

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD JUNE 7, 2011

Mayor Evans administered the oath of office to J. Todd Grayson.

Mayor Evans called the meeting to order at 8:23 p.m. Present were Council Members Maria Ermie, Todd Grayson, John Kevern, Joe Lawless, Tom Mackin, Tim McCarthy, and Mike Olmstead (7). 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 May 17, 2011 meeting and to dispense with their reading. Mr. Olmstead seconded the motion. Ayes: (7). Nays: (0).

SPECIAL REPORTS

Scott Kirby presented the Street Tree Commission's Annual Report. He reported that there were eleven meetings last year and approximately 273 volunteer hours. 262 trees were pruned, 540 trees were removed and 374 trees of 19 different varieties were planted. The City was given a Tree City award for the 27th year and they were given their 15th Growth Award. Mayor Evans thanked Mr. Kirby for his report.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

John Beaujean and Pauline Low were present to express their dissatisfaction with the response from the City regarding their property at 229 W. Sixth Street. Mr. Beaujean stated that he feels the City has not been forthcoming in what they can or can't do and that they have not been given time to resolve the issue. Mr. Alexander stated that since they have retained legal counsel, the Administration will be dealing with this issue through their counsel. Mr. Beredo stated that he talked to Mr. Beaujean in October and enforcement action did not begin until March. He added that the City has been holding off from pursuing further legal action to give them time to resolve the issues but nothing has been done.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans recommended that Sue Bruning be appointed to fill a vacancy on the Litter Control Board for a term expiring December 31, 2011. Mr. Lawless moved to appoint Sue Bruning to the Litter Control Board. Mr. Mackin seconded and it was unanimously approved.

Mayor Evans called attention to a summary of the CEG Study that was distributed to Council members in their weekend packets.

City Administrator's Report

No report.

Finance Director's Report

No report.

Director of Law

Mr. Beredo stated that Ordinance No. 97-2011 regarding notes for the Water Towers was not distributed to Council members in their packets, but it is on tonight's agenda. He stated that the effective date on the notes is June 16, 2011 so it will need to be considered as an emergency measure this evening.

Mr. Beredo reported that there is an administrative change needed for Ordinance No. 96-2011. The amount should be \$6,700 not \$6,100.

President of Council Report

Mr. Lawless stated that a public hearing needs to be scheduled at 6:45 p.m. on July 19, 2011 regarding the Ed Schmidt Auto Group, Body Shop Addition, 26875 Dixie Highway.

Mr. Lawless moved to approve Todd Grayson as the Chairman of the Health, Sanitation and Public Utilities Committee and to serve on the Recreation and Personnel Committees. Mr. McCarthy seconded and it was unanimously approved.

Mr. Lawless introduced **ORDINANCE 111-2011 ACCEPTING THE PETITION OF VALLEYBROOK REALTY INC. FOR ANNEXATION OF 31.668 ACRES OF PROPERTY LOCATED ON FIVE POINT ROAD [THE "VALLEYBROOK REALTY (JOHN KURFESS) ANNEXATION"]** 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. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 111-2011 by number and title only. Mr. Lawless moved that Ordinance No. 111-2011 be passed. Seconded by Mrs. Ermie. Ayes: (7). Nays: (0).

Mr. Lawless introduced **RESOLUTION 23-2011 AUTHORIZING THE DIRECTOR OF LAW TO PETITION THE BOARD OF COMMISSIONERS OF WOOD COUNTY, OHIO, TO CHANGE CERTAIN BOUNDARY LINES WITH RESPECT TO THE VALLEYBROOK REALTY (JOHN KURFESS) ANNEXATION IN ACCORDANCE WITH REVISED CODE 503.07** 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. McCarthy. Ayes: (7). Nays: (0). The Clerk read Resolution No. 23-2011 by number and title only. Mr. Lawless moved that Resolution No. 23-2011 be passed. Seconded by Mrs. Ermie. Ayes: (7). Nays: (0).

COMMITTEE REPORTS

Finance Committee:

Mr. Mackin stated that the Finance Committee met prior to the Council meeting to discuss the issuance of notes for the Water Towers. A copy of the report is attached hereto and made a part of these minutes.

Mr. Creps noted that an administrative change needs to be made to Ordinance No. 97-2011 to include the interest rate of 1.125%.

Next meeting: Tuesday, June 14, 2011 at 5:00 p.m.

Mr. Mackin introduced **ORDINANCE 97-2011 PROVIDING FOR THE ISSUANCE AND SALE OF FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000.00) NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING THE MUNICIPAL WATERWORKS SYSTEM BY REMOVING THE EXISTING WATER TOWER NOW LOCATED ON FORT MEIGS ROAD AND ACQUIRING, CONSTRUCTING AND INSTALLING A NEW WATER TOWER TO BE LOCATED BEHIND THE EXISTING PUBLIC SERVICE BUILDING AND A NEW WATER TOWER TO BE LOCATED ON THE SITE OF THE EXISTING WATER TOWER NOW LOCATED ON FORT MEIGS ROAD, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY** including the Administrative change to include the interest rate of 1.125% 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. Lawless. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 97-2011 by number and title only. Mr. Mackin moved that Ordinance No. 97-2011 be passed as an emergency. Seconded by Mrs. Ermie. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead (6). Nays: (0). Abstain: Grayson (1).

Mr. Mackin introduced **RESOLUTION 20-2011 AUTHORIZING PLACEMENT ON THE BALLOT OF A REPLACEMENT LEVY IN EXCESS OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING FOR THE COLLECTION AND DISPOSAL OF TRASH 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 third reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Resolution No. 20-2011 by number and title only. Mr. Mackin moved that Resolution No. 20-2011 be passed as an emergency. Seconded by Mrs. Ermie. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead (6). Nays: (0). Abstain: Grayson (1).

Economic Development Committee:

No report.

Next meeting: Monday, June 20, 2011 at 6:00 p.m.

Service-Safety Committee:

Mr. Kevern gave his report of the meeting held on June 6, 2011 a copy of which is attached hereto and made a part of these minutes.

Next meeting: Monday, July 11, 2011 at 5:00 p.m. which is a change from the regular date.

Mr. Kevern introduced **ORDINANCE 93-2011 AMENDING ORDINANCE 182-2010 WITH RESPECT TO EXPENDITURES FOR PARKS FOR THE YEAR ENDING DECEMBER 31, 2011 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. 93-2011 by number and title only. Mr. Kevern moved that Ordinance No. 93-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

Mr. Kevern introduced **ORDINANCE 94-2011 AMENDING CODIFIED ORDINANCE 816.01 REGARDING LICENSING OF AMUSEMENT DEVICES 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. 94-2011 by number and title only. Mr. Kevern moved that Ordinance No. 94-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

Mr. Kevern introduced **ORDINANCE 95-2011 AUTHORIZING THE CITY ADMINISTRATOR TO SEEK BIDS FOR WORK ON THE MULTIUSE PATH ALONG STATE ROUTE 65 (PID 89089) 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. 95-2011 by number and title only. Mr. Kevern moved that Ordinance No. 95-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

Mr. Kevern introduced **ORDINANCE 96-2011 AUTHORIZING AN AGREEMENT WITH BOWSER MORNER IN AN AMOUNT NOT TO EXCEED SIX THOUSAND SEVEN HUNDRED DOLLARS (\$6,700.00) TO PERFORM MATERIALS TESTING FOR THE 2011 PAVEMENT RESURFACING 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: (7). Nays: (0). The Clerk read Ordinance No. 96-2011 by number and title only. Mr. Kevern moved that Ordinance No. 96-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

Recreation Committee:

No report.

Next meeting: Monday, June 20, 2011 at 5:15 p.m. which is a change in the normal time.

Mr. Lawless introduced **ORDINANCE 91-2011 AUTHORIZING AN AGREEMENT WITH BOWERS ASPHALT & PAVING, INC., TO COMPLETE THE WALKING TRAIL AT ROTARY COMMUNITY PARK AT A PRICE NOT TO EXCEED SIXTY-FOUR THOUSAND NINE HUNDRED NINETY-NINE DOLLARS (\$64,999.00) 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 third reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 91-2011 by number and title only. Mr. Lawless moved that Ordinance No. 91-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (7). Nays: (0).

Mr. Lawless introduced **ORDINANCE 98-2011 AUTHORIZING THE PURCHASE OF A MOWER FROM CENTURY EQUIPMENT AT A PRICE NOT TO EXCEED FORTY-SIX THOUSAND SIX HUNDRED SIXTY-TWO DOLLARS AND THIRTY-ONE CENTS (\$46,662.31) 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 reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 98-2011 by number and title only. Mr. Lawless moved that Ordinance No. 98-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (7). Nays: (0).

Mr. Lawless introduced **ORDINANCE 99-2011 AUTHORIZING A LEASE BETWEEN THE CITY AND PERRYSBURG SOCCER CLUB WITH RESPECT TO FIELDS AT RIVERCREST 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 reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 99-2011 by number and title only. Mr. Lawless moved that Ordinance No. 99-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (7). Nays: (0).

Planning And Zoning Committee:

No report.

Next meeting: Wednesday, June 15, 2011 at 5:00 p.m.

Mr. McCarthy introduced **ORDINANCE 80-2011 AMENDING CHAPTER 1453 OF THE CODIFIED ORDINANCES TO REFLECT NEW FEDERAL EMERGENCY MANAGEMENT AGENCY REGULATIONS REGARDING FLOODPLAIN MANAGEMENT** 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. 80-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 80-2011 be passed as an emergency. Seconded by Mr. Lawless. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead (6). Nays: (0). Abstain: Grayson (1).

Personnel Committee:

Mrs. Ermie gave her report of the May 24, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, June 28, 2011 at 5:00 p.m.

Mrs. Ermie introduced **ORDINANCE 100-2011 AMENDING CODIFIED ORDINANCE 266.15-1 REGARDING HOURLY WAGES FOR CERTAIN MUNICIPAL POSITIONS 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 reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 100-2011 by number and title only.

Mr. Grayson asked if these changes reflect raises. Mrs. Ermie stated that the matrix reflects a 2% increase. Mr. Grayson asked if the raises are retroactive. Mr. Alexander stated that they are retroactive to the first full pay in March.

Mrs. Ermie moved that Ordinance No. 100-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Health, Sanitation and Public Utilities Committee:

Mr. McCarthy gave his report of the May 26, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, June 28, 2011 at 6:00 p.m.

Mr. McCarthy introduced **ORDINANCE 101-2011 ADOPTING PURSUANT TO ORC § 727.23 AN ORDINANCE FOR PUBLIC IMPROVEMENT FOR CHERRY STREET SEWER SEPARATION DISTRICT 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 reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 101-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 101-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 102-2011 AUTHORIZING THE CITY ADMINISTRATOR TO SEEK BIDS TO PERFORM WORK ON CHERRY STREET SEWER SEPARATION DISTRICT 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 reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 102-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 102-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 103-2011 AUTHORIZING AN AGREEMENT WITH NEPTUNE EQUIPMENT COMPANY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$185,000.00) TO PURCHASE ONE THOUSAND (1000) WATER METERS 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 reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 103-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 103-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 104-2011 APPROVING THE PROPOSED PLAN OF OPERATION AND GOVERNANCE FOR THE CITY'S PROPOSED NATURAL GAS AGGREGATION 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 reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 104-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 104-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 105-2011 AUTHORIZING AN AGREEMENT WITH JONES & HENRY IN AN AMOUNT NOT TO EXCEED SIXTEEN THOUSAND FIVE HUNDRED DOLLARS (\$16,500.00) TO PROVIDE ADDITIONAL ENGINEERING SERVICES WITH RESPECT TO THE CITY'S WASTE WATER TREATMENT PLANT EXPANSION PHASE IIB 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 reading. Seconded by Mr.

Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 105-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 105-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 106-2011 AUTHORIZING AN AGREEMENT WITH CSX RAILROAD IN AN AMOUNT NOT TO EXCEED FOURTEEN HUNDRED DOLLARS (\$1,400.00) TO CROSS THE RAILROAD TRACK WITH A SEWER LINE 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 reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 106-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 106-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 107-2011 AUTHORIZING A CHANGE ORDER WITH INDUSTRIAL POWER SYSTEMS IN AN AMOUNT NOT TO EXCEED EIGHT THOUSAND FOUR HUNDRED TWENTY-SIX DOLLARS (\$8,426.00) AS TO WORK ON WASTE WATER TREATMENT PLAN EXPANSION PHASE IIB 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 reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 107-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 107-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 108-2011 AUTHORIZING THE CITY ADMINISTRATOR TO SEEK BIDS FOR SERVICE AND CLEANING ON WASTEWATER TREATMENT PLANT DIGESTER #2 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 reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 108-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 108-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: Kevern, Lawless, Mackin, McCarthy, Olmstead (5). Nays: Ermie, Grayson (2).

Mr. McCarthy introduced **ORDINANCE 109-2011 AUTHORIZING THE CITY ADMINISTRATOR TO SEEK BIDS FOR WASTEWATER TREATMENT PLAN DIGESTER #2 MIXING SYSTEM 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 reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 109-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 109-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: Kevern, Lawless, Mackin, McCarthy, Olmstead (5). Nays: Ermie, Grayson (2).

Mr. McCarthy introduced **ORDINANCE 110-2011 ACCEPTING UTILITIES EASEMENTS FROM ISOH AND BRIARFIELD 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 reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 110-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 110-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **RESOLUTION 22-2011 APPROVING THE RECOMMENDATION FROM THE EQUALIZATION BOARD FOR CHERRY STREET SEWER SEPARATION DISTRICT 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 reading. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Resolution No. 22-2011 by number and title only. Mr. McCarthy moved that Resolution No. 22-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

OTHER BUSINESS

Mayor Evans reported that Lori Kuszmaul is resigning effective Friday, June 10, 2011.

ADJOURNMENT

Mr. Lawless moved to adjourn the regular meeting at 9:19 p.m. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

David D. Creps, Clerk

Nelson D. Evans, Mayor