getting the word out for support of the county-wide issue on the ballot this November. This is a 1.0 mil replacement operating levy. Due to cutbacks in funding at the federal and state levels plus an increased demand for services, this levy is needed to maintain services in Wood County. The campaign's motto is Treatment Works – People Recover.

## Citizens Concerns

Lois Bigelow from the League of Women Voters addressed her concern over the grant from DIP passage. She was troubled that this was not publicized enough for interested parties to be aware of this meeting and be present to share their feelings. She also stated that according to the Sunshine Law, she felt the public did not receive adequate notification of this meeting. Ms. Bigelow felt that since Perrysburg does not have a daily paper, residents could not receive adequate notice. Law Director, Matthew Beredo stated that the Sunshine Law requires 24 hour notice be posted at a municipal building and be sent to the local press. He said the Sunshine Law is very specific and the City adhered to it. There are other ways of being kept informed about what is happening in the City, for example the Perrysburg website or the City Hotline. Ms. Bigelow understood but asked that, when possible, more notice be given on hearings such as these.

Kevin Rantanen, 113 Silver Maple Drive also expressed concerns over the special Council meeting at which the DIP grants, which he felt were controversial issues, were approved. He felt the City should publish meetings at least a week and a half before they occur. He further inquired why it was necessary to hold a special meeting and why the requestors, could not wait until the next regularly scheduled meeting. Ms. Ermie spoke up that the requestors, the Huskisson's, had put this request in for DIP funds back in May. Their requests were removed from the agenda for further discussion without their knowing. They had attended a number of meetings with no results. Since Mr. Lawless was not at the last Council meeting, Ms. Ermie suggested rather than postpone this further that a special meeting be held in order to give the requestors the opportunity to move forwardon their projects that have been on hold for such a long time. She stated she was not in favor of approving this grant, however, she felt it was not right for anyone to wait months for a resolution.

Mr. Rantanen further stated that besides this special Council meeting, he had other concerns. Mr. Rantanen also was disturbed that Mayor Evans was absent

for this meeting and Council met and passed this rather controversial issue rather than wait for his return. Mr. Rantanen requested a Charter change for November of 2009 so that this situation does not happen again, specifically when the Mayor is not available for Council meeting when legislation is being passed. In this special circumstance, the President of Council is appointed as acting Mayor but also retains his seat on Council and is also allowed to vote with Council. For example at the last Council meeting, the vote turned out to be 4 - 3 making the issue a non-emergency meaning the Ordinance would not take effect for 30 days. Even though the issue was not of an emergency nature, the Council President, acting as acting Mayor, decided to sign the legislation immediately following the meeting, taking the power to essentially veto legislation away from our elected Mayor. He felt this was an injustice as this Ordinance being passed by a 4 – 3 vote. He did not feel a Council member acting as Mayor for a one hour meeting should have the power to sign legislation that is not even going to take effect for 30 days. He believes the Council member acting as Mayor should not be allowed to sign any legislation unless it is passed by at least five Council members which essentially would allow it to withstand a veto by the elected Mayor. Also, if the situation is not an emergency, there is no reason for the elected Mayor not to be given his alloted ten day waiting period to sign the Ordinance. In conclusion he felt the acting Mayor last week took a simple majority vote of 4 – 3 and turned it into a veto-proof super majority by casting the fourth vote and by also signing the legislation.

## ADMINISTRATIVE REPORTS

### Mayor's Report

Mayor Evans noted the new artwork in the lobby of the Municipal Building. He hopes the artists will be available for the next Council meeting for introductions.

Mayor Evans said at the previous meeting of County Commissioners the Mayor started taking steps to form an Ad Hoc Committee to look at future water supply, and for different sources. They have had a couple of meetings and this project is under way.

Mayor Evans was pleased to announce that Perrysburg was selected by **Ohio Magazine** as one of the five BEST HOME-TOWNS IN OHIO. He said there were a lot of people and organizations involved in achieving this recognition and expressed his gratitude for all of their hard work and enthusiasm.

Mayor Evans announced the recommendation of the nomination of Kevin Rantanen to the TARTA Board of Trustees. This nomination will be scheduled just prior to the next Council meeting.

### City Administor's Report

No report.

### Finance Director's Report

No report.

### Director of Law

Matthew Beredo spoke of the hotels.com litigation of which Perrysburg was one of a several municipal plaintiffs against hotels.com which serves as a middleman

for hotel rentals. The issue was the collection of occupancy taxes under Perrysburg Ordinances and other Plaintiff cities. The cities can collect a tax on these hotels. Initially the suit was relatively broad. It originally recognized that hotels.com as a vendor was required to collect occupancy taxes. Between the time of the initial complaint and when Perrysburg became involved in the case, the court narrowed the claims based on tax ordinances held stating hotel.com was not responsible for collecting occupancy taxes. The only thing they would be responsible for would be if they actually had collected taxes and not turned them over to the cities. On February 19, Council approved by motion, involvement in the case, however, after that Mr. Alexander and Mr. Creps received several hundred pages of Discovery requests and a suggestion that they might need to appear for a deposition. There are six motels in Perrysburg, and it was felt that very few would draw much attention on a web search and that the liklihood of feeling any effect of this revenue from this litigation would be minimal compared to the costs of pursuing these and going through depositions and discoveries. It was their view that the cost would not justify continuing in this particular litigation. Council decided to withdraw from the case in order to save administrative costs in what would be a relatively narrow set of claims. Murray and Murray will file Dismissal papers and forward them to Council for approval.

**PRESIDENT OF COUNCIL REPORT**

Mr. Lawless concurred with Ms. Bigelow that he wants the citizens to be aware of what is going on and suggested that the Perrysburg Website should be helpful, however, the burden will fall onto the citizens with interests in any particular issue to look at the Website.

Mr. Lawless told Mr. Rantanen that had he not previously spoken with Mayor Evans and Mr. Alexander prior to the special Council meeting, he would not have signed the Ordinance. As far as not passing legislation that passes 4 – 3, for six months if the Mayor is not here, Mr. Lawless felt that does not make sense because nothing would get done. It would be impossible to get anything done if there was a close vote. Issues that pass 4 – 3 is a majority. Unless there is an adamant veto or disagreement by the Mayor, Mr. Lawless felt these should be passed as members of Council voted. This was not done without pre-discussion and pre-thought. Mr. Lawless just found out the night of the meeting that the Mayor was not going to be present. This was passed as the members of Council voted on it.

Mr. Lawless commended the people of Perrysburg who were involved in getting Perrysburg recognized as one of the top five cities in Ohio

At this time, Mr. Lawless introduced **ORDINANCE 163-08 "ACCEPTING THE APPLICATION OF DAVID AND SUSAN CAYTON FOR THE ANNEXATION OF CERTAIN TERRITORY 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, and to dispense with the second and third reading. Seconded by Ms. Ermie. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 163-2008 by number and title only. Mr. Lawless moved that Ordinance No. 163-2008 be passed. Seconded by Ms. Ermie. Ayes: (6) Nays: (0).

Mr. Lawless then introduced **RESOLUTION 24-08 "AUTHORIZING THE DIRECTOR OF LAW TO PETITION THE BOARD OF**

**COMMISSIONERS OF WOOD COUNTY, OHIO, TO CHANGE CERTAIN BOUNDARY LINES IN ACCORDANCE WITH REVISED CODE 503-07."** 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 reading. Seconded by Ms. Ermie. Ayes: (6) Nays: (0) The Clerk read Resolution No. 24-2008 by number and title only. Mr. Lawless moved that Resolution No. 24-2008 be passed. Seconded by Ms. Ermie. Ayes: (6) Nays: (0).

**Finance Committee Report**

Mr. Mackin read his report from the meeting held September 9, which are part of these minutes.

Mr. Mackin introduced **ORDINANCE 171-2008 "AUTHORIZING CREATION OF A MUNICIPAL FUND FOR LEVIS COMMONS/PRESTON PLACE SPECIAL ASSESSMENT DISTRICT 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 reading. Seconded by Mr. Kevern. Ayes: (6) Nays: (0) The Clerk read Ordinance 171-2008 by number and title only. Mr. Mackin moved that Ordinance 171-2008 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6) Nays: (0).

Mr. Mackin introduced **ORDINANCE 172-2008 "AMENDING CHAPTER 890 OF THE CODIFIED ORDINANCES OF PERRYSBURG TO REVISE THE PROVISIONS GOVERNING INCOME TAX."** 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 reading. Seconded by Mr. Kevern. Ayes: (6) Nays: (0) The Clerk read Ordinance 172-2008 by number and title only.

Mr. Lawless inquired what the changes were referred to in Ordinance 172-08. Jean Hilt replied they were basically a correction of language under Section 890.14. She also said this is the way the City has been doing this all along but the language was vague and these changes were made simply to clarify.

**Next Finance Committee meeting is scheduled for October 14 at 5:00 p.m.**

**Economic Development Committee**

Mr. Kevern had no report for this meeting.

**Next Economic Development meeting is scheduled for Wednesday, October 1 at 9:00 a.m.**

**Safety and Service Committee**

Mr. Olmstead reviewed minutes from the meeting held on September 3 which are part of these minutes.

At this time, Mr. Olmstead introduced **ORDINANCE 165-2008, "AUTHORIZING THE CITY TO INSTALL A STREET LIGHT IN SANCTUARY PLAT 81 ON A CURVE OF GREATER THAN 125 FEET**

**CENTERLINE RADIUS."** 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 reading. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 165-2008 by number and title only. Mr. Olmstead moved that Ordinance No. 165-2008 be passed. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 166-2008 , "AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH NORMAND ASSOCIATES FOR THE DESIGN OF THE DIVISION OF STREETS BUILDING BASED ON AN EIGHTY-TWO THOUSAND NINE HUNDRED DOLLAR ($82,900) INCREASE IN DESIGN COSTS, 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 reading. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 166-2008 by number and title only. Mr. Olmstead moved that Ordinance No. 166-2008 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0).

At this time, Mr. Olmstead introduced **ORDINANCE 167-2008, "AUTHORIZING THE CITY ADMINISTRATOR TO ADVERTISE FOR BIDS FOR THE REPAIR OF THE DITCH EMBANKMENT ALONG FIVE POINTS ROAD BETWEEN FORT MEIGS ROAD AND PARGILLIS ROAD, 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 reading. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 167-2008 by number and title only. Mr. Olmstead moved that Ordinance No. 167-2008 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0).

At this time, Mr. Olmstead introduced **ORDINANCE 168-2008, "AUTHORIZING THE CITY TO ENTER INTO A CONTRACT FOR AN AMOUNT NOT TO EXCEED NINE THOUSAND DOLLARS ($9,000.00) WITH SAFETY SOLUTIONS, INC. TO PROVIDE SHOES AND GARMENTS FOR BARGAINING UNIT EMPLOYEES, 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 reading. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 168-2008 by number and title only. Mr. Olmstead moved that Ordinance No. 168-2008 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0).

At this time, Mr. Olmstead introduced **ORDINANCE 169-2008, "AUTHORIZING THE CITY ADMINISTRATOR TO ADVERTISE FOR BIDS FOR A NEW PHONE SYSTEM, 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 reading. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 169-2008 by number and title only. Mr. Olmstead moved that Ordinance No. 169-2008 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0).

At this time, Mr. Olmstead introduced **ORDINANCE 170-2008, "AUTHORIZING AN EIGHT (8) MONTH CONTRACT FOR A TOTAL OF TEN THOUSAND DOLLARS ($10,000.00) WITH EMERGENCY COMMUNICATIONS NETWORK (ECN) CODE RED TO PROVIDE A HIGH SPEED COMMUNITY NOTIFICATION SYSTEM AND WEATHER WARNING SYSTEM 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 reading. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 170-2008 by number and title only. Mr. Olmstead moved that Ordinance No. 170-2008 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (6) Nays: (0).

Maria Ermie inquired if the Code Red alert system the City is subscribing to is in addition to Reverse 911 to which the Mayor replied Code Red is the system.

Rick Ruffner inquired of the Five Points ditch repair, whether when ditches are cleaned is that assessed to him as a property owner in that area. Mr. Alexander clarified that the topic covered in Mr. Olmstead's minutes were embankment repairs to prevent deteriorization of the existing roadway, not ditches, and therefore not assessments.

**Next Safety and Service meeting scheduled for October 1 at 5:30 p.m.**

**Recreation Committee**

Mr. Lawless reviewed minutes from meetings held September 15. These reports are attached and made a part of the minutes.

**Next Recreation Committee meeting scheduled for October 20 at 5:30 p.m.**

**Planning & Zoning Committee**

Mr. McCarthy was absent this evening, and there was no report. There were no items for the agenda for this month.

**Next Planning and Zoning Committee meeting scheduled for October 15, at 5:30 p.m.**

**Personnel Committee**

Maria Ermie reviewed minutes from the previous meeting. These reports are attached and made part of these minutes.

Ms. Ermie also reported on a Personnel Committee meeting held just prior to tonight's Council meeting. This meeting was to review a Letter of Understanding needed to help support two individuals in the Perrysburg Police Department who have been called to active duty, Dean Butler and Dan Maciewjewski. As a result, the Ordinance to be presented tonight will extend these officers' health care benefits for them and their families and to make up difference from the pay they will receive during active duty versus the pay they would receive from Perrysburg. They would maintain benefits they currently have while they are on active duty.

Ms. Ermie introduced **ORDINANCE 173-2008 , "AUTHORIZING THE CITY TO ENTER INTO A LETTER OF UNDERSTANDING WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (PATROL UNIT) TO EXTEND CERTAIN BENEFITS TO UNIT MEMBERS ON ACTIVE**

**MILITARY STATUS, 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 reading. Seconded by Mr. Kevern. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 173-2008 by number and title only. Ms.Ermie moved that Ordinance No. 173-2008 be passed as an emergency since these patrolmen are leaving soon. Seconded by Mr. Kevern. Ayes: (6) Nays: (0).

Ms. Ermie introduced **ORDINANCE 174-2008 , "AUTHORIZING THE CITY TO ENTER INTO A LETTER OF UNDERSTANDING WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (SARGEANTS' UNIT) TO EXTEND CERTAIN BENEFITS TO UNIT MEMBERS ON ACTIVE MILITARY STATUS, 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 reading. Seconded by Mr. Kevern. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 174-2008 by number and title only. Ms.Ermie moved that Ordinance No. 174-2008 be passed as an emergency since these patrolmen are leaving soon. Seconded by Mr. Kevern. Ayes: (6) Nays: (0).

**Next Personnel Committee meeting is scheduled for September 23 at 5:00 p.m.**

**Health, Safety and Public Utilities**

Mr. Rutherford introduced **ORDINANCE 164-2008 "AUTHORIZING EXPENDITURE OF TWENTY-NINE THOUSAND SEVEN HUNDRED THIRTY THREE DOLLARS ($29,733.00) PURSUANT TO AN AGREEMENT WITH DILLIN CORPORATION ON COSTS ASSOCIATED WITH LEVIS WEST WATER LINE PROJECT, 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 reading. Seconded by Mr. Kevern Ayes: (6) Nays: (0) The Clerk read Ordinance No. 164-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 164-2008 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6) Nays: (0).

Mr. Mackin inquired if this is "not to exceed". Mr. Herwat stated when HSPU approved, it was $29,773 but now the final invoice came in $40 less, and yes, this is "not to exceed".

**Next HSPU meeting is September 23 at 6:00 p.m.**

**OTHER BUSINESS**

Kevin Rantanen asked if notification of his appointment to TARTA Board of Trustees needed to be given to the media. Mr. Lawless said Council will have an appointment review before the next Council meeting and that it would not be necessary for Mr. Rantanen to be present.

Mayor Nelson apologized for not being at the special meeting regarding the DIP grants. He restated his concerns over DIP and acknowledged the confusion. He said it was not originally his intention to honor those two ordinances, however, in the meantime the Committee found out they had some extra money. He wanted

to make his position clear that he did not favor that large an expenditure for that project but it is over and done and time to move on. He would like to discuss the Downtown Improvement Program at future meetings to clarify issues and look at its future.

Mr. Eckel thanked everyone on the Committee and Council for allowing them to move forward on the next step of the new street division building. They have been working with Steve Herwat. Mr. Eckel and staff are looking forward to their improved working environment and is confident they will help them all better serve the citizens of Perrysburg.

Mr. Eckel also informed Council that the trash incident on Walnut Street of explosions in the trash truck were due to some old canisters someone had disposed of that popped when they were compressed in the truck. The truck and his crew are all fine.

**ADJOURNMENT**

Mr. Lawless moved the meeting be adjourned at 8:50 p.m. Mr. Rutherford seconded the motion. Ayes: (6) Nays: (0).

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