MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD MAY 21, 2013

Mayor Evans called the meeting to order at 6:30 p.m. Present were Council Members Todd Grayson, John Kevern, Joe Lawless, Tom Mackin, Tim McCarthy, and Mike Olmstead (6). Also present were Bridgette Kabat, City Administrator, David Creps, Clerk of Council, and Mathew Beredo, Law Director.

Mr. Lawless moved to approve the minutes from the May 7, 2013 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 recommended that City Council go into Executive Session at the end of the meeting. Mr. Lawless moved to go into Executive Session at the end of the meeting to discuss the promotion of an employee. Mr. Grayson seconded. Ayes: (6). Nays: (0).

Mayor Evans recommended that City Council authorize a contract with Ride Right LLC for transportation services.

Mr. Grayson introduced **ORDINANCE 68-2013 AUTHORIZING AN AGREEMENT WITH RIDE RIGHT LLC TO PROVIDE TRANSPORTATION 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. McCarthy. Ayes: (6). Nays: (0). The Clerk read Ordinance 68-2013 by number and title only. Mr. Grayson moved that Ordinance 68-2013 be approved as an emergency. Seconded by Mr. McCarthy. Ayes: (6). Nays: (0).

City Administrator's Report

Ms. Kabat reported that Resolution 18-2013 regarding a grant for Fire Division radio equipment has been expanded to include other communities. The Resolution contains the same content that was discussed at the Service-Safety meeting. The City's share will be no more than 20% divided by the number of political entities involved, and it could be as low as 10%.

Finance Director's Report

Mr. Creps said that he received no negative comments about the proposed summer Council schedule so we will proceed with the following schedule: July 9th, July 30th, and August 20th.

Director of Law

Mr. Beredo stated that Resolution 20-2013 was prepared in anticipation of action by the Economic Development Committee, but the item was tabled so that Resolution will not be introduced.

President of Council Report

Mr. Lawless said there is a vacancy on City Council because of the resignation of Maria Ermie. He said that five good applicants for the seat were interviewed by Council. Mr. Lawless moved that Sara Weisenburger be appointed to fill the Council vacancy. Seconded by Mr. Grayson.

Mr. McCarthy said he does not want to denigrate Ms. Weisenburger, but he believes that Becky Williams should be appointed. He said Ms. Williams has served the City on various commissions and has attended more meetings than any new council person ever has. Mr. McCarthy said he feels Ms. Williams would be the best choice to discharge the duties, so he will be voting no. Mr. Mackin said he echoes many of Mr. McCarthy's comments. He added that he believes Ms. Williams is the most qualified and because she does not plan on running for the office, it would make the seat non-partisan, non-political.

Ms. Williams thanked Mr. Mackin and Mr. McCarthy for their comments and read a prepared statement. She said that she has served the City on various boards and commissions. She said that she is informed and involved and has attended many Council and committee meetings not because she has an agenda or an issue to resolve, but because she wanted to learn about how city government works. She said the City needs people like her. She said that when the time is right, she will run for a position on city government.

Ayes: Grayson, Lawless, Olmstead (3). Nays: Kevern, Mackin, McCarthy (3).

Mr. Lawless said the Charter does not say what to do in case of a tie. Mr. Beredo said that he would need to review the Charter and he is not prepared to give an appropriate response tonight. A special City Council meeting was scheduled for Tuesday, May 28, 2013 at 6:00 p.m.

Mr. Kevern said that he was leaning towards someone who was running for office in the fall, but he feels Ms. Williams is better prepared. Mr. Lawless said that he understands, and he agreed that Ms. Williams is qualified. Ms. Weisenburger said that she has not been in the City as long as Ms. Williams, but she has done her homework. She said that the City is well run, she hopes to be a part of it, and she thanked Council for considering her.

COMMITTEE REPORTS

Finance Committee:

Mr. Mackin gave his report of the May 14, 2013 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting date: Tuesday, June 11, 2013 at 5:00 p.m.

Mr. Mackin introduced **ORDINANCE 64-2013 AMENDING CITY OF PERRYSBURG, OHIO, CODIFIED ORDINANCE 252.05 REGARDING MUNICIPAL CONTRACTS 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 64-2013 by number and title only. Mr. Mackin moved that Ordinance 64-2013 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Mackin introduced **ORDINANCE 65-2013 AUTHORIZING AGREEMENTS WITH OUTSIDE COUNSEL TO PROVIDE LEGAL SERVICES FOR THE MUNICIPAL PROSECUTOR 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 65-2013 by number and title only. Mr. Mackin moved that Ordinance 65-2013 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Mackin introduced **ORDINANCE 66-2013 AUTHORIZING DISPOSITION OF EXCESS MUNICIPAL PROPERTY 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 66-2013 by number and title only. Mr. Mackin moved that Ordinance 66-2013 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Mackin introduced **ORDINANCE 67-2013 AUTHORIZING AN AGREEMENT WITH LIGHTGOV, LLC TO CONDUCT AUCTIONS OF SURPLUS CITY PROPERTY AND TO DECLARE 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 67-2013 by number and title only. Mr. Mackin moved that Ordinance 67-2013 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Mackin introduced **RESOLUTION 16-2013 PLACING PURSUANT TO O.R.C. §5705.19 (V) A REPLACEMENT LEVY IN EXCESS OF THE TEN MILL LIMITATION ON THE NOVEMBER 5, 2013 GENERAL ELECTION 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. Seconded by Mr. Kevern. Ayes: (6). Nays: (0). The Clerk read Resolution 16-2013 by number and title only.

Mr. Mackin said that Steve Bronder, Income Tax Commissioner, has done a good job keeping City Council updated on House Bill 5, and he has served the community well looking out for taxpayers' interests.

Mr. Mackin introduced **RESOLUTION 17-2013 OPPOSING THE ADOPTION OF MUNICIPAL INCOME TAX UNIFORMITY MEASURES PROPOSED IN HOUSE BILL 5 AND SUPPORTING THE TWENTY-ONE UNIFORMITY ISSUE PROPOSALS OF THE GREATER DAYTON MAYORS & MANAGERS ASSOCIATION AND THE DAYTON AREA TAX ADMINISTRATORS 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).

Mr. Lawless said he agrees with Mr. Mackin's comments that Mr. Bronder has done a good job handling this issue. He said he totally agrees with him on opposing House Bill 5, but as he reads this Resolution, it also supports the Dayton plan. Mr. Lawless said that in the Dayton plan employee business expenses which are deducted on the federal tax return will be added back in to taxable income. Mr. Bronder said that is the same situation most municipalities currently follow. He said that he agrees with the standpoint that municipal income tax is broken and Resolution 17-13 is not a statement that the City is against uniformity. However, House Bill 5 goes beyond uniformity issues into tax reform. Mayor Evans said that he thought the Dayton plan seemed revenue neutral for the city. He said the State has taken the estate tax away and has cut local government funds in half and if they take local control out, we could lose more. Mr. Grayson asked about the occasional entrant rule. Mr. Bronder said that the 12 day rule is currently uniform throughout the State and they want to change that to 21 days. Currently when you hit day 13 you are subject to withholding from day one. However, they want to change that to say the first 20 days would not be taxable. The City stands to lose out on withholding for those first 20 days. Mr. Grayson said that nothing that comes from Columbus is perfect; he likes House Bill 5 and he won't vote for this Resolution.

Mr. Mackin moved that Resolution 17-2013 be approved as an emergency. Seconded by Mr. Kevern. Ayes: Kevern, Lawless, Mackin, McCarthy, Olmstead (5). Nays: Grayson (1).

Economic Development Committee:

Mr. Olmstead gave his report of the May 20, 2013 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting date: Monday, June 17, 2013 at 5:30 p.m.

Service-Safety Committee:

Mr. Kevern gave his report of the May 13, 2013 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting date: Monday, June 3, 2013 at 5:00 p.m.

Mr. Kevern introduced **ORDINANCE 54-2013 AUTHORIZING THE PURCHASE OF AN INTERNATIONAL 7400 DUMP/PLOW TRUCK CHASSIS FROM NOLLENBERGER TRUCK SALES AT A PRICE NOT TO EXCEED EIGHTY-TWO THOUSAND THREE HUNDRED EIGHTY-FOUR DOLLARS ($82,384.00) 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance 54-2013 by number and title only. Mr. Kevern moved that Ordinance 54-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 55-2013 AUTHORIZING THE CITY TO PURCHASE AT A PRICE NOT TO EXCEED FIFTY-FIVE THOUSAND SEVEN HUNDRED THIRTEEN DOLLARS ($55,713.00) EQUIPMENT FROM HENDERSON TRUCK EQUIPMENT TO OUTFIT A DUMP/PLOW TRUCK 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 Ordinance 55-2013 by number and title only. Mr. Kevern moved that Ordinance 55-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 56-2013 AUTHORIZING AN AGREEMENT WITH FINLEY FIRE IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS ($250,000.00) FOR A REPLACEMENT MEDIC UNIT 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 Ordinance 56-2013 by number and title only. Mr. Lawless asked what we are going to do with the one and a half medics that are out of service. Ms. Kabat said that the unit that has been out of service for months is going to be transferred to the Public Utilities Department. Fire Chief Jeff Klein explained that the EPA changed emission standards and they've discontinued the engine for the other medic unit. He said that they have had it in for repairs at several places with the last one being Brondes Ford. He said that the last few weeks the unit has not been leaking, but it is only under warranty until January 2014. Mayor Evans said under the five year plan we were scheduled to get a new medic unit next year, so we have just moved it up one year. Mr. Kevern moved that Ordinance 56-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 57-2013 AUTHORIZING AN AGREEMENT WITH STRAWSER CONSTRUCTION INC. TO PERFORM RESURFACING WORK ON SOUTH BOUNDARY STREET AT A PRICE NOT TO EXCEED ONE HUNDRED SIXTEEN THOUSAND FIVE HUNDRED FORTY DOLLARS ($116,540.00) 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance 57-2013 by number and title only. Mr. Kevern moved that Ordinance 57-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 58-2013 AUTHORIZING AN AGREEMENT WITH WOLFE ROOFING TO REPAIR THE MUNICIPAL BUILDING ROOF AT A COST NOT TO EXCEED THIRTY-NINE THOUSAND EIGHT HUNDRED TEN DOLLARS ($39,810.00) 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance 58-2013 by number and title only. Mr. Kevern moved that Ordinance 58-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 62-2013 AUTHORIZING MEMORANDA OF UNDERSTANDING WITH MIDDLETON TOWNSHIP AND PERRYSBURG TOWNSHIP REGARDING SHARED EXPENSES FOR ROAD REPAIR** 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 Ordinance 62-2013 by number and title only. Mr. Kevern moved that Ordinance 62-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **ORDINANCE 63-2013 AUTHORIZING AN AGREEMENT WITH PROUDFOOT ASSOCIATES FOR DESIGN WORK ON IMPROVEMENTS TO THE INTERSECTION OF STATE ROUTE**

25/ECKEL JUNCTION ROAD AT A COST NOT TO EXCEED ONE HUNDRED FORTY-NINE THOUSAND DOLLARS ($149,000.00) 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance 63-2013 by number and title only. Mr. Kevern moved that Ordinance 63-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

Mr. Kevern introduced **RESOLUTION 18-2013 AUTHORIZING THE CITY ADMINISTRATION TO PURSUE A FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT FOR FIRE DIVISION RADIO 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Resolution 18-2013 by number and title only. Mr. Grayson said that he thinks this is a great thing, but FEMA is not cost effective and we should pay for it locally. He said that he's going to vote no and hope that we do it but by paying for it locally. Mr. Kevern moved that Resolution 18-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (6). Nays: (0).

<u>Recreation Committee:</u>

Mr. Lawless gave his report of the May 20, 2013 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting date: Monday, June 17, 2013 at 5:00 p.m.

Mr. Lawless introduced **RESOLUTION 19-2013 AUTHORIZING THE CITY ADMINISTRATOR TO PURSUE GRANTS THROUGH THE WOOD COUNTY PARK DISTRICT TO DEFRAY COST OF RECREATIONAL 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. Grayson. Ayes: (6). Nays: (0). The Clerk read Resolution 19-2013 by number and title only. Mr. Lawless moved that Resolution 19-2013 be approved as an emergency. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

<u>Planning And Zoning Committee:</u>

No report.

Next meeting date: Wednesday, June 19, 2013 at 5:00 p.m.

<u>Personnel Committee:</u>

No report.

Next meeting date: Tuesday, June 25, 2013 at 5:00 p.m.

<u>Health, Sanitation and Public Utilities Committee:</u>

No report.

Next meeting date: Tuesday, May 28, 2013 at 5:00 p.m., which is a change from the regular time.

OTHER BUSINESS

None.

ADJOURNMENT

City Council went into Executive Session at 7:52 p.m. City Council returned from Executive Session at 8:11 p.m.

Mayor Evans recommended that Brody Walters be appointed as the new Planning and Zoning Administrator. Mr. Lawless moved to appoint Brody Walters as Planning and Zoning Administrator. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0).

Mr. Lawless moved to adjourn the meeting at 8:13 p.m. Seconded by Mr. Grayson. Ayes: (6). Nays: (0).

David D. Creps, Clerk

Nelson D. Evans, Mayor