

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD JUNE 19, 2012

Mayor Evans called the meeting to order at 6:30 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 Marty Aubry, City Prosecutor.

Mr. Lawless moved to approve the minutes from the June 5, 2012 meeting and to dispense with their reading. Mr. Olmstead seconded the motion. Ayes: (6). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

None.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans reminded Council about the TMACOG meeting regarding water rates that would be held the following day. He also said that the Way Library will be marking the Bicentennial of the start of the War of 1812 by hosting Douglas Brinkley on June 20th. The library will also host a tour of the Fort Meigs Cemetery on June 24th. It will feature enactors at the gravesites of veterans of the War of 1812.

City Administrator's Report

No report.

Finance Director's Report

No report.

Director of Law

No report.

President of Council Report

Mr. Lawless said that when we moved City Council meetings from 7:00 p.m. to 6:30 p.m. we said we would revisit it in June to see how it was going. Mr. Lawless asked if any Council members had any issues with the new starting time. There were no comments.

COMMITTEE REPORTS

Finance Committee:

Mr. Mackin gave his report of the June 12, 2012 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, July 10, 2012 at 5:00 p.m.

Mr. Mackin introduced **ORDINANCE 115-2012 REINSTATING A 1.6 MILL PROPERTY TAX ASSESSMENT FOR POLICE AND FIRE PENSION CONTRIBUTIONS AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Ms. Ernie. Ayes: (6). Nays: (0). The Clerk read Ordinance 115-2012 by number and title only.

Mr. Lawless asked why this is increasing. Mr. Creps explained that back in 2002 the Wood County Auditor's office said that we were getting a large balance in these funds and they asked if we wanted to reduce the millage. The millage has been reduced for ten years and taxpayers saved over a million dollars through the reduction. Mr. Creps said that if it is not raised he projects a deficit in the funds in 2013. He added that the Charter mandates that it be funded through a property tax.

Mr. Mackin introduced **ORDINANCE 100-2012 AUTHORIZING THE TRANSFER OF A PORTION OF THE STREET RIGHT OF WAY ADJACENT TO 605 WEST FRONT 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. Keever. Ayes: (6). Nays: (0). The Clerk read Ordinance 100-2012 by number and title only. Mr. Mackin moved that Ordinance 100-2012 be approved as an emergency. Seconded by Mr. Keever. Mr. Grayson moved to amend the distance of the right of way to be vacated to 39'. Mrs. Ernie seconded.

Mrs. Ernie stated that according to the Ohio Revised Code as she reads it, an easement gives the City the right to service the sewer line so the City doesn't actually need the right of way. She said she appreciates the caution in vacating right of way because she also wants to make sure the City's interests are met, but she feels this is an exception because most right of way does not go through someone's house. Mr. Alexander cautioned that the proposed amendment would surrender the City's rights to that property and it would bind all future City Councils of ownership rights to that property. He said a policy error was made a number of years ago and he doesn't think we need to compound that error by surrendering City owned property. Mr. Alexander said it is a matter of wisdom to move the right of way out of their house, but he would be very concerned that City Council would be opening a can of worms, especially along West Front Street, by vacating 39' of the right of way. He said that the Administration recognizes the concern of the Weisenburgers and this ordinance as drafted addresses that concern.

Mr. Mackin noted that if the City had to buy back this right of way in the future, we would have to pay market value. He said we are binding future Councils and we should not give public property away to a private citizen; there is an inherent problem with that. Mr. Lawless asked Mrs. Weisenburger why she wants 39'. She said for peace of mind; if the City vacates 16' it would only take it 4" off her porch. She asked what benefit the City gets from keeping that 20'; she asked what the City could possibly put in it. Mr. Alexander said that is the issue. If the City vacates this right of way we are binding future City Councils to not be able to use this property. Mr. Aubry stated that easements are normally given to maintain utilities and if there is some other use such as fiber optic lines they would probably not be able to go in the area of the easement. He said just because you have an easement it is not open ended; there is a limited right granted.

Mrs. Ermie said that she is still struggling because if the City vacated the 39' we would still have 60' of right of way. Mr. Mackin noted that at the May Finance Committee meeting Mrs. Ermie supported vacating the 16' of right of way at a cost of \$100, now they waived the \$100 and Mrs. Ermie is not in support. Mrs. Ermie said she hasn't voted yet; she wants to protect the City but an easement gives us a right to service the sanitary sewer line. She added that the right of way does not come to within four inches from most people's house.

Mr. Alexander asked if Mrs. Weisenburger was aware of this situation when she purchased the home. She said that the property line was misrepresented to them when they bought the house. Mr. Alexander said that the City Administration and Finance Committee have done them a tremendous favor by offering to surrender 16' of right of way. Mrs. Weisenburger said that she does not feel that it is of any benefit to her and that it would only benefit the City. She said she feels like she is being duped. Mr. Alexander clarified that the City is proposing to give her free property. Mr. Mackin said that when the Weisenburgers try to sell the property the 16' will bring them more value; they could not sell it if the City does not vacate it. Mr. Mackin said that he and Mrs. Weisenburger have differing interests. Hers is to protect her property and City Council's is to protect all citizens – future and present. He said the right of way belongs to all citizens and we are giving it away. He noted that it is not the best deal for her and it is not the best deal for the City – it's a compromise.

Mrs. Ermie asked Mr. Eckel if the right of way going this far up to someone's house is normal. Mr. Eckel said that he hopes it is unusual, but there have been some instances. He said that his issue with this, and it was discussed at the CREAD meeting, was that he is looking at this from a safety standpoint. There is a 16' deep sewer line and from a safety standpoint we need every bit of that right of way to service that line. Mr. Eckel said that when doing projects people do not look at an easement the same way they look at right of way. Mr. Alexander said that with a right of way the City of Perrysburg has a superior right to the property and we would be surrendering our superior right to a private citizen in exchange for an inferior right, which is bad policy.

Mr. Mackin asked if the amendment that has been proposed is to vacate all 39' at no charge. Mr. Lawless suggested that Council vote on the ordinance the way it was drafted and then send it back to Committee to come up with a cost for the additional area. He said he was not comfortable with voting on the amendment with no cost. Mrs. Weisenburger asked if the Ordinance was approved if she would have to take the property. Mr. Grayson withdrew his amendment.

Mr. Lawless moved to remove Ordinance 100-2012 from the agenda. Seconded by Mrs. Ermie. Ayes: (6). Nays: (0).

Mr. Mackin introduced **ORDINANCE 114-2012 AUTHORIZING THE PURCHASE OF INSURANCE THROUGH OHIO PLAN RISK MANAGEMENT, INC. AT A COST NOT TO EXCEED ONE HUNDRED FORTY THOUSAND SEVEN HUNDRED FIFTY-FOUR DOLLARS (\$140,754.00) 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 Mrs. Ermie. Ayes: (6). Nays: (0). The Clerk read Ordinance 114-2012 by number and title only. Mr. Mackin moved that Ordinance 114-2012 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Mackin introduced **ORDINANCE 116-2012 SUBMITTING AN ESTIMATE OF REVENUES TO THE WOOD COUNTY BUDGET**

COMMISSION FOR THE BUDGET YEAR BEGINNING JANUARY 1, 2013 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 Mrs. Ermie. Ayes: (6). Nays: (0). The Clerk read Ordinance 116-2012 by number and title only. Mr. Mackin moved that Ordinance 116-2012 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Economic Development Committee:

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

Next meeting: Monday, July 16, 2012 at 6:00 p.m.

Mr. Olmstead introduced **ORDINANCE 117-2012 AUTHORIZING AN AGREEMENT WITH REVELLE IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) TO PROVIDE ECONOMIC DEVELOPMENT AND PLANNING SERVICES 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 117-2012 by number and title only. Mr. Olmstead moved that Ordinance 117-2012 be approved as an emergency. Seconded by Mr. Lawless. Ayes: (6). Nays: (0).

Service-Safety Committee:

Mr. Kevern gave his report of the June 6, 2012 meeting, a copy of which is attached hereto and made a part of these minutes.

There will be a special meeting on Tuesday, July 10, 2012 at 6:10 p.m.

Next regular meeting: Wednesday, July 11, 2012 at 5:00 p.m. which is a change from the regular date.

Mr. Kevern introduced **ORDINANCE 103-2012 AMENDING CODIFIED ORDINANCE 618.19 REGARDING FAILURE TO CONFINES HOUSEHOLD PETS** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Mackin. Ayes: Ermie, Kevern, Lawless, Mackin (4). Nays: Grayson, Olmstead (2). The Clerk read Ordinance 103-2012 by number and title only.

Mr. Kevern introduced **ORDINANCE 104-2012 AMENDING CODIFIED ORDINANCE 1090.96(c) REGARDING BEHAVIOR IN PARKS** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Mackin. Ayes: Ermie, Kevern, Lawless, Mackin (4). Nays: Grayson, Olmstead (2). The Clerk read Ordinance 104-2012 by number and title only.

Mr. Kevern introduced **ORDINANCE 118-2012 SETTING THE LOAD LIMIT ON FORT MEIGS ROAD AT TEN THOUSAND (10,000) POUNDS BETWEEN FIVE POINT ROAD AND ROACHTON ROAD 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 118-2012 by number and title only. Mr. Grayson asked what if a school van with kids goes down the road. Mayor Evans explained that it just can't be used as a through road for vehicles over 10,000 pounds. Mr. Kevern moved that Ordinance 118-2012 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 119-2012 AUTHORIZING THE CITY TO SEEK BIDS ON A MULTI-USE PATH ALONG THE RIVERFRONT 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 119-2012 by number and title only. Mr. Kevern moved that Ordinance 119-2012 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 120-2012 AUTHORIZING TO SOLICIT BIDS ON SIGNALIZATION WORK AT THE INTERSECTION OF FT. MEIGS ROAD AND ROACHTON ROAD 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 120-2012 by number and title only. Mr. Kevern moved that Ordinance 120-2012 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **RESOLUTION 10-2012 AUTHORIZING THE CITY ADMINISTRATION TO PURSUE A GRANT THROUGH THE U.S. DEPARTMENT OF JUSTICE TO SUBSIDIZE THE PURCHASE OF BULLETPROOF VESTS 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Resolution 10-2012 by number and title only. Mr. Kevern moved that Resolution 10-2012 be approved as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Recreation Committee:

Mr. Lawless gave his report of the June 18, 2012 meeting, a copy of which is attached hereto and made a part of these minutes. Mr. Lawless told Service Director Jon Eckel that he would also like the sign for Three Meadows Pond to say alcohol is prohibited.

Mr. Lawless moved that permission be granted to apply for the Wood County Park Grant. Mr. Grayson seconded. Ayes: (6). Nays: (0).

Next meeting: Monday, July 16, 2012 at 5:00 p.m.

Planning And Zoning Committee:

No report.

Next meeting: Monday, June 25, 2012 at 5:00 p.m. which is a change from the regular date.

Personnel Committee:

No report.

Next meeting: Tuesday, June 26, 2012 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Grayson encouraged Council members to continue reading the CTI report regarding the Wastewater Treatment Plant.

Next meeting: Tuesday, June 26, 2012 at 6:00 p.m.

OTHER BUSINESS

None.

ADJOURNMENT

Mr. Lawless moved to adjourn the regular meeting at 7:39 p.m. Seconded by Mr. Grayson. Ayes: (6). Nays: (0).

David D. Creps, Clerk

Nelson D. Evans, Mayor