

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD SEPTEMBER 7, 2010

Present were Council members Tom Mackin, John Kevern, Maria Ermie, Joe Lawless, Mike Olmstead, Tim McCarthy and Joe Rutherford (7). Also present were John Alexander, City Administrator; Dave Creps, Clerk of Council and Mathew Beredo, Law Director. Mayor Nelson Evans was absent.

Acting Mayor Joe Lawless called the meeting to order at 6:58 p.m.

Mr. Olmstead made a motion to appoint Maria Ermie as President of Council Pro Tem. The motion was seconded by Mr. Mackin. Ayes: (6) Nays: (0) Abstain: (1-Ermie).

Ms. Ermie made a motion to approve the minutes from the August 17, 2010 meeting without reading. The motion was seconded by Mr. Kevern. Ayes: (7) Nays: (0).

SPECIAL REPORTS

None

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

None

ADMINISTRATIVE REPORTS

Mayor's Report

Council Member Lawless appointed Brody Walters to Deputy Administrator of Planning & Zoning. Ms. Ermie made a motion to accept the appointment. Mr. McCarthy seconded the motion. Ayes: (7) Nays: (0).

City Administrator's Report

Mr. Alexander reported on the paving of Eckel Junction Road between SR199 and Thompson Road stating Administration had found out through the Perrysburg Messenger Journal that Perrysburg Township would be paving their portion of the road instead of completing the joint paving of Lake Vue Drive with the City. The funds set aside for the Lake Vue Drive project have been redirected to the resurfacing program. As far as the 28% of paving needed to complete the Eckel Junction Road project, the City will need to address the engineering portion before paving can begin. The City would appreciate better communication from the Township when planning joint paving projects in the future.

Finance Director's Report

None

Director of Law

Mr. Beredo reported that an administrative amendment was made to Ordinance 143-2010, from the Planning & Zoning Committee, which needs to be addressed this evening before a final vote.

President of Council Report

Ms. Ermie introduced **RESOLUTION 13-2010 AUTHORIZING THE DIRECTOR OF LAW TO PETITION THE BOARD OF COMMISSIONERS OF WOOD COUNTY, OHIO, WITH RESPECT TO THE DAVIS II ANNEXATION TO CHANGE CERTAIN BOUNDARY LINES IN ACCORDANCE WITH REVISED CODE 503.07 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: (7) Nays: (0). The clerk read Resolution No. 13-2010 by number and title only. Ms. Ermie moved that Resolution No. 13-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

COMMITTEE REPORTS

Finance Committee:

The next Finance Committee meeting is scheduled for September 14, 2010 at 4:00 p.m.

Economic Development:

The next Economic Development meeting is schedule for September 20, 2010 at 6:30 p.m.

Service-Safety:

Mr. Kevern read the minutes from the September 1, 2010 meeting and these are attached and made a part of the minutes.

Mr. Kevern introduced **ORDINANCE 135-2010 AUTHORIZING AN AGREEMENT WITH QUINN CONCRETE CONSTRUCTION, INC., IN AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND FIVE HUNDRED TWENTY-FIVE DOLLARS (\$17,525.00) TO REPAIR THE CONCRETE APRON AT THE CITY FIRE STATION 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: (7) Nays: (0). The clerk read Ordinance No. 135-2010 by number and title only. Mr. Kevern moved that Ordinance No. 135-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 136-2010 AUTHORIZING AN AGREEMENT WITH HULL & ASSOCIATES, INC. TO REMOVE UNDERGROUND STORAGE TANKS FOR A PRICE NOT TO EXCEED FOURTEEN THSOUAND FOUR HUNDRED DOLLARS (\$14,400.00) 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: (7) Nays: (0). The clerk read Ordinance No. 136-2010 by number and title only. Mr. Kevern moved that Ordinance No. 136-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 137-2010 AUTHORIZING AN AGREEMENT WITH E.T. ELECTRIC, INC., AT A PRICE NOT TO**

EXCEED SIX THOUSAND ONE HUNDRED FORTY DOLLARS AND FIFTY CENTS (\$6,140.50) TO PROVIDE BACK-UP POWER AT THE TRAFFIC SIGNAL REGULATING STATE ROUTE 795/US ROUTE 20/(LOCUST 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. Mackin. Ayes: (7) Nays: (0). The clerk read Ordinance No. 137-2010 by number and title only. Mr. Kevern moved that Ordinance No. 137-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 138-2010 AUTHORIZING AN AGREEMENT WITH GREEN ENERGY INNOVATIONS TO PURCHASE INDUCTION LIGHTING AT A COST NOT TO EXCEED EIGHT THOUSAND NINE HUNDRED TEN DOLLARS (\$8,910.00) 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: (7) Nays: (0). The clerk read Ordinance No. 138-2010 by number and title only. Mr. Kevern moved that Ordinance No. 138-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 139-2010 AUTHORIZING AN AGREEMENT WITH TRISTATE INDUSTRIAL FLOORS TO CLEAN AND EPOXY THE FIRE STATION APPARATUS BAY AT A PRICE NOT TO EXCEED EIGHTEEN THOUSAND FIVE HUNDRED NINETY-FIVE (\$18,595.00) 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: (7) Nays: (0). The clerk read Ordinance No. 139-2010 by number and title only. Mr. Kevern moved that Ordinance No. 139-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 140-2010 AUTHORIZING THE PURCHASE OF A STAND-ALONE LEAF VACUUM FROM ODB MUNICIPAL PRODUCTS FOR A PRICE NOT TO EXCEED TWENTY-FIVE THOUSAND SIX HUNDRED FIFTY-SIX DOLLARS (\$25,656.00) 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: (7) Nays: (0). The clerk read Ordinance No. 140-2010 by number and title only. Mr. Kevern moved that Ordinance No. 140-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 141-2010 AUTHORIZING AN AGREEMENT WITH SOUTHEASTERN EQUIPMENT COMPANY TO PURCHASE FRONT-END LOADER EQUIPMENT AT A PRICE NOT TO EXCEED TWELVE THOUSAND TEN DOLLARS (\$12,010.00) 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: (7) Nays: (0). The clerk read Ordinance No. 141-2010 by number and title only. Mr. Kevern moved that Ordinance No. 141-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Lawless asked if the crossing guard was still in use at Heilman Drive and Mr. Alexander responded that three to eleven children still use the crossing and that a police officer has been stationed at this spot. Letters will be sent out to the

families requesting that they have the children cross at the intersection of Eckel Junction Road and Ft. Meigs Road where there is a traffic signal with crossing lights.

The next Safety-Service meeting is scheduled for October 6, 2010 at 5:00 p.m.

Recreation Committee:

The next Recreation meeting is scheduled for September 20, 2010 at 5:30 p.m.

Planning And Zoning Committee:

Mr. McCarthy read the minutes from the August 18, 2010 meeting and these are attached and made a part of the minutes.

Mr. McCarthy introduced **ORDINANCE 143-2010 GRANTING SPECIAL APPROVAL USE TO THE PERRYSBURG AREA HISTORIC MUSEUM AT THE HISTORIC SPAFFORD HOMESTEAD 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: (7) Nays: (0). The clerk read Ordinance No. 143-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 143-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

This Ordinance contains the administrative amendment with an addition to Section 1 which reads as follows “and the conditions and representations provided for in the site plan approved by the City’s Planning Commission”.

Andrew Black, 1499 Rivercrest Drive, stated the neighbors surrounding the property in question and the owners of the property came to a “memorandum of understanding” which was signed by all parties involved, which stated screening would be a priority at Phase 1A of site preparation. Now the Perrysburg Historic Museum is stating that the grant money that would have been used for the screening might not be coming through from the Garden Club. Mr. Black stated that the neighbors were told this fall would be a good time to plant the landscaping for the screening and now it may not happen until spring if at all. Linda Fatica, 1521 Rivercrest Drive, stated she was concerned about the screening not happening. The value of their homes and their privacy could decrease without the landscaping. She thought the screening would be a priority since the ‘memorandum of understanding’ was signed but found out later it was not considered a legal document. She would like the understanding to be kept on file with the Final Site Plan documentation for future reference.

Dawn Hoover, 1481 Rivercrest Drive, stated she concurred with the other neighbors and would really like to see trees planted for screening. It was her understanding that the Perrysburg Historic Museum group wanted to work with the neighbors. The barn is closer to her fence and she would like to see prettier screening behind the barn. Mr. Black stated the “memorandum of understanding” is an agreement which does not have a contingency for funding of trees. October was the month agreed upon for the planting of the trees. Capital funding was used to make improvements inside the Spafford House and he feels this funding could have been used to provide the screening.

Mathew Beredo, City Law Director, stated that the Final Site Plan was approved by the Planning Commission and City Council has no role for approving the Final Site Plan. City Council is involved this evening only to approve the Special

Approval Use. He is the council for the City and not a party to the agreement which does not fit in the City. The Perrysburg Historic Museum group can not legally use the museum until all items are completed including landscaping, sidewalks, driveway, etc. Richard Thielen, Planning and Zoning Administrator, stated that the Planning Commission approved the Final Site Plan including a landscape plan. In the Final Site Plan there are phases that will be completed in the order in which they were approved. Ms. Ermie asked if the Planning Commission approved the Site Plan with the intent for landscaping to be planted in the fall? Mr. Thielen responded that the landscaping was part of Phase I and Phase I needs to be completed before the owners move to Phase II.

Kate MacPherson, MacPherson Architects, stated that an occupancy permit will not be granted to the owners unless all Final Site Plan Phases have been completed. She also stated she was pleased that an understanding was completed because it shows the agreement reached with the surrounding neighbors. Part of that agreement was to add landscaping as a priority and to push it into Phase I. The Perrysburg Historic Museum is looking for funding, grants or donations in order to complete the landscaping and they will not know until October if any funding is received. They would like to get started in the fall, but funding is an issue. They are already six months behind for priority items and the small amount of funds they did have diminished with other projects that were completed. The Museum will not be open for business until next spring or summer, so screening should not be necessary until then.

Mr. McCarthy introduced **ORDINANCE 142-2010 ADDING CODIFIED ORDINANCE 1240.34 REGARDING ARCHITECTURAL REVIEW COMMITTEE APPEALS FOR PLANNED BUSINESS PARKS 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: (7) Nays: (0). The clerk read Ordinance No. 142-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 142-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

The next Planning and Zoning meeting is scheduled for October 20, 2010 at 5:00 p.m.

Personnel Committee:

Ms. Ermie read the minutes from the August 24, 2010 meeting and these are attached and made a part of the minutes.

The next Personnel meeting will be scheduled for September 28, 2010 at 5:00 p.m..

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read the minutes from the August 24, 2010 meeting and these are attached and made a part of the minutes.

Mr. Rutherford introduced **ORDINANCE 144-2010 AUTHORIZING THE PURCHASE OF A TRUCK SERVICE BODY FROM KALIDA TRUCK EQUIPMENT FOR A PRICE NOT TO EXCEED FIVE THOUSAND EIGHT HUNDRED NINETY-EIGHT DOLLARS (\$5,898.00) 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: (7) Nays: (0). The clerk read

Ordinance No. 144-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 144-2010 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 145-2010 AUTHORIZING THE PURCHASE OF A FORD F-250 TRUCK CHASSIS FROM KISTLER FORD FOR A PRICE NOT TO EXCEED TWENTY-ONE THOUSAND SIX HUNDRED EIGHTY-EIGHT DOLLARS (\$21,688.00) 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: (7) Nays: (0). The clerk read Ordinance No. 145-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 145-2010 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 146-2010 ASSESSING A SPECIAL TAX TO PAY A PART OF THE COST AND EXPENSE OF PROVIDING FOR THE REMOVAL AND SPECIAL TREATMENT OF SHADE TREES FOR THE PURPOSE OF CONTROLLING THE BLIGHT AND DISEASE OF SAME AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS AND WITHIN PUBLIC RIGHTS-OF-WAY OF THE CITY OF PERRYSBURG FOR THE YEAR ENDING DECEMBER 31, 2010 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: (7) Nays: (0). The clerk read Ordinance No. 146-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 146-2010 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 148-2010 AUTHORIZING AN AGREEMENT WITH OHIO CAT POWER SYSTEMS TO PERFORM PREVENTATIVE MAINTENANCE ON THE WATER DIVISION GENERATORS FOR A PRICE NOT TO EXCEED SIX THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS AND SEVENTEEN CENTS (\$6,995.17) 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: (7) Nays: (0). The clerk read Ordinance No. 148-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 148-2010 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 149-2010 AUTHORIZING THE PURCHASE OF A FORD F450 TRUCK CHASSIS FROM 32-FORD-MERCURY INC. FOR A PRICE NOT TO EXCEED THIRTY-TWO THOUSAND ONE HUNDRED THREE DOLLARS AND FIFTY-FOUR CENTS (\$32,103.54) 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: (7) Nays: (0). The clerk read Ordinance No. 149-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 149-2010 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 150-2010 AUTHORIZING THE PURCHASE OF EQUIPMENT FOR A FORD F450 TRUCK FROM KALIDA TRUCK EQUIPMENT, INC., FOR A PRICE NOT TO EXCEED ELEVEN THOUSAND SIX HUNDRED NINETY-FIVE DOLLARS**

(\$11,695.00) 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: (7) Nays: (0). The clerk read Ordinance No. 150-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 150-2010 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 151-2010 AUTHORIZING AN AGREEMENT WITH TOLEDO FENCE AND SUPPLY COMPANY TO REPLACE FENCING AT 211 EAST BOUNDARY STREET AT A COST NOT TO EXCEED FIFTEEN THOUSAND FIVE HUNDRED NINETY DOLLARS (\$15,590.00) 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: (7) Nays: (0). The clerk read Ordinance No. 151-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 151-2010 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford made a motion to approve a sewer credit of \$1,501.95 to Mark Stuckey at 1945 Tecumseh Court. Mr. McCarthy seconded the motion. Ayes: (7) Nays: (0).

Mr. Lawless stated he felt \$37,000 was a lot of money to spend on a system to fill trucks up with water for various projects. Mr. Mackin stated he felt the same way and would like the Ordinance to be set up for a first reading this evening.

Mr. Rutherford introduced **ORDINANCE 147-2010 AUTHORIZING THE CITY TO SOLICIT BIDS FOR A BULK WATER TRUCKFILL SYSTEM 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: (7) Nays: (0). The clerk read Ordinance No. 147-2010 by number and title only.

The next Health, Sanitation, and Public Utilities meeting is scheduled for September 28, 2010 at 6:00 p.m.

Other Business

None

Ms. Ernie made a motion to adjourn at 8:17 p.m. Mr. Mackin seconded the motion.

David D. Creps, Clerk of Council

Nelson D. Evans, Mayor