

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD MAY 19, 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 7:00 p.m.

Mr. Lawless moved to approve the minutes from the May 5, 2009 meeting and to dispense with their reading. Ms. Ermie seconded the motion. Ayes: (7) Nays: (0)

SPECIAL REPORTS

None

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

Liz Larson-Shidler brought to the Council's attention problems with the right-of-way located along Water Street that runs by Orleans Park. She stated that the right-of-way was being forced along a steep hillside making it treacherous to walk. She also pointed out that while walking along behind a residence she was attacked by two dogs whose owner has an invisible fence, but has the fence running clear down to the edge of the property where the right-of-way is located. She thought the City should be aware of some of the problems with this walking area, so that adjustments could be made to make it more appealing to area residents.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans announced that he had just received notice of Police Chief Rick Gilt's retirement effective June 12, 2009. Lieutenant Dan Paez will be named acting Chief of Police.

Mayor Evans also recognized Richard Baranowski, Way Public Library Employee, for the publication of his Veteran's History Project in the National Library Magazine. The Mayor commended Mr. Baranowski on his efforts for the City's Veterans and also Way Library. Mr. Baranowski addressed the Council thanking them for the recognition and stating that the publication was a "high mark for the community, City and library".

City Administrator's Report

Mr. Alexander updated Council on the status of the \$200,000 State Grant for funding of the purchase of the Rapids Road property. Presentation of the grant has been delayed until August.

Finance Director's Report

Mr. Creps asked the Council for opinions on the Summer Council Schedule. It was decided that July 7, July 28 and August 18 worked best for everyone. These dates will be the official City Council meetings for the summer schedule.

Director of Law

None

President of Council Report

None

COMMITTEE REPORTS

Finance Committee:

Mr. Mackin read the minutes from the May 12, 2009 meeting and this report is attached and made a part of the minutes.

The next Finance Committee meeting is scheduled for June 9, 2009 at 5:00 p.m.

Economic Development:

Mr. Kevern read the minutes from the May 6, 2009 meeting and this report is attached and made a part of the minutes.

Mr. Kevern also reminded Council of the Economic Development Reception being held on May 27, 2009.

Mr. Kevern introduced **ORDINANCE 114-2009 AUTHORIZING A JOB CREATION GRANT FOR GREENLINE BEANS 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. 114-2009 by number and title only. Mr. Kevern moved that Ordinance No. 114-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

The next Economic Development meeting is scheduled for June 3, 2009 at 9:00 a.m.

Safety and Service:

Mr. Olmstead read the minutes from the May 6, 2009 meeting and this report is attached and made a part of the minutes.

Mr. Lawless had questions about the minutes as read. He asked if the City planned on proceeding with the hydrant adapter program if we do not receive the FEMA Grant funds from the State. Chief Klein responded that the purpose of the Grant is to create universal threads on all fire hydrants in the Perrysburg Community. If the City does not receive funds from the Grant, then only certain hydrants will be changed, and this will become an on-going replacement program.

Mr. Lawless also asked if the City had made efforts to enter into financial agreements with surrounding communities for the use of the Firing Range before it is built. Mr. Alexander responded that the City has not talked about capital investments with other communities which would create a part ownership agreement. They have talked about operational costs which would be paying for the usage of the range. The Administration will suggest the operational costs idea

at the County Chiefs Association Meeting and also open it up to other Municipalities. Mayor Evans felt there was an advantage in having Owens Technical College help with funding because they would be responsible for scheduling and training of the range which in turn would lower costs of employee participation for the City. Mr. Alexander also stated that Bowling Green, Rossford and Maumee already have their own firing ranges.

Mr. Lawless also questioned the Code Red System of alert and wondered how many people were signed up to receive alerts from the City. He was told that all citizens of Perrysburg were automatically signed up for the alert system, but that in order to receive weather alerts, citizens would need to sign up on the City website. Liz Larson-Shidler commented that she had signed up for the Wood County Alert System and wondered if that was the same system as Code Red. She was told that Wood County used a different system.

Mr. Olmstead introduced **ORDINANCE 104-2009 AUTHORIZING THE CITY TO PURCHASE ADDITIONAL RIGHT-OF-WAY FOR THE FORT MEIGS ROAD PHASE 2 IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND FORTY-FIVE DOLLARS (\$110,045.00) 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. McCarthy. Ayes: (7) Nays: (0). The clerk read Ordinance No. 104-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 104-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 105-2009 AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH HULL AND ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500.00) 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. McCarthy. Ayes: (7) Nays: (0). The clerk read Ordinance No. 105-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 105-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 106-2009 AUTHORIZING AN ENGINEERING AGREEMENT PROVIDING FOR A THREE THOUSAND DOLLAR (\$3,000.00) INSURANCE SUBSIDY WITH CSX WITH REGARDING CURB WORK ASSOCIATED WITH RAILROAD CROSSING GATE IMPROVEMENTS ON WALNUT AND LOCUST STREETS 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. 106-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 106-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 107-2009 AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT BIDS FOR THE SECOND PHASE OF FORT MEIGS ROAD IMPROVEMENTS 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. 107-2009 by number and title only. Mr. Olmstead moved that Ordinance No.

107-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 108-2009 AMENDING SECTION 1022.28(b) OF THE CODIFIED ORDINANCES FOR THE CITY OF PERRYSBURG, OHIO, TO REMOVE CRIMINAL PENALTIES FOR FAILING TO REMOVE SNOW, ICE, DIRT OR DEBRIS FROM SIDEWALKS 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. 108-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 108-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 109-2009 AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT FOR BIDS FOR THE CONSTRUCTION OF THE DIVISION OF POLICE INDOOR FIRING RANGE 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. 109-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 109-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 110-2009 RENEWING THE AGREEMENT WITH EMERGENCY COMMUNICATIONS NETWORK (ECN) CODE RED TO PROVIDE EMERGENCY COMMUNICATIONS SERVICES AT A PRICE NOT TO EXCEED ELEVEN THOUSAND DOLLARS (\$11,000.00) 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. McCarthy. Ayes: (7) Nays: (0). The clerk read Ordinance No. 110-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 110-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 111-2009 AUTHORIZING AN AGREEMENT WITH TRUGREEN CHEMLAWN IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00) TO PROVIDE EMERALD ASH BORER TREATMENTS TO CITY TREES 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. 111-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 111-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 112-2009 AUTHORIZING AN AGREEMENT WITH ZIMMERMAN PAINT CONTRACTORS IN AN AMOUNT NOT TO EXCEED THIRTY THOUSAND NINE HUNDRED THIRTY-NINE DOLLARS AND THREE CENTS (\$30,939.03) FOR THE 2009 PAVEMENT MARKING 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. McCarthy. Ayes: (7) Nays: (0). The clerk read Ordinance No. 112-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 112-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **RESOLUTION 8-2009 AUTHORIZING THE CITY ADMINISTRATION TO PURSUE GRANTS TO PURCHASE QUARTER-TURN HYDRANT ADAPTERS 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 Resolution 8-2009 by number and title only. Mr. Olmstead moved that Resolution 8-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 113-2009 ENACTING SECTION 618.22 OF THE CODIFIED ORDINANCES OF THE CITY OF PERRYSBURG, OHIO, TO PROHIBIT CERTAIN ANIMAL SPECIES WITHIN MUNICIPAL BOUNDARIES 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. 113-2009 by number and title only.

Mr. Olmstead expressed his concern about needing a grandfathering clause in the exotic animal Ordinance for people with animals who will automatically become illegal once the Ordinance is past. He stated that the nonexistence of such an Ordinance was not brought to the attention of the Council due to a complaint or major problem and he would like an alternative Ordinance proposed that would include the grandfathering clause. Mr. Beredo, City Law Director, noted that a citizen would have 30 days to comply with the Ordinance and register their exotic animal. He also stated that there is one such Ordinance with a grandfathering clause, which is out of Toledo, that is very comprehensive. It provides owners the ability to keep exotic animals they already own, but not to allow these types of animals in the future. The owners are responsible for posting signs warning all service employees (i.e. fire and police) that an exotic animal is inside the premises. Mr. McCarthy felt that the grandfathering clause provides the one time chance for exotic animal owners to register their pet and show responsibility by obtaining insurance and the act of registering with the City. Mr. Kevern asked how long the grandfathering clause would be relavent. Would it be for the life of the animal or a certain time period such as 2-3 years. Mr. Mackin thanked Mr. Beredo for creating the Ordinance being presented. He also wanted to recognize citizens who came forward to share their comments and valuable information about exotic animals, as well as, the veterinarians who helped with the writing of the Exotic Animal Ordinance. Mr. Mackin felt that a grandfather clause would be difficult to enforce and there would remain a potential risk to citizens in the future if animals were kept. Ms. Ermie was concerned about the ability for a citizen to take an exotic animal out into the general public as long as it was determined there was control of said animal. She wondered how the leash law for cats and dogs pertained to a person with a snake. Mr. Lawless stated that it was disturbing why someone would have an exotic animal that could cause harm. He also stated that he would not pass an Ordinance without a grandfathering clause.

Mr. McCarthy stated that the City already knows what types of exotic animals are out in the community. Jeff Studer, Animal Control Officer, stated that there is one exotic animal owner he is aware of and this person owns 3 pythons and 1 anaconda. Mr. Olmstead felt that people who have followed the law up to this point should not have to worry about becoming a criminal overnight. He was very uncomfortable with idea of passing a law that states the person is now breaking the law. Mr. Mackin felt the City had been lax on an obvious issue and Council would be fixing the problem now by passing as an emergency. Mr. Olmstead stated that this could turn into an issue of trying to keep citizens safe by passing layer after layer of laws. When do we stop? Mr. Lawless asked how

many dog bite complaints had been registered with Mr. Studer responding approximately 61. Mr. Lawless felt there was an awful lot being done for just one situation. He liked Option #2 of the Ordinance which would give owners 30 days to register their pets.

William Dhondt Jr., 325 Birchdale, stated that people were not being turned into criminals with the passing of the Ordinance. He felt the Ordinance should have been passed 30 years ago and that for safety issues a grandfathering clause would not be feasible. Mr. Kevern felt a grandfathering clause would dilute the Ordinance. Mayor Evans asked if the exotic animal owner had plans to get rid of the snakes and Mr. Studer stated the owner was looking for a new place for the animals.

Mr. Mackin made a motion that Ordinance No. 113-2009, Option 1, be considered for a vote as amended by Council. Seconded by Ms. Ernie. Ayes: (4) Nays: (3). Mr. Olmstead, Mr. Lawless and Mr. Rutherford voted Nay. Mr. Mackin moved that Ordinance 113-2009, Option 1, be passed as amended as an emergency. Seconded by Mr. Kevern. Ayes: (5) Nays: (2). Mr. Olmstead and Mr. Lawless voted Nay on this issue.

The next Safety-Service meeting is June 15, 2009 at 6:00 p.m.

Recreation Committee:

The next Recreation meeting is June 15, 2009 at 5:30 p.m.

Planning And Zoning Committee:

The next Planning and Zoning meeting is May 20, 2009 at 5:30 p.m.

Personnel Committee:

The next Personnel meeting is May 26, 2009 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

The next Health, Sanitation, and Public Utilities meeting is May 26, 2009 at 6:00 p.m.

Other Business

Rick Ruffner called attention to areas along Water Street where there are problems with the right-of-way. There are also several items in a resident's yard that have been left unattended for quite awhile. There is a pontoon boat chained up in the yard rotting out and there are also two cars with weeds at least 3 feet high surrounding them. Mr. Ruffner was told that the resident's yard was not City property and he stated he knew that but thought someone could mention these eye sores to the resident in hopes that they would remove them from the yard.

There being no further business Mr. Lawless moved to adjourn at 8:37 p.m..

David D. Creps, Clerk of Council

Nelson D. Evans, Mayor