MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD AUGUST 16, 2011

Mayor Evans called the meeting to order at 7:01 p.m. Present were Council Members Maria Ermie, Todd Grayson, John Kevern, Joe Lawless, Tom Mackin, and Mike Olmstead (6). Absent: Tim McCarthy (1). 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 August 2, 2011 meeting and to dispense with their reading. Mr. Mackin seconded the motion. Ayes: (6). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

None.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans called attention to the final report of the TARTA Ad Hoc Committee that was distributed to Council members. He stated that this will be on the agenda of an upcoming HSPU meeting.

City Administrator's Report

Mr. Alexander stated that there will be an Open House on August 31, 2011 from 5:00 p.m. to 7:00 p.m. in Conference Room B regarding the SR65 multi-use path. It will be approximately a four week project with construction beginning September 6, 2011.

Finance Director's Report

No report.

Director of Law

Mr. Beredo reported that Ordinance 148-2011 regarding the emergency repair at Second and Louisiana is being withdrawn. Once the contractor examined the pavement they found that the basic integrity of the intersection was okay so the cost of this repair will be included on the invoice for the resurfacing program. Mrs. Ermie asked if the Administration will know the specific amount of the repair. Mr. Eckel stated that he will request that they detail the amount of this repair separately from the resurfacing program. Mr. Eckel added that he was thankful for Bowers' quick response to the situation.

President of Council Report

Mr. Lawless stated that Kingston Residence has filed an appeal regarding the Planning Commission's denial of a Special Approval Use. A special Council meeting was scheduled for Wednesday, August 31, 2011 at 5:30 p.m. to consider this appeal.

COMMITTEE REPORTS

Finance Committee:

Mr. Mackin gave his report of the August 9, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, September 13, 2011 at 5:00 p.m.

Mr. Mackin introduced **ORDINANCE 152-2011 AUTHORIZING THE TRANSFER OF CERTAIN COMMUNICATIONS SERVICES FROM SPRINT/NEXTEL TO VERIZON WIRELESS 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. 152-2011 by number and title only. Mr. Mackin moved that Ordinance No. 152-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Economic Development Committee:

No report.

Next meeting: Monday, September 19, 2011 at 6:00 p.m. which reflects a slight time change.

Service-Safety Committee:

Mr. Kevern gave his report of the special meeting held prior to tonight's meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: September 12, 2011 at 5:00 p.m. which is a change from the regular meeting date.

Mr. Kevern introduced **ORDINANCE 153-2011 AUTHORIZING THE CITY ADMINISTRATOR TO SEEK BIDS FOR THE CITY'S 2011 SIDEWALK PROGRAM 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: (6). Nays: (0). The Clerk read Ordinance No. 153-2011 by number and title only. Mr. Kevern moved that Ordinance No. 153-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 154-2011 AUTHORIZING AN AGREEMENT WITH LAFAYETTE ELECTRIC AT A PRICE NOT TO EXCEED ONE HUNDRED FIVE THOUSAND NINETEEN DOLLARS ($105,019.00) TO PERFORM WORK ON THE CITY'S SAFE ROUTES TO SCHOOL PROJECT 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: (6). Nays: (0). The Clerk read Ordinance No. 154-2011 by number and title only.

Mr. Kevern moved that Ordinance No. 154-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 155-2011 AUTHORIZING THE PURCHASE OF A STAND-ALONE LEAF VACUUM FROM ODB MUNICIPAL PRODUCTS FOR A PRICE NOT TO EXCEED TWENTY-FOUR THOUSAND NINE HUNDRED FIFTY DOLLARS ($24,950.00) 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: (6). Nays: (0). The Clerk read Ordinance No. 155-2011 by number and title only. Mr. Kevern moved that Ordinance No. 155-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 156-2011 AUTHORIZING THE PURCHASE OF FIVE (5) LIGHT FIXTURES FROM STERNBERG LIGHTING AT A PRICE NOT TO EXCEED SEVENTEEN THOUSAND SEVEN HUNDRED NINETY DOLLARS ($17,790.00) 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: (6). Nays: (0). The Clerk read Ordinance No. 156-2011 by number and title only. Mr. Kevern moved that Ordinance No. 156-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Kevern introduced **RESOLUTION 30-2011 AUTHORIZING THE CITY ADMINISTRATION TO PURSUE A FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT FOR FIRE DIVISION EQUIPMENT 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: (6). Nays: (0). The Clerk read Resolution No. 30-2011 by number and title only. Mr. Kevern moved that Resolution No. 30-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Grayson stated that with regard to the Safe Routes to School Program he feels we are being handcuffed by the State. He feels we could do a lot more with the $100,000, and he is concerned that we are being tied up and forced to spend the money this way.

Mr. Lawless stated that he is concerned that City Council is approving a lot of money to be spent on projects from committee meetings being held right before the City Council meeting. Denny Barrett asked if all ordinances are included in the budget. Mr. Mackin stated that at the committee level it is discussed if it is in the budget. Mr. Creps noted that if a large project is not included in the budget, a budget amendment must be done.

<u>Recreation Committee:</u>

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

Next meeting: Monday, September 19, 2011 at 5:00 p.m. which reflects a slight time change. Mr. Lawless stated that the time will be changed for the remainder of the year.

Planning And Zoning Committee:

Mr. Mackin gave his report of the August 9, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Mr. Mackin made a motion to advise the Planning Commission that it is City Council's interpretation of the Code that the Planning Commission has the authority to grant an extension of the Preliminary Plat of Horseshoe Bend Plats 10-12. Mr. Lawless seconded and the motion was approved 5-1. Ayes: Ermie, Grayson, Kevern, Lawless, Olmstead (5). Nays: Mackin (1).

The next regular committee meeting is Monday, August 22, 2011 at 5:00 p.m. which is a change from the regular date.

Mr. Mackin introduced **ORDINANCE 157-2011 GRANTING SPECIAL APPROVAL USE TO ED SCHMIDT AUTO GROUP FOR A BODY SHOP ADDITION 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. 157-2011 by number and title only.

Phil Dombey, attorney for Ed Schmidt Auto Group, and Tom Schmidt were present. Mr. Dombey stated that they agree with the Planning and Zoning Committee's recommendation except they request that Section 1 of the ordinance be changed from "no changes or modifications" to "no substantial changes or modifications" or "no material changes or modifications". Mr. Dombey stated that his concern is that the way the ordinance is written, if they change a light bulb, repair a door or move an interior wall it would constitute a change. Mr. Schmidt stated that his intent is to grow Perrysburg and this project will create $3.7 million dollars in additional payroll. He thanked the City for their support.

Mr. Beredo clarified that the types of modifications Mr. Dombey mentioned would not be subject to review by the City. It was Mr. Beredo's recommendation that no changes to the ordinance are necessary as he feels provisions of the Codified Ordinances already address Mr. Dombey's concerns. Mr. Dombey stated that he is concerned with the lack of a definition, and it could create angst. Mr. Thielen noted that most of Mr. Dombey's examples were interior changes which would not be subject to review. If they changed the front façade that would be a substantial change. Mr. Mackin stated that he is not in favor of changing the ordinance. Mrs. Ermie stated that she does not feel it would hurt anything and to make it more clear "according to today's Code" could be added. Mr. Mackin stated that the Law Director has made a recommendation and he will follow that recommendation.

Mrs. Ermie made a motion to modify Ordinance No. 157-2011 to include "according to the Code that is in effect as of August 16, 2011" after "modifications" in Section 1. Mr. Lawless seconded. The motion was approved 4 -2. Ayes: Ermie, Grayson, Lawless, Olmstead (4). Nays: Kevern and Mackin (2).

Mr. Mackin reiterated that he doesn't feel the amendment was necessary. Mr. Mackin moved that Ordinance No. 157-2011 as amended be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Personnel Committee:

Mrs. Ermie gave her report of the August 10, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

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

Health, Sanitation and Public Utilities Committee:

Mr. Grayson gave his report of the special meeting held prior to tonight's meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, August 23, 2011 at 6:00 p.m.

Mr. Grayson introduced **ORDINANCE 158-2011 AUTHORIZING AN AGREEMENT WITH GLEASON CONSTRUCTION IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THIRTY-NINE THOUSAND FOUR HUNDRED EIGHTY-NINE DOLLARS ($1,539,489.00) FOR CONSTRUCTION IN CHERRY STREET SEWER SEPARATION DISRICT 208 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. 158-2011 by number and title only. Mr. Grayson moved that Ordinance No. 158-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Alexander stated that with regards to Mr. Lawless' earlier statement, he does not disagree with him, and he explained that the reason for the special meeting regarding this ordinance is because the project was delayed due to an objection that was filed and because it had to be re-bid.

OTHER BUSINESS

None.

ADJOURNMENT

Mr. Lawless moved to adjourn the regular meeting at 8:04 p.m. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

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