

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD MAY 5, 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 7:05 p.m.

Mr. Lawless moved to approve the minutes from the April 21, 2009 meeting and to dispense with their reading. Mr. Olmstead seconded the motion. Ayes: (7) Nays: (0)

SPECIAL REPORTS

None

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

None

ADMINISTRATIVE REPORTS

Mayor's Report

None

City Administrator's Report

Mr. Alexander informed Council of the Thursday, May 14, 2009 Groundbreaking Ceremony for the Public Service Building.

Finance Director's Report

None

Director of Law

None

President of Council Report

Mr. Lawless announced that there would be two Public Hearings scheduled for June 16, 2009. The first Hearing would be at 6:30 p.m. and would present the rezoning of the Spafford Homestead and the second Hearing would be at 6:55 p.m. and would present code amendments for portable storage.

Mr. Lawless made a motion for Council to adjourn to Executive Session following the regular Council meeting, for the purpose of discussing labor agreements and pending litigation. Ms. Ermie seconded. Ayes: (7) Nays: (0).

COMMITTEE REPORTS

Finance Committee:

Mr. Mackin introduced **ORDINANCE 85-2009 PROVIDING FOR THE ISSUANCE AND SALE OF \$105,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE MUNICIPAL RECREATIONAL FACILITIES IN RIVERCREST PARK BY CONSTRUCTING A RECREATIONAL TRAIL, A BASEBALL DIAMOND, PARKING FACILITIES, AN ACCESS ROAD, A BUILDING FOR CONCESSIONS, STORAGE AND RESTROOMS, SEWERS AND RELATED UTILITY FACILITIES, AND FENCING AND OTHER SITE IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES 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: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0). The clerk read Ordinance No. 85-2009 by number and title only. Mr. Mackin moved that Ordinance No. 85-2009 be passed as an emergency, with an administrative change, inserting the interest rate of 1.5%. Seconded by Mr. Kevern. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 86-2009 PROVIDING FOR THE ISSUANCE AND SALE OF \$750,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S SANITARY SEWER SYSTEM BY INSTALLING 18 AND 24 INCH SANITARY TRUNK SEWER LINES ALONG THE RIGHT OF WAY OF SIMMONS ROAD BETWEEN INTERSTATE 75 AND U.S. HIGHWAY 20 AND ACQUIRING REAL ESTATE AND INTERESTS IN REAL ESTATE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES 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: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0). The clerk read Ordinance No. 86-2009 by number and title only. Mr. Mackin moved that Ordinance No. 86-2009 be passed as an emergency, with an administrative change, inserting the interest rate of 1.5%. Seconded by Mr. Kevern. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 87-2009 PROVIDING FOR THE ISSUANCE AND SALE OF \$1,000,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE CITY'S SANITARY SEWER SYSTEM BY ACQUIRING, CONSTRUCTING AND INSTALLING A PUMP STATION AND FORCE AND GRAFITY MAINS IN THE AREA OF STATE ROUTE 25 AND FIVE POINT ROAD, AND ACQUIRING REAL ESTATE AND INTERESTS IN REAL ESTATE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES 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: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0). The clerk read Ordinance No. 87-2009 by number and title only. Mr. Mackin moved that Ordinance No. 87-2009 be passed as an emergency, with an administrative change, inserting the interest rate of 1.5%. Seconded by Mr.

Kevern. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 88-2009 PROVIDING FOR THE ISSUANCE AND SALE OF \$1,750,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING THE CITY'S WASTEWATER TREATMENT PLANT BY INSTALLING A PRIMARY SPLITTING CHAMBER, A PRIMARY SETTLING TANK, A 42 INCH DIAMETER CONNECTION FROM THE SETTLING TANK TO THE AERATION TANKS, A SEPTAGE RECEIVING STATION A GRAVITY SLUDGE THICKENER, A SLUDGE PUMPING STATION, TWO RECYCLE FLOW PUMP STATIONS AND A BIOSOLIDS STORAGE PAD, TOGETHER WITH ALL NECESSARY APPURTENANCES, 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: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0). The clerk read Ordinance No. 88-2009 by number and title only. Mr. Mackin moved that Ordinance No. 88-2009 be passed as an emergency, with an administrative change, inserting the interest rate of 1.5%. Seconded by Mr. Kevern. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 89-2009 PROVIDING FOR THE ISSUANCE AND SALE OF \$1,900,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF A SANITARY INTERCEPTOR SEWER OF THE CITY BY INSTALLING A 24 INCH DIAMETER CONNECTION AND A 30 INCH DIAMETER CONNECTION TO REPLACE EXISTING CONNECTIONS FROM A NEW MANHOLE TO BE CONSTRUCTED ON THE EXISTING 48 INCH DIAMETER SEWER ON GREEN LANE EAST ALONG WATER STREET TO LOUISIANA AVENUE AND ALL APPURTENANT MANHOLES, SERVICE CONNECTIONS AND CONNECTIONS TO EXISTING LATERAL SEWERS, AND REHABILITATING APPROXIMATELY 3772 LINEAL FEET OF EXISTING SEWERS LOCATED ALONG THE MAUMEE RIVER BETWEEN EAST BOUNDARY STREET AND THE CITY'S WASTEWATER TREATMENT PLANT, TOGETHER WITH ALL NECESSARY APPURTENANCES, 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: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0). The clerk read Ordinance No. 89-2009 by number and title only. Mr. Mackin moved that Ordinance No. 89-2009 be passed as an emergency, with an administrative change, inserting the interest rate of 1.5%. Seconded by Mr. Kevern. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 90-2009 PROVIDING FOR THE ISSUANCE AND SALE OF \$2,900,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING THE CITY'S WASTEWATER TREATMENT PLANT BY INSTALLING AN INLET CHAMBER, TWO AERATION TANKS, TWO SEWAGE SCREENS, TWO FERROUS CHLORIDE STORAGE TANKS AND FEED PUMPS TO REPLACE AN EXISTING UNDERGROUND STORAGE TANK, 48 INCH DIAMETER CONNECTIONS FROM THE SETTLING TANK TO THE AERATION TANKS AND SEWAGE SCREENS AND FROM THE SEWAGE SCREENS TO THE EXISTING INFLUENT**

METER, AND CONSTRUCTING ADDITIONS TO THE WASTEWATER TREATMENT PLANT ADMINISTRATION BUILDING AND MAINTENANCE BUILDING, TOGETHER WITH ALL NECESSARY APPURTENANCES, 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: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0). The clerk read Ordinance No. 90-2009 by number and title only. Mr. Mackin moved that Ordinance No. 90-2009 be passed as an emergency, with an administrative change, inserting the interest rate of 1.5%. Seconded by Mr. Kevern. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0).

Mr. Mackin introduced **ORDINANCE 91-2009 PROVIDING FOR THE ISSUANCE AND SALE OF \$2,000,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING A MUNICIPAL PUBLIC SERVICE BUILDING FOR THE CITY'S DEPARTMENT OF PUBLIC SERVICE, TOGETHER WITH ALL NECESSARY APPURTENANCES, 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: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0). The clerk read Ordinance No. 91-2009 by number and title only. Mr. Mackin moved that Ordinance No. 91-2009 be passed as an emergency, with an administrative change, inserting the interest rate of 1.5%. Seconded by Mr. Kevern. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Olmstead, Rutherford (7) Nays: (0).

Mr. Mackin asked what the interest rate was on the notes and Mr. Creps responded that the interest rate was 1 ½% with the notes bring sold at a premium, providing a functional rate of 1.23%. He also stated that in November of 2008 the interest rate was up to 3 ½%. Mr. Kevern asked what the correct amount for Ordinance 89-2009 was and Mr. Creps stated it was \$1.9 million.

The next Finance Committee meeting is scheduled for May 12, 2009 at 5:00 p.m.

Economic Development:

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

The next Economic Development meeting is scheduled for May 6, 2009 at 9:00 a.m.

Safety and Service:

The next Safety-Service meeting is May 6, 2009 at 5:30 p.m.

Recreation Committee:

The next Recreation meeting is May 19, 2009 at 6:00 p.m.

Planning And Zoning Committee:

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

Personnel Committee:

Ms. Ermie read the minutes from the April 29, 2009 meeting and this report is attached and made a part of the minutes.

Ms. Ermie introduced **ORDINANCE 92-2009 AUTHORIZING AGREEMENTS WITH THE OPBA COMMUNICATIONS OFFICER AND ANIMAL CONTROL UNIT CONSISTENT WITH THE FACTFINDERS REPORT AND ALL OTHER TERMS ON WHICH THE PARTIES AGREED 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. 92-2009 by number and title only. Ms. Ermie moved that Ordinance No. 92-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (6) Nays: (1). Mr. Olmstead voted Nay.

Ms. Ermie introduced **ORDINANCE 93-2009 AUTHORIZING AGREEMENTS WITH OPBA PATROL UNIT CONSISTENT WITH THE FACTFINDERS REPORT AND ALL OTHER TERMS ON WHICH THE PARTIES AGREED 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. 93-2009 by number and title only. Ms. Ermie moved that Ordinance No. 93-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (6) Nays: (1). Mr. Olmstead voted Nay.

Ms. Ermie introduced **ORDINANCE 94-2009 AUTHORIZING AGREEMENTS WITH THE OPBA SERGEANTS' UNIT CONSISTENT WITH THE FACTFINDERS REPORT AND ALL OTHER TERMS ON WHICH THE PARTIES AGREED 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. 94-2009 by number and title only. Ms. Ermie moved that Ordinance No. 94-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (6) Nays: (1). Mr. Olmstead voted Nay.

Mr. Olmstead shared his reasons for voting against these three Ordinances. He stated that these Ordinances were important issues for the City especially with all that is going on with today's economy. He felt that there was a legitimate need for unions in this country and that unions have played an important role for laborers not only in the United States, but all over the World. The problem with unions, today, is the guarantees they provide for laborers such as healthcare, pensions, and increasing wages. Unions tend to focus solely on competitive guarantees while productivity goes to the wayside. The State Government provides \$3.91 per hour on employee health benefits with the private sector paying \$1.72. As of April 10, 2009 the pay gap increases between State Employees and the Private Sector. The average State Employee receives benefits valued at \$13.38 per hour with an employee in the Private Sector earning benefits valued at an average of \$7.98 an hour. It will get to the point that ordinary, tax-paying citizens will not be able to afford State Government.

Mr. Lawless stated that he did not like the process of negotiations or the alternative. He felt that what was important was the elected officials who

represented the tax payers. The elected officials need to make government affordable. They need to look outside the box by cutting the number of employees and focusing on customer service.

Ms. Ermie introduced **ORDINANCE 95-2009 AUTHORIZING THE CITY TO ENTER INTO A RENEWAL CONTRACT WITH DELTA DENTAL 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. 95-2009 by number and title only. Ms. Ermie moved that Ordinance No. 95-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Ms. Ermie introduced **ORDINANCE 96-2009 AMENDING CODIFIED ORDINANCE 266.09-1(E) TO CORRECT PERCENTAGE OF APPLICABLE DENTAL PREMIUMS TO BE PAID BY CITY EMPLOYEES 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. 96-2009 by number and title only. Ms. Ermie moved that Ordinance No. 96-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Ms. Ermie introduced **ORDINANCE 97-2009 AMENDING CODIFIED ORDINANCE 267.01-2 REGARDING PART-TIME EMPLOYEE CLASSIFICATIONS AND WAGE RATES 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. 97-2009 by number and title only. Ms. Ermie moved that Ordinance No. 97-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

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

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read the minutes from the April 29, 2009 meeting and this report is attached and made a part of the minutes.

Mr. Rutherford introduced **ORDINANCE 98-2009 AUTHORIZING AN AGREEMENT WITH ARCADIS, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FOURTEEN THOUSAND DOLLARS (\$114,000.00) TO PROVIDE RESIDENT ROJECT INSPECTION AND BIDDING AND CONSTRUCTION SERVICES FOR 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. 98-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 98-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 99-2009 AUTHORIZING AN AGREEMENT WITH ARCADIS, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWELVE THOUSAND DOLLARS (\$112,000.00) TO**

PROVIDE RESIDENT PROJECT INSPECTION AND BIDDING AND CONSTRUCTION SERVICES FOR PHASE II OF THE MAUMEE RIVER SANITARY SEWER INTERCEPTOR 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. 99-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 99-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 100-2009 AUTHORIZING AN AGREEMENT WITH BOWSER MORNER IN AN AMOUNT NOT TO EXCEED SEVEN THOUSAND FIVE HUNDRED SEVENTY FIVE DOLLARS (\$7,575.00) TO COMPLETE SUBSURFACE GEOTECHNICAL INVESTIGATIONS FOR CONSTRUCTION PHASE III OF THE WASTEWATER TREATMENT PLANT 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 100-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 100-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 101-2009 AN EMERGENCY MEASURE DETERMINING TO PROCEED WITH PUBLIC IMPROVEMENTS IN CHERRY STREET SEWER SEPARATION DISTRICT 207 AND AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT BIDS FOR SUCH WORK** 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. 101-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 101-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 102-2009 AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT BIDS FOR WORK ON THE MAUMEE RIVER SANITARY SEWER 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. 102-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 102-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 103-2009 AUTHORIZING AN EXTENSION OF THE CITY'S CONTRACT WITH S&L FERTILIZER CO. TO REMOVE BIOSOLID SLUDGE GENERATED FROM THE CITY'S WASTEWATER TREATMENT PLANT, AT A RATE NOT TO EXCEED NINETEEN DOLLARS AND EIGHTY FIVE CENTS (\$19.85) PER CUBIC YARD, 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. 103-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 103-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford made a motion to approve a sewer credit of \$1,362.13 for 13040 Five Point Road and a sewer credit of \$5,249.71 for 5100 Chappel Drive. Ms. Ernie seconded. Ayes: (7) Nays: (0).

Mr. Mackin was concerned about what point the City has to get to with a project before the actual money has to be spent and the project has to be completed. Can any projects that were mentioned in the Ordinances above be postponed until the last quarter of 2009? Mr. Rutherford responded that if the City starts getting into five or six figure amounts concerning the projects it has the power to halt the project keeping in mind EPA standards. Mr. Lawless felt that to pay money to have a study done, but then to decide the project will be halted does not make good economic sense. Mr. Rutherford stated that the City is attempting to have these projects “shovel ready” in the event that Federal stimulus money becomes available, but this does not obligate us to proceed on our own.

Mr. Lawless asked about the 200 hours of overtime for 3 people that was reported in the HSPU minutes for the Wastewater Plant Managers. Mr. Rutherford stated that during the months in question there was a significant amount of melting snow and rain that would cause an increase in man power needed. Mr. Lawless thought the Water Pollution Control Department should consider hiring more than one person to help with the work load.

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

Mayor Evans made a motion to adjourn to executive session to discuss labor agreements and pending litigation at 8:02 p.m.

The Council reconvened at 8:43 p.m.

There being no further business Mayor Evans moved to adjourn at 8:45 p.m..

David D. Creps, Clerk of Council

Nelson D. Evans, Mayor