

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD JUNE 16, 2009

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; David Creps, Clerk of Council and Mathew Beredo, Law Director.

Mayor Evans called the meeting to order at 7:34 p.m.

Mr. Lawless moved to approve the minutes from the June 2, 2009 meeting and to dispense with their reading. Mr. Mackin seconded the motion. Ayes: (7) Nays: (0)

SPECIAL REPORTS

None

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

None

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans informed the Council that the artwork on display throughout the hallways of the City building were done by Mary Ann Rossi whose husband, who was joined by Robin Ballmer, was at tonight's meeting representing Ms. Rossi.

City Administrator's Report

None

Finance Director's Report

None

Director of Law

None

President of Council Report

Mr. Lawless noted that the agenda for the evening would be revised to consider Personnel Committee issues last. He moved that Council adjourn to executive session immediately preceeding the Personnel Committee report, to discuss matters relating to collective bargaining. Seconded by Ms. Ermie. Ayes: (7) Nays: (0)

COMMITTEE REPORTS

Finance Committee:

Mr. Mackin read the minutes from the June 9, 2009 meeting and this report is attached and made a part of the minutes.

Mr. Mackin introduced **ORDINANCE 123-2009 AMENDING ORDINANCE NO. 223-2008 TO AUTHORIZE CERTAIN CHANGES TO THE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE YEAR BEGINNING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 123-2009 by number and title only. Mr. Mackin moved that Ordinance No. 123-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 124-2009 ESTABLISHING A SECTION OF THE CODIFIED ORDINANCES OF THE CITY OF PERRYSBURG, OHIO, REGARDING BURIALS PURSUANT TO OHIO REV. CODE 9.15** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 124-2009 by number and title only. Mr. Mackin moved that Ordinance No. 124-2009 be passed. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 125-2009 AUTHORIZING AN AGREEMENT WITH GORANSON PARKER & BELLA CO. L.P.A. TO PROVIDE LEGAL SERVICES IN CONNECTION WITH LITIGATION AGAINST THE CITY 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 125-2009 by number and title only. Mr. Mackin moved that Ordinance No. 125-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 126-2009 AUTHORIZING AN AGREEMENT WITH OHIO PLAN RISK MANAGEMENT, INC., THROUGH THE HYLANT GROUP, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-ONE THOUSAND FOUR HUNDRED SEVENTY-EIGHT DOLLARS (\$14,478.00) TO PROVIDE THE CITY WITH PROPERTY AND LIABILITY INSURANCE 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 126-2009 by number and title only. Mr. Mackin moved that Ordinance No. 126-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

The next Finance Committee meeting is scheduled for July 14, 2009 at 5:00 p.m.

Economic Development:

Mr. Kevern read the minutes from the June 3, 2009 meeting and this report is attached and made a part of the minutes.

The next Economic Development meeting is scheduled for July 1, 2009 at 9:00 a.m.

Safety and Service:

Mr. Olmstead read the minutes from the June 15, 2009 meeting and this report is attached and made a part of the minutes.

Mr. Olmstead introduced **ORDINANCE 127-2009 AUTHORIZING AN AGREEMENT WITH GERKEN PAVING, INC., IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED FIFTY-EIGHT THOUSAND NINE HUNDRED TWELVE DOLLARS AND TWENTY CENTS (\$558,912.20) FOR PAVEMENT RESURFACING 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. 127-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 127-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 128-2009 AUTHORIZING AN AGREEMENT WITH DIVERSIFIED ROAD & PIPE, INC., IN AN AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED THIRTY-FOUR THOUSAND FOUR HUNDRED EIGHTY-SEVEN DOLLARS AND THIRTY CENTS (\$1,234,487.30) TO PERFORM WORK FOR THE SECOND PHASE OF FORT MEIGS ROAD IMPROVEMENT 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: (7) Nays: (0). The clerk read Ordinance No. 128-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 128-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 129-2009 AUTHORIZING AN AGREEMENT WITH MANNIK SMITH IN AN AMOUNT NOT TO EXCEED SEVENTY-SEVEN THOUSAND FIVE HUNDRED TEN DOLLARS AND THIRTY-FIVE CENTS (&77,510.35) TO SERVE AS CONSTRUCTION ENGINEER FOR THE SECOND PHASE OF FORT MEIGS ROAD IMPROVEMENT 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: (7) Nays: (0). The clerk read Ordinance No. 129-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 129-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 130-2009 AUTHORIZING THE CITY TO ENTER INTO A LOCAL PROJECT AUTHORITY AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION REGARDING THE CITY'S WORK ON LOUISIANA AVENUE (STATE ROUTE 199) 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. 130-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 130-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 131-2009 AUTHORIZING AN AGREEMENT WITH RIDGESTONE BUILDERS IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND SIX HUNDRED THIRTY-EIGHT DOLLARS AND FORTY-FIVE CENTS (\$50,638.45) FOR SIGNALIZATION COSTS FOR THE TRAFFIC SIGNAL AT STATE ROUTE 25/PROGRESS DRIVE/HARBORTOWN PLACE 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. 131-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 131-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 132-2009 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH HITE CONCRETE LEVELING IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND NINE HUNDRED DOLLARS (\$5,900.00) TO RAISE, LEVEL, AND OTHERWISE IMPROVE CERTAIN CONCRETE SLABS AND SIDEWALKS ADJACENT TO MUNICIPAL BUILDINGS 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. 132-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 132-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 133-2009 AUTHORIZING AN AGREEMENT WITH ENVIROCARE LAWN & LANDSCAPING IN AN AMOUNT NOT TO EXCEED SIXTEEN THOUSAND ONE HUNDRED AND FIVE DOLLARS (\$16,105.00) TO REMOVE DEAD ASH TREES WITHIN THE CITY 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. 133-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 133-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

The next Safety-Service meeting is scheduled for July 1, 2009 at 5:30 p.m.

Recreation Committee:

Mr. Lawless read the minutes from the June 15, 2009 meeting and this report is attached and made a part of the minutes.

Mr. Lawless introduced **ORDINANCE 134-2009 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH PRC PARK LLC AND CONTRIBUTE ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) WITH RESPECT TO CONSTRUCTION OF CERTAIN PARK FEATURES AT THE PROPOSED PERRYSBURG ROTARY COMMUNITY PARK 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. Rutherford. Ayes: (7) Nays: (0). The clerk read Ordinance No. 134-2009 by number and title only. Mr. Lawless moved that Ordinance No. 134-2009 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (7) Nays: (0).

The next Recreation meeting is scheduled for July 20, 2009 at 5:30 p.m.

Planning And Zoning Committee:

The next Planning and Zoning meeting is scheduled for June 17, 2009 at 5:30 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read the minutes from the June 15, 2009 meeting and this report is attached and made a part of the minutes.

Mr. Rutherford introduced **ORDINANCE 136-2009 AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT BIDS FOR SEWER WORK TO IMPROVE STORM SEWER FLOW THROUGH THE CITY'S SOUTHWOOD AREA 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 136-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 136-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 137-2009 AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT BIDS FOR WORK AT THE CITY'S WHITE ROAD LIFT 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 137-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 137-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 138-2009 AUTHORIZING AN AGREEMENT WITH GLEASON CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED SIX HUNDRED EIGHTY-EIGHT THOUSAND SEVEN HUNDRED TWENTY-SEVEN DOLLARS AND TWENTY CENTS (\$688,727.20) FOR CONSTRUCTION IN CHERRY STREET SEWER SEPARATION DISTRICT 207 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 138-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 138-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 139-2009 AUTHORIZING AN AGREEMENT WITH HANDS PLUMBING AND HEATING IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED SIXTY-NINE THOUSAND TWENTY-SEVEN DOLLARS (\$469,027.00) TO COMPLETE CONSTRUCTION OF PHASE II OF THE MAUMEE RIVER INTERCEPTOR 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 139-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 139-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 140-2009 AUTHORIZING THE CITY TO PURCHASE A FORD F250 4X4 DIESEL UTILITY TRUCK FROM VALLEY FORD UNDER THE STATE COOPERATIVE PLAN FOR THIRTY-FOUR THOUSAND NINE HUNDRED NINETY-THREE DOLLARS (\$34,993.00) 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 140-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 140-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford also made a motion to approve sewer credits of \$7,256.51 to Perry Retail Associates and \$1,434.37 to Bruce and Carol Schroeder. Seconded by Ms. Ermie. Ayes: (7) Nays: (0).

The next Health, Sanitation, and Public Utilities meeting is June 23, 2009 at 6:00 p.m.

Council adjourned to executive session for the purpose of discussing contract negotiations at 8:10 p.m.

The Council returned from executive session at 8:35 p.m.

Personnel Committee:

Ms. Ermie discussed what was said at the Special Meeting for the Personnel Committee stating that it was decided to give a 2% increase for 2009, a 1.75% increase in 2010 and to have a wage reopener only in 2011. The union voted this evening and this decision was ratified.

Mr. Olmstead felt that Ohio Revised Code 4117 fatally flawed because it forces negotiations to occur in a bubble. It does not look into the future. He did state that it appears the union came in seeing a change with these particular negotiations and this action helped him to recommend approval of this contract.

Ms. Ermie introduced **ORDINANCE 135-2009 AUTHORIZING AN AGREEMENT WITH AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL 3906 CONSISTENT WITH THE PARTIES' TENTATIVE AGREEMENT 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. 135-2009 by number and title only. Ms. Ermie moved that Ordinance No. 135-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

The next Personnel meeting is June 23, 2009 at 5:00 p.m.

Other Business

There being no further business Mayor Evans moved to adjourn at 8:40 p.m. Seconded by Mr. Lawless.

David D. Creps, Clerk of Council

Nelson D. Evans, Mayor