

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD MAY 17, 2011

Mayor Evans called the meeting to order at 7:06 p.m. Present were Council Members Maria Ermie, John Kevern, Joe Lawless, Tom Mackin, Tim McCarthy, and Mike Olmstead (6). 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 3, 2011 meeting and to dispense with their reading. Mr. McCarthy seconded the motion. Ayes: (6). Nays: (0).

Mr. Creps noted that in the Joint City/Township Cemetery Meeting minutes the millage for the tax levy was incorrectly reported as 3.2 instead of .32.

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

None.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans noted that last week was Police Memorial Week. This Memorial Day is the 35th anniversary of the passing of Officer Kip Boulis. Officer Boulis died while trying to save a family in the Maumee River. Mayor Evans stated that the United States has had an increased number of police deaths the last couple of years and we need to remember the service of these officers.

City Administrator's Report

No report.

Finance Director's Report

Mr. Creps called attention to the revised agenda distributed to Council members. Ordinance No. 80-2011 which had its first reading at the last Council meeting was inadvertently left off the agenda.

Mr. Creps reported that the July 5th, 2011 Council meeting is cancelled. If action is needed between the June 21st and July 19th Council meetings, a special meeting can be scheduled.

Director of Law

Mr. Beredo reported that with regards to Ordinance No. 89-11, Council members received additional information from Mr. Ruffner this evening.

Mr. Beredo recommended an executive session to discuss the possible acquisition of real estate by the City.

President of Council Report

Mr. Lawless moved that Council go into Executive Session to discuss a personnel issue and a real estate issue. Mr. Kevern seconded and it was unanimously approved. Council went into Executive Session at 7:10 p.m.

City Council returned from Executive Session at 7:29 p.m.

Mr. Lawless moved to appoint Todd Grayson to complete the unexpired term of Joe Rutherford. Maria Ermie seconded.

Mr. Mackin expressed his concerns that this appointment was handled in a partisan, non public manner. He suggested that just as the minority party had concerns when he was appointed to Council 13 years ago, the same concerns still exist. Mr. Mackin stated that the next time there is a charter review, he would recommend that appointments for vacant Council seats be considered.

The motion to appoint Todd Grayson to City Council was unanimously approved.

Mr. Lawless stated that he agrees with Mr. Mackin about the Charter Review Commission looking at filling Council vacancies. He also asked that Council members take a look at the committees to see if anything needs to be shuffled.

Mr. Lawless introduced **ORDINANCE 86-2011 ACCEPTING THE PETITION OF MARGARET ARMAN, ET AL. FOR ANNEXATION OF PROPERTY LOCATED ON FORT MEIGS ROAD AND ECKEL JUNCTION ROAD** 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 Mrs. Ermie. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 86-2011 by number and title only. Mr. Lawless moved that Ordinance No. 86-2011 be passed. Seconded by Mrs. Ermie. Ayes: (6). Nays: (0).

Mr. Lawless introduced **ORDINANCE 87-2011 ACCEPTING THE PETITION OF GEORGE BENDER, ET AL. FOR ANNEXATION OF PROPERTY LOCATED ON FORT MEIGS ROAD** 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 Mrs. Ermie. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 87-2011 by number and title only. Mr. Lawless moved that Ordinance No. 87-2011 be passed. Seconded by Mrs. Ermie. Ayes: (6). Nays: (0).

Mr. Lawless introduced **RESOLUTION 18-2011 AUTHORIZING THE DIRECTOR OF LAW TO PETITION THE BOARD OF COMMISSIONERS OF WOOD COUNTY, OHIO, TO CHANGE CERTAIN BOUNDARY LINES WITH RESPECT TO THE ARMAN ANNEXATION AT ECKEL JUNCTION ROAD AND FORT MEIGS ROAD 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 Mrs. Ermie. Ayes: (6). Nays: (0). The Clerk read Resolution No. 18-2011 by number and title only. Mr. Lawless moved that Resolution No. 18-2011 be passed. Seconded by Mrs. Ermie. Ayes: (6). Nays: (0).

Mr. Lawless introduced **RESOLUTION 19-2011 AUTHORIZING THE DIRECTOR OF LAW TO PETITION THE BOARD OF COMMISSIONERS OF WOOD COUNTY, OHIO, TO CHANGE**

CERTAIN BOUNDARY LINES WITH RESPECT TO THE BENDER ANNEXATION ON FORT MEIGS ROAD 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 Mrs. Ermie. Ayes: (6). Nays: (0). The Clerk read Resolution No. 19-2011 by number and title only. Mr. Lawless moved that Resolution No. 19-2011 be passed. Seconded by Mrs. Ermie. Ayes: (6). Nays: (0).

COMMITTEE REPORTS

Finance Committee:

Mr. Mackin gave his report of the May 10, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

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

Mr. Mackin introduced **ORDINANCE 88-2011 AUTHORIZING PURCHASE OF REAL PROPERTY FOR MUNICIPAL PURPOSES AT A PRICE NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00) 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 reading. Seconded by Mr. Kevern. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 88-2011 by number and title only. Mr. Mackin moved that Ordinance No. 88-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

Mr. Mackin introduced **ORDINANCE 90-2011 AMENDING ORDINANCE 182-2010 WITH RESPECT TO EXPENDITURES FOR ROAD SALT 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 reading. Seconded by Mr. Kevern. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 90-2011 by number and title only. Mr. Mackin moved that Ordinance No. 90-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (6). Nays: (0).

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. Seconded by Mr. Kevern. Ayes: (6). Nays: (0). The Clerk read Resolution No. 20-2011 by number and title only.

Mr. Lawless thanked Mr. Eckel for the information he sent him regarding refuse collection, but he still has not seen anywhere that it tells residents their garbage will still be picked up if the levy does not pass.

Rick Ruffner was present to discuss his request for his new business O'Deer Diner at 416 Louisiana Avenue. He would like to put a concrete patio with a wrought iron fence in the City right-of-way. Mr. Ruffner stated that this patio is a vital part of his business and the timing is important because he sells ice cream. He presented City Council with letters from neighbors stating that they have no issue with the proposed patio. Mr. Mackin expressed his concerns that there are no rules in place through Planning and Zoning for control or review. Mr. Kevern

stated that he feels Mr. Ruffner wants to do something good and this shouldn't be held up and concerns can be addressed at the Committee level in the future. Mr. Lawless stated that he feels it ties the business into the downtown area. Mr. McCarthy stated that this is a different situation from past requests because now we're taking green and changing it into concrete. He recommended that the subject be sent to the Planning and Zoning Committee for review to deal with future requests.

Mr. Mackin introduced **ORDINANCE 89-2011 AUTHORIZING A RIGHT OF WAY LEASE BETWEEN THE CITY AND O'DEER PROPERTIES FOR THE TERM OF ONE YEAR AT THE ANNUAL RATE OF TWENTY-FIVE DOLLARS (\$25.00) 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 reading. Seconded by Mr. Kevern. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 89-2011 by number and title only. Mr. Mackin moved that Ordinance No. 89-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: Ermie, Kevern, Lawless, McCarthy, Olmstead (5). Nays: Mackin (1).

Economic Development Committee:

No report.

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

Service-Safety Committee:

No report.

Next meeting: Monday, June 6, 2011 at 5:00 p.m.

Recreation Committee:

Mr. Lawless stated that the Recreation Committee met prior to tonight's meeting. He will give the report at the next meeting but there are two items being considered tonight.

Next meeting: Monday, June 20, 2011 at 5:15 p.m.

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. Seconded by Mr. Olmstead. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 91-2011 by number and title only.

Mr. Lawless introduced **RESOLUTION 21-2011 AUTHORIZING THE CITY ADMINISTRATION TO PURSUE GRANTS THROUGH THE WOOD COUNTY PARK DISTRICT 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. Olmstead. Ayes: (6). Nays: (0). The Clerk read Resolution No. 21-2011 by number and title only. Mr. Lawless moved that Resolution No. 21-2011 be passed as an emergency. Seconded by Mr. Olmstead. Ayes: (6). 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. Mackin. Ayes: (6). Nays: (0). The Clerk read Ordinance No. 80-2011 by number and title only.

Mr. McCarthy introduced **ORDINANCE 92-2011 AMENDING VARIOUS FEES CHARGED PURSUANT TO THE CITY'S PLANNING AND ZONING CODE 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 No. 92-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 92-2011 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (6). Nays: (0).

Personnel Committee:

No report.

Next meeting: Tuesday, May 24, 2011 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

No report.

Next meeting: Thursday, May 26, 2011 at 5:00 p.m. This is a change from the regular meeting date.

OTHER BUSINESS

None.

ADJOURNMENT

Mr. Lawless moved to adjourn the regular meeting at 8:12 p.m. Seconded by Mr. McCarthy. Ayes: (6). Nays: (0).

David D. Creps, Clerk

Nelson D. Evans, Mayor