

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD JULY 6, 2010

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

Mayor Evans called the meeting to order at 7:00 p.m.

Mr. Lawless made a motion to approve the minutes from the June 15, 2010 meeting without reading. The motion was seconded by Ms. Ermie. Ayes: (7) Nays: (0).

SPECIAL REPORTS

None

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

None

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans reported that the Fourth of July fireworks display went well and he would like to thank Taylor Automotive Group, ProMedica Health System, St. Luke's Hospital, Perrysburg Convention and Visitors Bureau and private citizens for their sponsorships and contributions.

City Administrator's Report

None

Finance Director's Report

None

Director of Law

Mr. Beredo stated Ordinance 121-10 should be moved from the Planning & Zoning section to the Health, Sanitation and Public Utilities section of the agenda.

President of Council Report

Mr. Lawless informed Council of three Public Hearings scheduled for August 17, 2010 at 6:30 p.m. (Perrysburg Historic Museum Final Site Plan Review and SAU), 6:50 p.m. (Planned Business Park Code Amendment) and 6:55 p.m. (Mortuaries/Funeral Homes Code Amendment).

COMMITTEE REPORTS

Finance Committee:

The next Finance Committee meeting is scheduled for July 27, 2010 at 4:00 p.m.

Economic Development:

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

Service-Safety:

Mr. Kevern read the minutes from the July 6, 2010 Service-Safety meeting and these are attached and made a part of the minutes.

Mr. Kevern introduced **ORDINANCE 104-2010 AUTHORIZING AN AGREEMENT WITH TTL ASSOCIATES TO PERFORM MATERIALS TESTING ON 2010 RESURFACING PROJECT AT A COST NOT TO EXCEED TEN THOUSAND FIVE HUNDRED SIXTY-FIVE DOLLARS (\$10,565.00) 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. 104-2010 by number and title only. Mr. Kevern moved that Ordinance No. 104-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 105-2010 AUTHORIZING AN AGREEMENT WITH MANNIK SMITH GROUP, INC., IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SEVENTY-THREE THOUSAND NINE HUNDRED SIXTY-NINE DOLLARS AND THIRTY-EIGHT CENTS (\$373,969.38), FOR LOCAL PROJECT AUTHORITY SERVICES ON THE ROACHTON ROAD IMPROVEMENT PROJECT (PID 80147) 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. 105-2010 by number and title only. Mr. Kevern moved that Ordinance No. 105-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 106-2010 AUTHORIZING AN AGREEMENT WITH W.W. WILLIAMS IN AN AMOUNT NOT TO EXCEED EIGHT THOUSAND TWENTY-FIVE DOLLARS (\$8,025.00) FOR PREVENTATIVE MAINTENANCE ON THE CITY'S FIRE 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: (7) Nays: (0). The clerk read Ordinance No. 106-2010 by number and title only. Mr. Kevern moved that Ordinance No. 106-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 107-2010 AUTHORIZING AN AGREEMENT WITH ET ELECTRIC LABOR & MATERIAL IN AN AMOUNT NOT TO EXCEED EIGHT THOUSAND SIX HUNDRED SEVEN DOLLARS (\$8,607.00) TO INSTALL A PROTECTED LEFT TURN ON ECKEL JUNCTION ROAD AT STATE ROUTE 25 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. 107-2010 by number and title only. Mr. Kevern moved that Ordinance No. 107-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 108-2010 AUTHORIZING AN AGREEMENT WITH RIDGESTONE GENERAL CONTRACTORS IN AN AMOUNT NOT TO EXCEED TWENTY-ONE THOUSAND TWO HUNDRED SEVENTY-FIVE DOLLARS (\$21,275.00) FOR REPAIRS TO THE MRE BUILDING 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. 108-2010 by number and title only. Mr. Kevern moved that Ordinance No. 108-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 109-2010 AUTHORIZING AN AGREEMENT WITH OTT EQUIPMENT SERVICE, INC. IN AN AMOUNT NOT TO EXCEED TWENTY-SIX THOUSAND FIVE HUNDRED DOLLARS (\$26,500.00) FOR ELECTRIC HYDRAULIC LIFTS 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. 109-2010 by number and title only. Mr. Kevern moved that Ordinance No. 109-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 110-2010 AUTHORIZING AN AGREEMENT WITH FINLEY FIRE EQUIPMENT IN AN AMOUNT NOT TO EXCEED THIRTY-FOUR THOUSAND FIFTY-EIGHT DOLLARS AND SIXTY CENTS (\$34,058.60) FOR PREVENTATIVE MAINTENANCE ON THE CITY'S FIRE 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: (7) Nays: (0). The clerk read Ordinance No. 110-2010 by number and title only. Mr. Kevern moved that Ordinance No. 110-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 111-2010 AUTHORIZING AN AGREEMENT WITH TTL ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$18,250.00 TO PROVIDE TESTING SERVICES ON ROACHTON ROAD IMPROVEMENT PROJECT (PID 80147) 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. 111-2010 by number and title only. Mr. Kevern moved that Ordinance No. 111-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Ms. Ernie asked if any of the Ordinances presented this evening went out to bid and the response was that it only goes out to bid if it is over \$25,000.00 and that the agreement with W.W. Williams went out to the most qualified bidder.

Mr. Rutherford stated the City needs to look harder at including protective left turn signals. It would be cheaper to add these when putting in new signals, instead of waiting and having to add at a later date. It is only a matter of time when a new signal will need a protected left turn signal.

The next Safety-Service meeting is scheduled for August 4, 2010 at 5:00 p.m.

Recreation Committee:

Mr. Lawless read the minutes from the June 21, 2010 Recreation meeting and these are attached and made a part of the minutes.

Mr. Lawless made a motion to approve Boy Scout Troop 259 using Orleans Park and assisting with parking during the July 4, 2010 fireworks display. Mr. Rutherford seconded the motion. Ayes: (7) Nays: (0).

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

Planning And Zoning Committee:

Mr. McCarthy read the minutes from the June 16, 2010 Planning & Zoning meeting and these are attached and made a part of the minutes.

Mr. McCarthy introduced **ORDINANCE 112-2010 AMENDING CODIFIED ORDINANCE 1235.04(U)(5)(A) TO REFLECT NOMENCLATURE CHANGE IN PLANNING AND ZONING ADMINISTRATION 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: (7) Nays: (0). The clerk read Ordinance No. 112-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 112-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 113-2010 AMENDING CODIFIED ORDINANCE 1235.04(U)(8)(A) TO REFLECT NOMENCLATURE CHANGE IN PLANNING AND ZONING ADMINISTRATION 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: (7) Nays: (0). The clerk read Ordinance No. 113-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 113-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 114-2010 AMENDING CODIFIED ORDINANCE 1245.49(a)(13) TO REFLECT NOMENCLATURE CHANGE IN PLANNING AND ZONING ADMINISTRATION 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: (7) Nays: (0). The clerk read Ordinance No. 114-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 114-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 115-2010 AMENDING CODIFIED ORDINANCE 1295.05(a)(9)(D)(1) TO REFLECT NOMENCLATURE CHANGE IN PLANNING AND ZONING ADMINISTRATION 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: (7) Nays: (0). The clerk read Ordinance No. 115-2010 by number and title only. Mr. McCarthy moved that

Ordinance No. 115-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 116-2010 AMENDING CODIFIED ORDINANCE 1210.09(a) TO REFLECT NOMENCLATURE CHANGE IN PLANNING AND ZONING ADMINISTRATION 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: (7) Nays: (0). The clerk read Ordinance No. 116-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 116-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 117-2010 AMENDING CODIFIED ORDINANCE 1235.04(ss)(2)(I) TO REFLECT NOMENCLATURE CHANGE IN PLANNING AND ZONING ADMINISTRATION 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: (7) Nays: (0). The clerk read Ordinance No. 117-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 117-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 118-2010 CREATING THE POSITION OF DEPUTY ADMINISTRATOR FOR THE CITY'S PLANNING & ZONING DIVISION PURSUANT TO CODIFIED ORDINANCE 260.01** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Lawless. Ayes: (7) Nays: (0). The clerk read Ordinance No. 118-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 118-2010 be passed. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Ms. Ermie asked if this Ordinance included approval of the Deputy Administrator position salary range and also if this Ordinance would need to be an emergency. Mr. Beredo responded that the salary range was not included in the Ordinance and is something that would need to be approved through the Personnel Committee first before moving on to City Council and the Ordinance does not need to be an emergency measure and will be changed to a non-emergency.

Mr. McCarthy introduced **ORDINANCE 119-2010 AUTHORIZING EXTENSION OF MUNICIPAL UTILITY SERVICES TO THE O'CONNELL PROPERTY PURSUANT TO CERTAIN CONDITIONS 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: (7) Nays: (0). The clerk read Ordinance No. 119-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 119-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 120-2010 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH PERRYSBURG TOWNSHIP WITH RESPECT TO O'CONNELL PROPERTY ON STATE ROUTE 25 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: (7) Nays: (0). The clerk read Ordinance No. 120-2010 by number and title only. Mr.

McCarthy moved that Ordinance No. 120-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

The next Planning and Zoning meeting is scheduled for July 22, 2010 at 5:00 p.m.

Personnel Committee:

The next Personnel meeting is scheduled for July 27, 2010 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read minutes from the Special HSPU meeting on June 16, 2010 and these are attached and made a part of the minutes.

Mr. Rutherford introduced **ORDINANCE 121-2010 DECLARING AN EMERGENCY AND AMENDING THE LEGISLATION WHICH CREATED AND GOVERNED THE TOLEDO REGIONAL TRANSIT AUTHORITY (“TARTA”) TO (1) ADD LUCAS COUNTY AS A MEMBER OF TARTA, (2) ELIMINATE TARTA’S 2.5 MILL PROPERTY TAXES AND SUBSTITUTE A ONE-HALF PERCENT SALES TAX, (3) REVISE THE MANNER BY WHICH MEMBR COMMUNITIES MAY WITHDRAW FROM OR JOIN TARTA, AND (4) ADOPT A NEW ORGANIZATIONAL STRUCTURE AND AGREEMENT FOR TARTA; PROVIDED THAT ALL SUCH AMENDMENTS ARE CONTINGENT UPON VOTER APPROVAL OF THE NEW TARTA FUNDING SYSTEM AT THE NOVEMBER 2, 2010 GENERAL ELECTION** 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: (7) Nays: (0). The clerk read Ordinance No. 121-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 121-2010 be passed as an emergency. Seconded by Mr. Kevern.

Mr. Lawless stated that if the Council votes to put the Ordinance on the ballot and then it passes, then the City is responsible for providing another means of public transportation for the residents of Perrysburg. He also stated he felt it would have been a better option for TARTA to allow the City of Perrysburg to opt out and put it on the ballot to allow the taxpayers to decide what they want to do. Mayor Evans replied that he was in support of the Ordinance because he felt it was the best opportunity for the City to get out of TARTA and give the taxpayers an option. He also stated that if it was necessary the City could contract with TARTA to service residents until alternative transportation could be found.

Mr. Olmstead stated that the voters have voiced their opposition to TARTA taxes in both an area-wide survey and also at the polls. Despite the voice of the voters, Perrysburg is left with two options: the first being to continue to pay a tax on service the voters do not want and the second being to choose to spread that burden out to everyone else. There has been no change to the overall operation of TARTA, even after years of requests to do so.

Ms. Ermie stated she did not believe there was any legal reason why the TARTA board could not release Perrysburg from the transit authority. She went on to add that she has also not seen any significant changes with TARTA service and added that all of the City Council members want the same thing and that is cost effective

public transportation that meets the City's needs. The only way that Perrysburg will be released from TARTA is if the taxpayers approve this sales tax and if not, Perrysburg will still be stuck in TARTA and that is not acceptable to Ms. Ernie.

Mr. Mackin stated that this is the time that Council will have the opportunity to immediately save tax dollars and provide better service to the community. There are some difficulties, in that we will have to determine how we are going to pay for some form of public transportation for those who need it. He added that the City has been trying to opt-out of TARTA for the past ten years without success and now TARTA has made some adjustments to give the City the ability to opt out. The Ordinance, being voted on this evening, will give the voters two things and they are reducing the tax for the taxpayers within the very near future and also to provide better service for those who use public transportation.

Mr. McCarthy agreed with Mr. Mackin and stated that after ten years of trying, this evening is the first viable way to opt out of TARTA. With all of the time and discussion put into this issue this evening, there is finally a light at the end of the tunnel.

Mr. Rutherford concluded the conversation by stating he feels this is the best and cheapest solution for the City.

Mr. Rutherford requested that the Special HSPU meeting minutes be corrected to reflect "\$2.25-mill" instead of "\$2.25 million". This was corrected in the minutes and on the website.

Mr. Rutherford also stated that he would be available as Chairman of the Health, Sanitation and Public Utilities Committee for extra meetings or discussions to help put a plan in place for different public transportation alternatives.

The vote was as follows: Ayes: (4-Mackin, Kevern, Rutherford, McCarthy)
Nays: (0-Ernie, Lawless, Olmstead).

The next Health, Sanitation, and Public Utilities meeting is July 27, 2010 at 6:00 p.m.

Other Business

No other business.

Mayor Evans made a motion to adjourn at 8:00 p.m. The motion was seconded by Mr. Lawless.

David D. Creps, Clerk of Council

Nelson D. Evans, Mayor