MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD APRIL 9, 2013

Mayor Evans called the meeting to order at 6:30 p.m. Present were Council Members Maria Ermie, Todd Grayson, John Kevern, Joe Lawless, Tom Mackin, Tim McCarthy, and Mike Olmstead (7). 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 March 19, 2013 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

No report.

City Administrator's Report

No report.

Finance Director's Report

Mr. Creps reported that it is time to schedule a joint meeting with the Township Trustees regarding the Cemetery. Mr. Beredo said that he believes according to the Ohio Revised Code this meeting must be held on the date of the first Council meeting in May. Mr. Creps said he will check with the Trustees on their availability.

Director of Law

No report.

President of Council Report

No report.

COMMITTEE REPORTS

Finance Committee:

No report.

Next meeting date: Tuesday, May 14, 2013 at 5:00 p.m.

Mr. Mackin introduced **ORDINANCE 28-2013 AMENDING ORDINANCE 196-2012 TO AUTHORIZE CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE YEAR BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2013 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 third reading. Seconded by Ms. Ermie. Ayes: (7). Nays: (0). The Clerk read Ordinance 28-2013 by number and title only. Mr. Mackin moved that Ordinance 28-2013 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. Mackin introduced **RESOLUTION 11-2013 DECLARING THE NECESSITY OF A REPLACEMENT LEVY IN EXCESS OF THE TEN MILL LIMITATION PURSUANT TO O.R.C. §5705.19(V) 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 and to dispense with the third reading. Seconded by Ms. Ermie. Ayes: (7). Nays: (0). The Clerk read Resolution 11-2013 by number and title only. Mr. Mackin moved that Resolution 11-2013 be approved as an emergency. Seconded by Ms. Ermie. Ayes: (7). Nays: (0).

Economic Development Committee:

No report.

Next meeting date: Monday, April 15, 2013 at 5:30 p.m.

Mr. Olmstead introduced **ORDINANCE 37-2013 AUTHORIZING ALL ACTIONS NECESSARY TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH MAIN STREET RETAIL ENTERPRISES AND V ENTERPRISES, DBA VCOUTURE, 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: (7). Nays: (0). The Clerk read Ordinance 37-2013 by number and title only.

Mr. Lawless said that this is coming out of the Committee with a split vote. He said that he voted against it because he thinks our economic development efforts shoud be directed other than to retail. He said he thinks it will be hard to say no to retail in the future. Mr. Olmstead said that he supported this because of the totality of the project and the types of jobs resulting from the project. He said given all of this, it made sense to approve it. Mr. Lawless said that the bigger question is whether we want to have tax abatements in place at all, but it already exists. The reason behind abatements is to attract large employers with large payrolls so we can collect the income tax. He noted that abatements are only available for retail in the downtown area. Mr. Olmstead said that if this project was only a retail business he would vote no, but there are also services provided and we have provided abatement for service businesses whose projects were less in scope. Mr. Mackin asked if the Administration had made a recommendation on this request. Mayor Evans said the Administration is in favor of it. Mr. McCarthy said that historically we have used abatement as a tool to attract businesses that would otherwise not locate here. Glenn Grisdale stated that one of the merits that helped this business qualify for abatement was the removal of spot blight. This was one of nine properties used to recertify CRA area one. Mr. Grayson said that while he agrees with Mr. McCarthy’s comments, he pointed out that V Couture could go to Levis and not take the blight off our hands. He said it is not a pure retail environment; it gets rid of a nuisance property and creates additional jobs so it makes sense to him. Mr. Olmstead moved that Ordinance 37-2013 be approved as an emergency. Seconded by Ms. Ermie. Ayes: Ermie, Grayson, Kevern, Mackin, Olmstead (5). Nays: Lawless, McCarthy (2).

Mr. Olmstead made a motion authorizing Mayoral approval on the Declaration of Development Restrictions for V Couture. Mr. McCarthy seconded. Ayes: (7). Nays: (0). Mr. McCarthy asked if this item requires approval by the Board of Zoning Appeals. Tom King, Planning and Zoning Administrator, said that this will mitigate the situation and there is no need for a variance.

Service-Safety Committee:

Mr. Kevern gave his report of the April 8, 2013 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting date: Monday, May 6, 2013 at 5:00 p.m.

Mr. Kevern introduced **ORDINANCE 38-2013 AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT FOR BIDS FOR 2013 PAVEMENT RESURFACING 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: (7). Nays: (0). The Clerk read Ordinance 38-2013 by number and title only. Mr. Kevern moved that Ordinance 38-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

Mr. Kevern introduced **ORDINANCE 39-2013 AUTHORIZING AN AGREEMENT WITH PROUDFOOT ASSOCIATES FOR PERLIMINARY ESTIMATES AND ENGINEERING FOR THE 2013 RESURFACING 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. Olmstead. Ayes: (7). Nays: (0). The Clerk read Ordinance 39-2013 by number and title only. Mr. Kevern moved that Ordinance 39-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

Mr. Kevern introduced **ORDINANCE 47-2013 AUTHORIZING THE CITY TO PARTICIPATE IN A SALT-PURCHASING CONSORTIUM THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION IN 2013 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: (7). Nays: (0). The Clerk read Ordinance 47-2013 by number and title only. Mr. Kevern moved that Ordinance 47-2013 be approved as an emergency. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

Recreation Committee:

No report.

Next meeting date: Monday, April 15, 2013 at 5:00 p.m.

Planning And Zoning Committee:

Mr. McCarthy gave his report of the March 25, 2013 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting date: Wednesday, April 17, 2013 at 5:00 p.m.

Mr. McCarthy introduced **ORDINANCE 40-2013 AMENDING THE PLANNING AND ZONING CODE TO ADD CODIFIED ORDINANCE 1250.29 THROUGH 1250.40 REGARDING THE SIGN 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. Lawless. Ayes: (7). Nays: (0). The Clerk read Ordinance 40-2013 by number and title only. Mr. McCarthy moved that Ordinance 40-2013 be approved as an emergency. Seconded by Mr. Lawless. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 41-2013 AMENDING THE TABLE OF SPECIAL APPROVAL USES INCLUDED AT CODIFIED ORDINANCE 1235.04 TO INCLUDE "LANDMARK FEATURE/SIGNAGE" 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 41-2013 by number and title only. Mr. McCarthy moved that Ordinance 41-2013 be approved as an emergency. Seconded by Mr. Lawless. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 42-2013 AMENDING THE PLANNING AND ZONING CODE TO ADD CODIFIED ORDINANCE 1215.02(96.1) DEFINING "LANDMARK FEATURE/SIGNAGE" 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 42-2013 by number and title only. Mr. McCarthy moved that Ordinance 42-2013 be approved as an emergency. Seconded by Mr. Lawless. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 43-2013 AMENDING THE PLANNING AND ZONING CODE TO ADD CODIFIED ORDINANCE 1235.04(zz) DEFINING "LANDMARK FEATURE/SIGNAGE" 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 43-2013 by number and title only. Mr. McCarthy moved that Ordinance 43-2013 be approved as an emergency. Seconded by Mr. Lawless. Ayes: (7). Nays: (0).

Personnel Committee:

Ms. Ermie gave her report of the March 26, 2013 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting date: Monday, April 22, 2013 at 5:00 p.m. which is a change from the regular date.

Health, Sanitation and Public Utilities Committee:

Mr. Grayson gave his report of the March 26, 2013 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting date: Monday, April 22, 2013 at 6:00 p.m. which is a change from the regular date.

Mr. Grayson moved to grant a sewer credit in the amount of $1,325.36 to The Gathering Place. Mr. Kevern seconded. Ayes: (7). Nays: (0).

Mr. Grayson introduced **ORDINANCE 44-2013 AMENDING CHAPTER 1086 REGARDING GARBAGE AND REFUSE COLLECTION TO REFLECT THE CITY'S USE OF AUTOMATED COLLECTION 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 44-2013 by number and title only. Mr. Grayson moved that Ordinance 44-2013 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. Grayson introduced **ORDINANCE 46-2013 AUTHORIZING AN AGREEMENT WITH TOLEDO EDISON TO RELOCATE AND BURY ELECTRICAL SERVICE AT THE FORT MEIGS ELEVATED WATER TANK STORAGE SITE AT THE QUOTED PRICE OF FORTY THOUSAND DOLLARS ($40,000.00) 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 46-2013 by number and title only. Mr. Grayson moved that Ordinance 46-2013 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. Grayson introduced **RESOLUTION 13-2013 DECLARING THE NECESSITY FOR THE SEPARATION OF COMBINED SEWERS WITHIN CHERRY STREET SEWER SEPARATION DISTRICT 210 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 13-2013 by number and title only. Mr. Grayson moved that Resolution 13-2013 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. Grayson introduced **ORDINANCE 45-2013 AUTHORIZING DISCUSSIONS WITH RIDE RIGHT LLC AS TO PROVIDING PUBLIC TRANSPORTATION SERVICES SUBJECT TO PASSAGE OF A TAX LEVY AND DECLARING AN EMERGENCY** and moved that the rules be suspended to dispense with the second and third readings. Seconded by Mr. Lawless. Ayes: (7). Nays: (0). The Law Director read Ordinance 46-2013:

WHEREAS, pursuant to the City of Perrysburg, Ohio, Charter, City Council is granted all legislative powers granted to municipalities under the Constitution and laws of the State of Ohio, and is specifically empowered to determine the method of and procedure for making, awarding, advertising, modifying, and enforcing contracts with the City, and

WHEREAS, on March 6, 2012, the voters of the City of Perrysburg, Ohio, approved its removal from the territory served by the Toledo Area Regional Transit Authority (TARTA), and from the period running from September 22, 2012, to November 27, 2012, the City provided a limited public transit program through Ride Right LLC, and

WHEREAS, the Ride Right program included both paratransit services and "dial-a-ride" services, was less expensive than the more comprehensive transportation system initially envisioned by the City, but met with widespread approval from users, and

WHEREAS, pursuant to Resolution 8-2012 and Ohio Revised Code § 5705.19(XX), the City placed a .8 mill tax levy, for the purpose of providing transportation services for the movement of persons, within, from, or to the municipal corporation, on the ballot for the May 7, 2013 primary election, and

WHEREAS, should the levy pass the City would be interested in beginning service as soon as reasonably possible, and may even begin service before the approved taxes are due for collection in 2014, and it is essential that any potential transportation service provider be able to meet this proposed timeline to initiate services in the City should the proposed levy pass, and

WHEREAS, based on the review of services provided during the pendency of the previous levy, the City is looking at a reduced scope of services as compared to those suggested in the City's Request for Proposals (RFP), based upon which the City selected Ride Right LLC as the City's proposed transportation services provider, but

WHEREAS, the nature of the service at issue have not changed, and the transportation services proposed as the basis for the May 7, 2013 levy are substantially the same as what was at issue in the earlier RFP, aside from changing the number of vehicles required for services and adjusting the hours available for service, and

WHEREAS, the RFP itself provides that the relevant scope of services may be subject to adjustment and/or reductions, based on the City's ongoing needs and circumstances, and reducing the scope of services as reflected in the May 7, 2013 levy would be appropriate under the original RFP, and

WHEREAS, the scope of services contemplated for the May 7, 2013 levy is consistent with the RFP as initially presented and with the selection process used to identify Ride Right LLC as the City's proposed service provider, and

WHEREAS, during the pendency of the 2012 levy, Ride Right LLC provided high-quality service and demonstrated itself to be a valuable provider, and this Council believes the public would be damaged by having to incur the time delay and expense of another request for proposals and bidding process, and

WHEREAS, based on its work during the pendency of the 2012 levy, Ride Right LLC developed unique familiarity with the City's needs and with the core routes and services at issue in the package proposed for the pending levy; Ride Right LLC is in a position to immediately provide services that will meet the needs of the City and of future transit riders; and transit riders are more likely to utilize services from Ride Right LLC as opposed to from a different vendor which is less familiar with the City's needs and with the proposed routes and services, and

WHEREAS, based on the foregoing and pursuant to its authority under the Charter and otherwise applicable law, City Council determines that it is not in the City's best interest to re-open bidding on the proposed transportation service and concludes that it is reasonable and appropriate for the City to begin negotiations and discussions with Ride Right LLC to provide transportation services subject to passage of the May 7, 2013 transportation levy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. Pursuant to its charter authority, City Council authorizes the City Administrator to enter into negotiations with Ride Right LLC to provide transportation services subject to passage of the May 7, 2013 tax levy.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Perrysburg, Wood County, Ohio, to ensure that the process moves forward to allow full review of potential service and contractual issues as soon as possible and preferably before the May 7, 2013 primary election date, and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Mr. Grayson moved that Ordinance 45-2013 be approved as an emergency. Seconded by Mr. Lawless. Ayes: (7). Nays: (0).

OTHER BUSINESS

Ms. Ermie stated that she will be resigning from City Council as of April 30, 2013 due to health reasons. She said that it has been an honor to serve. Ms. Ermie said that she has spoken to the Mayor and President of Council regarding an application process for her position. Mayor Evans said interested parties should stop by and pick up an application. City Council will review the applications. Mr. Lawless told Ms. Ermie that we will miss her; he wished her the best and said he hopes her health improves. Mayor Evans thanked Ms. Ermie for her service and said she was instrumental in getting him to run for mayor.

ADJOURNMENT

Mr. Lawless moved to adjourn the meeting at 7:30 p.m. Seconded by Mr. Grayson. Ayes: (7). Nays: (0).

David D. Creps, Clerk   Nelson D. Evans, Mayor