# MINUTES OF PERRYSBURG CITY COUNCIL

## MEETING HELD SEPTEMBER 15, 2009

Present were Council members Tom Mackin, John Kevern, Joe Lawless, Joe Rutherford, and Mike Olmstead (5). Also present were Mayor Nelson Evans; John Alexander, City Administrator; David Creps, Clerk of Council and Mathew Beredo, Law Director. Ms. Ermie was not present and Mr. McCarthy arrived at 7:30 p.m.

Mayor Evans called the meeting to order at 7:02 p.m.

Mr. Lawless moved to approve the minutes from the September 1, 2009 meeting and to dispense with their reading. Mr. Olmstead seconded the motion. Ayes: (5) Nays: (0)

**SPECIAL REPORTS**

None

**LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS**

None

**ADMINISTRATIVE REPORTS**

**Mayor's Report**

Mayor Evans raised the matter of Board/Commission appointments but it was decided to wait until the first December meeting to do this since they will start at the beginning of 2010.

**City Administrator's Report**

Mr. Alexander reported that qualifications for alternate public transportation were due on Friday, September 18, 2009.

He also reported that the three CSX crossings being worked on will be delayed until March 2010 and that the upgrades for these projects will be carried over to the 2010 Budget. All residents affected by the CSX upgrades will be notified of the delay in completion.

**Finance Director's Report**

No report.

**Director of Law**

Mr. Beredo requested that City Council go into executive session at the end of the regular meeting for the purpose of discussing pending litigation.

Mr. Lawless made a motion to move into executive session for the purpose of discussing pending litigation. Mr. Mackin seconded the motion. Ayes: (5). Nays: (0).

**President of Council Report**

None

**COMMITTEE REPORTS**

**Finance Committee:**

Mr. Mackin read the minutes of the August 11, 2009 meeting and this report is attached and made a part of the minutes.

Mr. Mackin, on behalf of Ms. Ermie, requested a meeting of the Perrysburg Township Trustees and City Council to discuss the Joint Union Cemetery Financial Issue be scheduled for October 6, 2009 at 6:00 p.m.

Mr. Mackin introduced **ORDINANCE 173-2009 AUTHORIZING THE SALE OF THE FORT MEIGS VIEWSHED TO THE STATE OF OHIO FOR TWO HUNDRED FIFTY THOUSAND DOLLARS ($250,000.00) 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: (5) Nays: (0). The clerk read Ordinance No. 173-2009 by number and title only. Mr. Mackin moved that Ordinance No. 173-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (5) Nays: (0).

The next Finance Committee meeting is scheduled for October 13, 2009 at 5:00 p.m.

**Economic Development:**

Mr. Kevern reported on the Special Meeting held right before City Council at 6:30 p.m. and stated that the two Ordinances up for approval would be put on hold until amendments were made.

The next Economic Development meeting is schedule for October 21, 2009 at 6:30 p.m.

**Safety and Service:**

Mr. Olmstead reported on the Special Meeting held prior to the City Council meeting at 6:55 p.m. and stated that the Committee gave approval for the hiring of the company with the winning bid for the SR199 resurfacing project.

Mr. Olmstead introduced **ORDINANCE 174-2009 AUTHORIZING AN AGREEMENT WITH CRESTLINE PAVING AND EXCAVATING CO., INC. IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIVE THOUSAND FOUR UNDRED FIFTY-EIGHT DOLLARS AND FORTY-FOUR CENTS ($705,458.44) TO COMPLETE THE RESURFACING OF STATE ROUTE 199 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: (5) Nays: (0). The clerk read Ordinance No. 174-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 174-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (5) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 175-2009 AUTHORIZING AN AGREEMENT WITH BOWSER MORNER IN AN AMOUNT NOT TO EXCEED SEVEN THOUSAND ONE HUNDRED DOLLARS ($7,100.00) TO PROVIDE FIELD TESTING SERVICES FOR STATE ROUTE 199 RESURFACING 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: (5) Nays: (0). The clerk read Ordinance No. 175-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 175-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (5) Nays: (0).

Mr. Lawless had a question about the total number of actual fire alarms for the City of Perrysburg and what it meant when it stated no cost for particular runs in the minutes. Chief Klein responded that the total number of fire alarms as of August 31, 2009 was 151. He also explained that the tern “no cost” means that the call is cancelled before the fire department leaves the building. Mr. Lawless stated that he agreed with Mr. Mackin’s comments about having Administration design a penalty process for excessive false alarms from one particular company, but he also agreed with Mr. Olmstead’s statement about not creating an Ordinance for one such company.

The next Safety-Service meeting is scheduled for October 7, 2009 at 5:30 p.m.

**Recreation Committee:**

The next Recreation meeting is scheduled for September 21, 2009 at 5:30 p.m.

**Planning And Zoning Committee:**

The next Planning and Zoning meeting is scheduled for September 16, 2009 at 5:30 p.m.

**Personnel Committee:**

Mr. Rutherford introduced **ORDINANCE 176-2009 AUTHORIZING THE CITY OF PERRYSBURG TO ENTER INTO AN AGREEMENT WITH IAFF LOCAL 3331 CONSISTENT WITH THE CONCILIATOR’S REPORT AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title and to dispense with the second and third readings. Seconded by Mr. McCarthy. Ayes: (6) Nays: (0). The clerk read Ordinance No. 176-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 176-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (5) Nays: (1). Mr. Olmstead voted Nay on this issue.

Mr. Olmstead stated that the Conciliator’s recommendation came to City Council and received a vote of 7-0 against. He noted that the system allows a bureaucrat from Columbus to over ride City Councils vote and the issue has to be passed. Ohio Revised Code 4117 is fatility flawed by allowing one person who is unaccountable to anyone in the City of Perrysburg to over ride a 7-0 “no” vote. There needs to be fundamental changes to ORC Section 4117. The very same reasons Mr. Olmstead voted “no” several weeks ago are the reasons he will be voting “no” this evening. Mr. Rutherfor concurred with Mr. Olmstead and felt that the arbitrator’s logic was flawed in that the City is penalized because it has been such good managers of tax dollars. Mr. Alexander stated that according to Ohio Law the contract is set and that City Council is only voting on the jurisdiction of the Mayor and Finance Director to sign the agreement. Mr. Lawless stated that he would vote yes for this issue but was offended by the whole process of having his vote over rided by someone not familiar with the situation. Mr. McCarthy added that a "no" vote by Council could constitute an unfair labor practice. Mr. Olmstead felt that it was absurd that a "no" vote could be considered an unfair labor practice and was more concerned about the taxpayers and the extra money that would be asked for to cover the pay raise.

The next Personnel meeting is September 22, 2009 at 5:00 p.m.

**Health, Sanitation and Public Utilities Committee:**

Mr. Rutherford stated that Mr. Eckel had presented a 3-page summary pertaining to the necessity of the passing of Ordinance 171-2009 and had him answer any questions the Council might have. Mr. Lawless asked about the 7.77% interest being paid on the Ohio Water Development Authority Bond and he was told that the Bond was created so that the City was not allowed to re-finance. Mr. Lawless also asked if the work was not completed during Phase 2B if the City would be out of compliance with the EPA? Mr. Eckel stated that the City was still in compliance with the current permit and that they were able to get an extension in order to complete Phase 2B which would be by March 31, 2011. Mr. Lawless's last question was if operating costs for the water treatment plant would go down if the Ordinance was passed. Mr. Eckel stated that yes they would go down because over time would be reduced and the 24/7 work load would be cut down with the improvements.

Mr. Rutherford introduced for the second and final reading **ORDINANCE 171-2009 AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT BIDS FOR WORK ON THE CITY'S WASTE WATER TREATMENT PLANT PHASE 2B CONTRACT 10 AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title and to dispense with the third reading. Seconded by Mr. McCarthy. Ayes: (6) Nays: (0). The clerk read Ordinance No. 171-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 171-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (6) Nays: (0).

The next Health, Sanitation, and Public Utilities meeting is September 22, 2009 at 6:00 p.m.

Council moved to executive session for the purpose of discussing pending litigation at 7:48 p.m. and returned at 8:35 p.m.

**Other Business**

No other business.

Mayor Evans moved to adjourn at 8:35 p.m. Seconded by Mr. Lawless.

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