MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD September 2, 2008

Mayor Evans called the meeting to order at 7:30 p.m. Present were Council Members Ermie, Kevern, Mackin, McCarthy, Olmstead, and Rutherford (6). Absent Joe Lawless (1). Also present were John Alexander City Administrator, Matthew Beredo Law Director, and Dave Creps Clerk of Council.

Mayor Nelson Evans requested a motion to nominate Maria Ermie to act as President Pro-Tem in Mr. Lawless's absence this evening. Tom Mackin Seconded the motion. Ayes: (6) Nays: (0)

Mayor Evans entertained a motion to approve the minutes from the previous meeting and to dispense with their reading, so moved by Ms. Ermie, seconded by Mr. Kevern. Ayes: (6) Nays: (0)

SPECIAL REPORTS

Ms. Ermie stated that a Council meeting is scheduled for September 9 at 6:00 p.m. to go into Executive Session for the purpose of discussing labor negotiations.

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

None

ADMINISTRATIVE REPORTS

Mayor's Report:

No report

City Administrator:

No report

Finance Director:

No report.

Director of Law:

No report

President of Council:

Ms. Ermie had no actual report on Mr. Lawless' behalf, however, she noted that there is a special Council meeting on Tuesday, September 9 at 6:00 p.m. for Executive Session to discuss contract negotiations.

COMMITTEE REPORTS:

Finance Committee

No report, however, next meeting is September 9 at 5:00 p.m.

Economic Development Committee

No report as Mr. Kevern did not have his minutes from the previous meeting yet.

Mr. Kevern then introduced **ORDINANCE 106-2008 "AUTHORIZING THE CITY TO MAKE A DOWNTOWN IMPROVEMENT GRANT TO JEFF HUSKISSON, FOR 118 EAST FRONT STREET IN THE AMOUNT OF SEVENTEEN THOUSAND DOLLARS ($17,000.00) AND TO DECLARE AN EMERGENCY.",** and moved that the rules be suspended to allow for its first reading by number and title only, and to dispense with the second and third reading. Seconded by Mr.Olmstead. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 106-2008 by number and title only.

Mr. Kevern then introduced **ORDINANCE 107-2008 "AUTHORIZING THE CITY TO MAKE A DOWNTOWN IMPROVEMENT GRANT TO JEFF HUSKISSON, 112 EAST FRONT STREET IN THE AMOUNT OF TWENTY THOUSAND DOLLARS ($20,000.00) 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. Olmstead. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 107-2008 by number and title only.

Ms. Ermie inquired if Council should have a special meeting on September 9 to discuss these Ordinances again in order to move Mr. Huskisson along rather wait for September 16. Council tentatively scheduled a special meeting for Tuesday, September 9 at 5:30 p.m. Council asked Lori Huskisson who was present if she would like to wait or if they should schedule a special meeting. Ms. Huskisson said she will check her calendar. Mayor Nelson said these will be introduced again at the next meeting.

Mr. Kevern then introduced **ORDINANCE 160-2008 "AUTHORIZING THE CITY TO MAKE A DOWNTOWN IMPROVEMENT GRANT TO RICK RUFFNER (DBA O-DEER PROPERTIES, LLC) 206 LOUISIANA AVENUE IN THE AMOUNT OF TWELVE THOUSAND NINE HUNDRED NINETY TWO 50/100 DOLLARS ($12,992.50) 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 Ms. Ermie Ayes: (6) Nays: (0) The Clerk read Ordinance No. 160-2008 by number and title only.

Before the vote, Mr. Mackin inquired what the project was approved for. Mr. Ruffner explained that he tabled 204 Louisiana and will submit it next year since funds for 2008 are depleted. He plans to make the 206 Louisiana property look like it originally did as the Cook Insurance. He has permission of the Historic Landmarks Commission and of Economic Development. Mr. Ruffner stated he met with Rick Thielen about the projects. There are things to bring the building up to code as far as electrical, heating and plumbing. Mr. Ruffner said the amount approved tonight is what was originally recommended. He said he was told that this amount could be amended taking into consideration these code issues. He is asking to raise that amount based on the information he gave to Mr. Thielen and Council members. He gave Council members materials Friday outlining why he is asking for the increase. He further stated that he met with Rick Thielen and Mayor Evans and John Alexander at which time Mr. Alexander told Mr. Ruffner that there are some procedural issues that need to be reevaluated on th grant program. Mr. Alexander stated he just received the information on Friday. Mr. Alexander agrees with Mr. Thielen about the grant of $12,992.50 and that is still Administrations' recommendation. Ms. Ermie asked why electrical work was not included. Due to the costs to bring a historical building up to code she thought this was supposed to be part of the DIP. She asked if the program included interior work. She felt that the DIP was intended to help restore the historical buildings downtown. Mr. Thielen stated that originally the DIP did include code and some interior items but as the program evolved, the Economic Development Committee decided the improvements should be external improvements to the facade of the buildings, otherwise the committee does not support funding internal improvements. They were not viewed ineligible, just not the direction that DIP wanted to take. Mr. Ruffner brought in items that were code related for an additional $17,600 and was asking to add $8,800 to his grant approved tonight. Mr. Thielen said procedurally this should go back to the Committee for consideration. Mr. Kevern recommended passing the $12,992 and Mr. Ruffner might come back to the Committee for an additional request. Mr. Alexander stated it remains Administration's belief that this is an appropriate grant for the project. Mayor Evans reminded Mr. Ruffner that there are no funds left in the account this year. Mr. Beredo, Law Director said amendments to ordinances cannot be done until the second reading unless Rick Ruffner wants to just do a first reading. Ms. Ermie asked how many grants DIP approved with inside work. Mr. Thielen will look into this. It was felt once the cut off occurred, we should be consistent. Mr. Thielen said there was a specific date when the Committee and Council said that need to be able to see the improvements. Ms. Ermie would like to move for moratorium considering any new requests. She inquired if anyone other than Tom Woods was denied. Mr. Thielen will look for the specific date when the Committee decided to approve external improvements only. Mr. Kevern said Economic Development Committee is discussing changes in the DIP. This will be discussed further at future Ecomic Development Meetings.

After this discussion, Mr. Kevern moved that **Ordinance No. 160-2008** be passed as an emergency. Seconded by Ms. Ermie Ayes: (6) Nays: (0).

The next Economic Development Committee meeting has not yet been set.

Safety Committee

No report, however next meeting is September 3 at 7:30 p.m.

Mr. Alexander stated that the demolition of the single family home at Fort Meigs View Shed will occur tomorrow, September 3.

Recreation Committee

No report. Next meeting is September 23, at 5:00 p.m.

Planning and Zoning Committee

Mr. McCarthy stated there has not been a meeting since the last Council meeting. He did, however, mention a couple of emails he had received from Tom Mackin with suggested changes to the revisions in the Comprehensive Plan.

- On Page 5.11, Strategy 5.1, remove the first two words to begin, “Purchase energy…..”

- Page 7.4, Strategy 2.2, change text to read, “Perrysburg should evaluate whether it can and should provide recreational opportunities…..”

- Page 10.8, Objective 8, Strategy LUA.1 Renew zoning code should say “review”.

Mr. McCarthy also reviewed an email he had received from Lois Bigelow referring to the second to the last draft. In Implementation – Objective #4 was deleted entirely. This was deleted because the Committee felt this was obvious and that it would be adopted under the Code and the staff would provide reports anyways. Mr. McCarthy felt Ms. Bigelow was referring to I 4.4 under “To Create Lessons Learned Diary”. Ms. Bigelow inquired what the process would be to update the Comprehensive Plan the next time. Mr. McCarthy told Ms. Bigelow the Lessons Learned refers to as the plan goes forward, what works and what does not work. Planning and Zoning would do that. Mr. McCarthy still feels comfortable with deleting that particular strategy. Ms. Bigelow was probably referring to having something to think about doing next time. Mr. McCarthy felt this probably does not belong in the Comprehensive Plan, but should give this to the Co-Chairs and Steering Committee for the next time. Ms. Ermie feels that would be important to be able to learn from our mistakes in case “we aren’t here next time”. Ms. Bigelow felt the next time the meetings should be run using Roberts Rules of Order. She also felt there should be discussions, then votes, not a consensus. Mr. McCarthy had other opinions about voting versus consensus and stated this will be discussed at a future Planning and Zoning Committee meeting. She also felt minutes should be recorded. She also felt if doing a land use study which will be in effect for several years, it should not have interested parties involved, i.e. real estate people and developers. Some were not even from the City. She felt the results worked out very well though in spite of her suggestions for the next time. Mr. McCarthy suggested having this brought before the next Planning and Zoning Committee for discussion. He also proposed perhaps calling the Steering Committee back but also noted that their job technically is done.

With regard to Enacting Ordinance language, Mr. McCarthy spoke with Mr. Beredo as he was concerned about conflicts or ambiguity. If the Code and Comprehensive Plan does not match up, which controls? If there is inconsistency, which do they follow? Do they need to fix the Code or review the Comprehensive Plan? Mr. Beredo stated either there is or is not a conflict between the Zoning Code and Comprehensive Plan. If there is no conflict, there is no issue. Putting them both next to each other, neither prevails. There is no solid basis to choose one over the other. His suggestion was, in order to avoid true controversy and have inconsistent results, in the future we should determine which will hold precedence. Mr. McCarthy stated Zoning Code should be identified to hold precedence. Mr. Beredo clarified that if there was a conflict, Zoning Code would take precedence as it is more specific. Mr. McCarthy felt comfortable with this explanation.

Mr. McCarthy then introduced **ORDINANCE 140-2008 "ADOPTING THE COMPREHENSIVE GENERAL PLAN DATED AUGUST 19, 2008."** 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. 140-2008 by number and title only. Mr. McCarthy moved that Ordinance No. 140-2008 be passed as originally drafted, and removing the proposed administratice change, as previously suggested**.** Seconded by Mr. Kevern Ayes: (6) Nays: (0).

Next Planning and Zoning meeting September 17th at 5:30 p.m.

Personnel Committee

Ms. Ermie stated there is a Personnel Committee-of-the-Whole meeting scheduled September 9 for Executive Session to discuss contract negotiations. Ms. Ermie asked Administration if any other items need to be discussed for an additional Personnel meeting in September or wait until October.

Health, Sanitation and Public Utilities

Mr. Rutherford reported on the meeting held August 26, his report part of these minutes.

Mr. Rutherford also stated that a TARTA Resolution will be ready for the next HSPU meeting and the will be voted on at Council the first meeting in October. Mr. Mackin asked if people **for** TARTA were present at the meeting as he felt those people should be heard. Mr. Mackin feels there should be another Committee meeting to include those people. Mr. Alexander stated the draft is not complete yet and HSPU should review the language at their next Committee meeting. Mr. Alexander will publish the HSPU Agenda scheduled for September 23 at 6:00 p.m. so that citizens can be present to share their feelings.

Mr. Rutherford noted that the cost at the landfill to take mattresses has gone up from \$10 to \$11.55 and stated this increase will be charged to the residents wishing to dispose of mattress and moved Council accept this increase. Ms. Ermie seconded. Ayes: (6) Nays: (0).

Mr. Rutherford stated Coy Goodwin at 572 Forestview has asked for a sewer credit as his sump broke and ran up a \$1,234.57 bill and moved Council approve this credit. Ms. Ermie seconded. Ayes: (6) Nays: (0).

Mr. Rutherford then introduced **ORDINANCE 161-2008 "AUTHORIZING THE CITY TO EXPEND THIRTY THREE THOUSAND AND FIFTY DOLLARS (\$33,000.00) TO CONSTRUCT AN OVERSIZED STORM SEWER LINE TO SERVE THE INTERIOR OF PROPERTY BORDERING ON SOUTH WILKINSON WAY (ISOH/IMPACT DEVELOPMENT)."** 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. 161-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 161-2008 be passed. Seconded by Ms. Ermie Ayes: (6) Nays: (0).

Mr. Rutherford then introduced **ORDINANCE 162-2008 "AUTHORIZING AN AGREEMENT WITH CAM-TECH INDUSTRIAL SERVICES LLC FOR SANITARY SEWER REPAIRS IN THE THREE MEADOWS SUBDIVISION AT A COST NOT TO EXCEED SIXTY SIX THOUSAND DOLLARS ($66,000.00) 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 Ms. Ermie. Ayes: (6) Nays: (0) The Clerk read Ordinance No. 162-2008 by number and title only. Mr. Rutherford moved that Ordinance No. 162-2008 be passed as an emergency. Seconded by Ms. Ermie Ayes: (6) Nays: (0).

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

Other Business

No other business.

ADJOURNMENT

Mayor Nelson moved the meeting be adjourned at 8:45 p.m. Mr. Kevern seconded the motion. Ayes: (6) Nays: (0).

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