MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD MAY 4, 2021

Mayor Mackin called the meeting to order at 6:30 p.m. Present were Council Members Deborah Born, Cory Kuhlman, Jan Materni, Tim McCarthy, Jonathan Smith, Barry VanHoozen, and Mark Weber (7). Also present were Bridgette Kabat, City Administrator, Kate Sandretto, Law Director, and David Creps, Clerk of Council.

Mr. Smith moved to approve the minutes of the City Council meeting held on April 20, 2021 as written and to dispense with their reading. The motion was seconded by Ms. Born. Ayes: (7). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS, AND CITIZENS' CONCERNS

None.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Mackin stated that it was Opening Day for the Toledo Mud Hens. He said this is a special event especially since there was no baseball in Toledo last year due to Covid.

Mayor Mackin stated that the City has gone through a rebranding with a new logo that strengthens our visual image while maintaining the City's heritage. He said that the next phase is to reach out to the public to get input on how to best update the City seal while still maintaining Commodore Perry and the nautical theme.

City Administrator's Report

No report.

Finance Director's Report

Mr. Creps asked if City Council was ready to make a decision about the summer Council schedule. Mr. Smith moved to set City Council meetings for July and August as follows: July 6, July 27, and August 17. Seconded by Mr. Weber. Ayes: (7). Nays: (0).

Law Director's Report

No report.

President of Council Report

Mr. Smith reported that there will be a public hearing at 6:15 p.m. prior to the June 15, 2021 City Council meeting.

Finance and Economic Development Committee:

No report.

Next meeting: Tuesday, May 11, 2021 at 5:30 p.m.

Safety Committee:

No report.

Next meeting: Tuesday, May 25, 2021 at 6:00 p.m.

Recreation Committee:

No report.

Next meeting: Tuesday, May 11, 2021 at 6:30 p.m.

Planning and Zoning Committee:

No report.

Next meeting: Wednesday, May 12, 2021 at 6:00 p.m.

Personnel Committee:

No report.

Next meeting: Thursday, May 20, 2021 at 5:00 p.m. which is a change from the regular date. Mr. Kuhlman said that the Committee will be discussing the Wage Study, and he would also like to take a look at the mayoral and council wages.

Public Utilities Committee:

Mr. Smith gave his report of the April 28, 2021 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Wednesday, May 26, 2021 at 6:30 p.m.

Service Committee:

Ms. Materni gave her report of the April 28, 2021 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Wednesday, May 26, 2021 at 5:30 p.m.

Ms. Materni introduced **RESOLUTION 34-2021 AUTHORIZING A PURCHASE AGREEMENT WITH MORBARKS FOR THE PURCHASE OF ONE MORBARK EEGER BEEVER MODEL #1415 CHIPPER FOR THE PERRYSBURG DEPARTMENT OF PUBLIC SERVICE IN AN AMOUNT NOT TO EXCEED FORTY-FOUR THOUSAND SEVEN HUNDRED TWENTY-FIVE DOLLARS AND EIGHTY-EIGHT CENTS ($44,725.88)** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Smith. Ayes: (7).

Nays: (0). The Clerk read Resolution 34-2021 by number and title only. Ms. Materni moved that Resolution 34-2021 be passed. Seconded by Mr. Kuhlman. Ayes: (7). Nays: (0).

Ms. Materni introduced **RESOLUTION 35-2021 AUTHORIZING A PURCHASE AGREEMENT WITH BEST EQUIPMENT SALES FOR THE PURCHASE OF ONE 2022 FREIGHTLINER M2106 LOADMASTER 25 YARD REAR LOADER FOR THE PERRYSBURG DEPARTMENT OF PUBLIC SERVICE IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY THOUSAND FIVE HUNDRED SIXTY-SIX DOLLARS ($190,566.00)** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Kuhlman. Ayes: (7). Nays: (0). The Clerk read Resolution 35-2021 by number and title only. Ms. Materni moved that Resolution 35-2021 be passed. Seconded by Mr. Smith. Ayes: (7). Nays: (0).

Ms. Materni introduced **RESOLUTION 36-2021 AUTHORIZING AN AGREEMENT WITH HENRY BERGMAN INC. FOR THE CONSTRUCTION PORTION OF THE CITY OF PERRYSBURG'S 2021 RESURFACING PROGRAM IN AN AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND FIVE HUNDRED SEVENTY-ONE DOLLARS AND FIFTY CENTS ($1,475,571.50)** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Smith. Ayes: (7). Nays: (0). The Clerk read Resolution 36-2021 by number and title only. Ms. Materni moved that Resolution 36-2021 be passed. Seconded by Mr. Smith. Ayes: (7). Nays: (0).

Ms. Materni introduced **RESOLUTION 37-2021 AUTHORIZING AN AGREEMENT WITH LATHROP CO., INC. FOR THE CONSTRUCTION PORTION OF THE CITY OF PERRYBURG'S FIRE STATION #38 IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIVE THOUSAND FOUR HUNDRED FIFTY-FIVE DOLLARS ($205,455.00)** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Kuhlman. Ayes: (7). Nays: (0). The Clerk read Resolution 37-2021 by number and title only. Ms. Materni moved that Resolution 37-2021 be passed. Seconded by Mr. Kuhlman. Ms. Sandretto read the following statement: This is a resolution awarding the base bid as well as the three alternative bids to the lowest, responsive, and responsible bidder for the construction portion of the City of Perrysburg's Fire Station #38 Improvement Project. KCS Contracting, LLC submitted a base bid, including three alternative bids, for a total of $185,939. The Lathrop Co. submitted a base bid, including three alternative bids, for a total of $205,455. The Service Committee met on April 28, 2021 and forwarded legislation to City Council recommending the Lathrop Co. as the lowest, most responsive, and responsible bidder. From a legal perspective, this issue falls under Ohio Revised Code §9.312. We are looking for the lowest, most responsive and responsible bidder. The lowest bidder was in fact KCS Contracting. However, when it comes to the most responsible bidder, City Council is permitted to look at both finances and past performance according to the ORC. Financially, you have in your packet the credit reports of both KCS Contracting and the Lathrop Co. You will find KCS Contracting has a lower credit score than the Lathrop Co. does, and you can take that into consideration. You will also find on those credit reports that KCS Contracting has multiple tax liens against the business that Lathrop does not have. You may take into consideration these financial matters. Past performance is important in these situations. City Council should know that Parke Brothers was the general contractor for the Andover Place Apartments in Toledo in late 2019, early 2020. KCS Contracting was hired as a sub-contractor to do the rough framing job at the apartments. Parke Brothers had to remove KCS Contracting as a sub-contractor. In order to remove KCS Contracting, Parke Brothers requested an inspection from the City of Toledo's Building and Inspection Division. The City of Toledo inspected the project and found numerous flaws in the workmanship. Attached to your packet, you will find photographic evidence of those numerous flaws including anchors that can be pulled out by hand. Those anchors are supposed to be securing the wall to the floor and should not be able to be moved or removed by anybody, particularly by an individual by hand. There were 43 missing screws, they were placed improperly, and some sheets of the flooring only had a few screws in them. The wall sheeting was not breaking on a stud as it should; it was a poor fit so you could see daylight through the walls, and many sheets were not properly fastened. Finally, they put in a door that has a wall in the middle of it, so the door cannot be opened inward as it should. All of this workmanship was presented to the City of Toledo Council because the City of Toledo, in early 2020, was considering whether or not they wanted to certify contracting companies. That issue has been tabled because of Covid, but this particular contractor had presented previously that he felt there was no need to certify contractors because everybody at the city was doing perfectly fine work. The inspection of his work was done proving that is not true. His testimony was recorded at that City Council meeting. *Ms. Sandretto played the audio recording.* So given all of that, the Committee would like you to consider that Lathrop is in fact the lowest, most responsive and responsible bidder for this project. Ayes: (7). Nays: (0).

OTHER BUSINESS

There was discussion regarding Dr. Campbell's presentation at the Public Utilities Committee meeting. Ms. Born stated that she feels action should be taken on Dr. Campbell's request. Mr. Smith said that he would like to see what the State is doing before passing a resolution to have the Federal Government take over. He said that he has been in contact with the Ohio EPA and is doing his due diligence.

ADJOURNMENT

There being no objections, the meeting adjourned at 7:08 p.m.

David D. Creps, Clerk

Thomas G. Mackin, Mayor

PUBLIC UTILITIES COMMITTEE

APRIL 28, 2021

The meeting was called to order at 6:39 p.m. by Chairman Jonathan Smith. Committee members present were Jan Materni, Jonathan Smith, and Barry VanHoozen. Also present were Kate Sandretto, Law Director, and Alice Godsey, Director of Public Utilities.

<u>LAKE ERIE WATER KEEPER</u>

Dr. Earl Campbell was present to request that City Council pass a resolution asking that President Biden sign an Executive Order for federal management of Lake Erie. Dr. Campbell explained that in 2009 President Obama signed an Executive Order for the Chesapeake Bay, and they are looking for something like that for Lake Erie. Dr. Campbell gave the Committee background information on the Chesapeake Bay project, and on the issues with Lake Erie. He stated that there has been no effective repair of the problems affecting Lake Erie which is why they would like the Executive Order. Mr. Smith and Mr. VanHoozen said that they would like to see the details of the Executive Order before they agree to support it. Dr. Campbell said that he does not have the Executive Order, but they would like it to be similar to the Chesapeake Bay order. The Committee thanked Dr. Campbell for coming to the meeting. Mr. Smith added that he is looking forward to hearing what TMACOG has to say about the issue.

<u>SEWER CREDITS TABULATION</u>

Ms. Godsey reported that the only activity on sewer credits since the last meeting was a recalculation on a previously approved credit which resulted in a credit of $27.26.

<u>OTHER BUSINESS</u>

Mr. Smith asked that Ms. Godsey let the Committee know the number of overflow events year to date and for 2020. Ms. Godsey said that they have a notification system and individuals can be added to the list. Mr. VanHoozen suggested that the Committee be updated quarterly.

Ms Materni asked about the City joining a COVID study through the Waste Water Treatment Plant. Ms. Godsey stated that it started in February, and we were invited by the Ohio Department of Health. She said that it is paid for by the State. Samples from raw effluent are taken from the Wastewater Treatment Plant two times a week. The Committee asked that Ms. Godsey send them a link for the results of the study. Ms. Godsey said she would do that, and she added that there is a link on the City's website.

Mr. Smith stated that the study on the Fort Meigs Road ditch has been received and will be discussed at the next meeting.

There being no further business, the meeting adjourned at 7:33 p.m.

Respectfully submitted,

Jonathan Smith, Chairman
Public Utilities Committee

Next meeting: Wednesday, May 26, 2021 at 6:30 p.m.

SERVICE COMMITTEE

APRIL 28, 2021

The meeting was called to order at 5:30 p.m. by Chairperson Jan Materni. Committee members present were Cory Kuhlman, Jan Materni, and Jonathan Smith. Also present were Bridgette Kabat, City Administrator and Kate Sandretto, Law Director. Mr. Kuhlman left the meeting at 6:17 p.m.

APPROVAL OF MINUTES

There being no objections, the minutes from the March 24, 2021 meeting were approved.

BP/STARBUCKS PROJECT

Mr. Smith said that the issue of the driveway at the BP/Starbucks project was discussed in November or December, and it is his understanding that City Council can't do anything because the plan was approved by the Planning Commission. Mr. Smith said that the Eckel Junction/SR25 intersection is the worst intersection in the City, and we need to look at options to keep traffic flowing, especially with an emergency room entrance within 200 feet. He called attention to photos of the Starbucks in Maumee where pylons were installed. Ms. Materni said that she agrees that City Council cannot overturn the Planning Commission decision. Mr. Smith asked if the Administration has had any other conversations regarding this issue. Ms. Kabat said that the Administration is aware that once BP and Starbucks are up and running that they need to monitor traffic and get data. If there is a problem, then a decision will have to be made. She said some solutions involve a taking, and some do not. Mr. Kuhlman asked if there are back-ups, how long it will take to do something. Ms. Kabat said that it depends on what the solution is. She said that the Administration is aware and ready to engage. Dave Kienzle, owner of Riverplace Shopping Center, said that we know there will be a significant problem, and the simple solution is to make the curb cut that was moved where it's not aligned properly right-in, right-out only. He said the new curb cut is in violation of access management, and making it right-in, right-out is not overturning the Planning Commission decision. Jean Hartline of Mannik Smith was present and stated that the traffic study that was done estimated site traffic for a coffee shop with a drive-thru, but Starbucks is very successful and will generate more traffic than a typical coffee shop. She recommended doing a new traffic study once the dust settles after the grand opening. Jerry Parker, attorney for Starbucks, disagreed with Mr. Kienzle's assessment of the situation. He said that it is an insult to the Planning Commission to suggest that their decision was based on no empirical evidence and that they ignored safety. He said that it is City Council's role to investigate traffic issues, but these businesses are not even open. Jim Sutphin, owner of both the Maumee and Perrysburg properties, said that the back-ups in Maumee are due to Covid. Greg Bade, Planning Commission member, said that he frequents that intersection several times a day and he feels that they should look into re-opening the entrance for Mercy. Ms. Materni said that was an ODOT decision and recommended that Mr. Bade call ODOT

District 2. Gary Britten, Perrysburg Township Trustee, said that he doesn't think it's if, but when, there are issues with this driveway. He said that the City needs to monitor it.

AWARD STATION #38 IMPROVEMENTS

Ms. Sandretto stated that ORC §9.312 provides details about determining the lowest, most responsive bid and the most responsible bidder. She said that bids were opened for Fire Station 38 improvements. The lowest bidder was KCS Contracting with a bid, including all three alternates, of $185,939. The next lowest bidder was Lathrop Co. with a bid, including all three alternates, of $205,455. Ms. Sandretto presented credit reports for both bidders. KCS Contracting's credit score is lower than Lathrop's, and they have several liens on the business; Lathrop does not. Ms. Sandretto also provided information about poor workmanship by KCS Contracting on a past project. She played an audio recording of a Toledo City Council meeting where the owner of KCS Contracting stated that those issues would have been found by an inspector. Ms. Sandretto stated that based on this logic, the City would have to hire an inspector to be present during the entire project and those additional costs would remove KCS Contracting as the lowest bidder. She said that in her legal opinion, Lathrop has the most responsive bid and is the most responsible bidder. Ms. Materni said that based on the liens and past performance, she would recommend Lathrop as the most responsive and most responsible. Mr. Kuhlman said that the liens are troubling, and as a lay person, he can see the workmanship in the pictures is not acceptable. He said that KCS Contracting does not appear to be the most responsible. Mr. Smith asked about the bid forms, and Ms. Sandretto said that they were prepared by the architect, Munger Munger & Associates. There was a brief discussion about consistency on bid forms for projects. Mr. Smith said that he supports the recommendation of the other committee members. The Committee agreed 3-0 to move forward a resolution to City Council awarding the contract to Lathrop based on them being the most responsive and most responsible bidder.

PERMISSION TO PURCHASE A 2022 FREIGHTLINER REAR LOADER

Ms. Sandretto requested permission to enter into a contract with Best Equipment Sales for the purchase of a 2022 Freightliner M2106 Loadmaster 25 Yard Rear Loader. It will be used to help with picking up unlimited large items and with servicing/unloading dumpsters at all City buildings and parks. The cost of the Rear Loader through Sourcewell, a National Joint Purchasing Program, is $190,566. This is the lowest and best quote of the four quotes received. Mr. Smith noted that it is a little higher than the budget amount. He asked that the Administration be conscious of increased prices of steel and lumber and consider holding off for a few months on some projects. The Committee agreed 2-0 to forward this request on to City Council.

PERMISSION TO PURCHASE A MOBARK CHIPPER

Ms. Sandretto requested permission to enter into a contract to purchase a Mobark Eeger Beever Model #1415 Chipper to supplement the 2006 Chipper which is breaking down on a regular basis. The plan is to use both chippers in an effort to better maintain the trees in a timely and cost efficient manner. The additional machine will also remove the need to rent additional equipment when there is storm damage in the City. The cost of the new chipper is $44,725.88 through the State Purchasing Program. The Committee agreed 2-0 to forward this on to City Council.

AWARD BID FOR 2021 RESURFACING

Ms. Sandretto reported that Henry Bergman Inc. was the low bidder on the construction portion of the 2021 resurfacing project. Their bid was $1,475,571.50. She asked for approval of a resolution awarding the bid to Henry Bergman Inc. along with approval of an 8% contingency for a total of $1,593,617.22. The program consists of milling and resurfacing, curb replacement and other associated work. Ms. Materni asked if only ODOT approved companies are allowed to bid. Ms. Kabat said that is not currently a requirement unless there is ODOT funding involved. Ms. Materni said we might want to consider making that a requirement. Ms. Kabat said that will be something for the new City Engineer to consider. Mr. Smith asked if sidewalks are involved with this project, and Ms. Kabat said they are not. The Committee agreed 2-0 to forward the resolution onto City Council.

OTHER BUSINESS

Mr. Smith called attention to the recent announcement about glass recycling. He said that it is nice to see things move forward with saving costs.

There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

Jan Materni, Chairperson
Service Committee

Next meeting: Wednesday, May 26, 2021 at 5:30 p.m.