

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD APRIL 7, 2009

Present were Council members Tom Mackin, John Kevern, Mike Olmstead, Joe Rutherford, Joe Lawless, Maria Ermie 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 March 17, 2009 meeting and to dispense with their reading. Ms. Ermie seconded the motion. Ayes: (7) Nays: (0)

SPECIAL REPORTS

No Special Reports

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

None

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans requested that the Personnel Committee Report be moved to the end of the meeting. He also presented the appointments for Michael Liebenthal to the Board of Zoning Appeals and William Brundrett to the Litter Control Board. Mr. Lawless made a motion to accept the appointments and Mr. McCarthy seconded. Ayes: (7) Nays: (0).

City Administrator's Report

None

Finance Director's Report

Mr. Creps reminded Council of the TARTA meeting on Wednesday, April 15 at 7:00 p.m. in Council Chambers. TARTA representatives would be presenting their Operating Analysis to the general public.

Mr. Creps also reminded Council that the Financial Disclosure Statements for the Ohio Ethics Commission were due on April 15.

Director of Law

Mr. Beredo requested Council to adjourn to Executive Session for the purpose of discussing a pending litigation.

President of Council Report

Mr. Lawless made a motion for Council to adjourn to Executive Session for the purpose of discussing Personnel issues and the pending litigation. Ms. Ermie seconded. Ayes: (7) Nays: (0).

COMMITTEE REPORTS

Finance Committee:

The next Finance Committee meeting is scheduled for April 14, 2009 at 5:00 p.m.

Economic Development:

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

Mr. Kevern introduced **ORDINANCE 60-2009 AUTHORIZING THE CITY TO APPLY FOR A FIFTEEN THOUSAND DOLLAR (\$15,000.00) GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT ON BEHALF OF PERRYSBURG MAIN STREET, INC. 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. 60-2009 by number and title only. Mr. Kevern moved that Ordinance No. 60-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 61-2009 AUTHORIZING AN AGREEMENT WITH THE PERRYSBURG AREA HISTORIC MUSEUM IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) FOR THE SPECIFIC PURPOSE OF ACQUIRING THE 1823 SPAFFORD HOUSE 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. 61-2009 by number and title only. Mr. Kevern moved that Ordinance No. 61-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

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

Safety and Service:

Mr. Olmstead read the minutes from the April 1, 2009 meeting and this report is attached and made a part of the minutes. There was one amendment to the minutes and that was a change of amount for the resurfacing project with the correct amount being \$1.2 million.

Mr. Olmstead introduced **ORDINANCE 65-2009 AMENDING CODIFIED ORDINANCE 618.01(f) TO INCREASE THE AMOUNT OF LIABILITY INSURANCE REQUIRED BY THE VICIOUS DOG ORDINANCE TO MATCH THE REQUIREMENTS SET BY STATE LAW 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. 65-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 65-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 67-2009 AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT FOR BIDS FOR 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. Mackin. Ayes: (7) Nays: (0). The clerk read Ordinance No. 67-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 67-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 68-2009 AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT FOR BIDS FOR MARKING PAVEMENT WITHIN THE CITY 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. 68-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 68-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 69-2009 AUTHORIZING AN AGREEMENT WITH CSX IN AN AMOUNT ESTIMATED TO BE TEN THOUSAND DOLLARS (\$10,000.00) FOR THE REVIEW AND APPROVAL OF CITY PLANS FOR ROADWAY CONSTRUCTION AND A MULTI-USE PATH ACROSS CSX TRACKS 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. 69-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 69-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 70-2009 AUTHORIZING RENEWAL OF THE AGREEMENT WITH STEPHEN HERWAT, IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) TO PROVIDE ENGINEERING AND OTHER CONSULTING SERVICES 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. 70-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 70-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 71-2009 RENAMING RICE STREET, WHICH IS LOCATED OFF LOCUST STREET NORTH OF EAST FRONT STREET, AS "LINDEN LANE" 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. 71-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 71-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. Olmstead introduced **ORDINANCE 72-2009 AUTHORIZING AN AGREEMENT WITH W.W.WILLIAMS IN AN AMOUNT NOT TO EXCEED SIX THOUSAND NINE HUNDRED THIRTY-FIVE DOLLARS (\$6,935.00) FOR PREVENTATIVE MAINTENANCE ON FIRE EQUIPMENT AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title. Seconded by Mr. Mackin. Ayes: (7) Nays: (0). The clerk read Ordinance No. 72-2009 by number and title only.

Mr. Olmstead introduced **ORDINANCE 66-2009 AUTHORIZING AN AGREEMENT WITH THE GARRISON COMPANY, INC., IN AN AMOUNT NOT TO EXCEED THREE MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$3,550,000) FOR CONSTRUCTION OF A PUBLIC SERVICE BUILDING ON ROACHTON ROAD 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. 66-2009 by number and title only. Mr. Olmstead moved that Ordinance No. 66-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

Mr. McCarthy stated that he received more information on the issues with the painting contractor and that they were worrisome to him because of the sketchy work experiences. He noted that it would cost the City \$68,000 or 2% more to go with the next lowest bid. Two major components of the job have troublesome contractors. Mr. Alexander stated that the general contractor has not selected anyone yet and that he is confident that Garrison came in with the best and lowest bid. Mr. Rutherford asked if the City had any latitude to disagree with subcontractors that are selected. Ms. Ernie stated that she got a call from a citizen about a certain contractor being locked out for a job and she talked to Jon Eckel about the citizen's concern and he felt that Mr. Tucker from Garrison would do a good job in selecting adequate help. Mr. Tucker stated that MLM Painting Co. is not being considered as a subcontractor and that ECO Electric provided paperwork which showed that liens would be removed in 40 days. He is still receiving quotes from 3 to 4 IBEW subcontractors. Mr. Lawless asked Mr. Tucker if he felt confident in finding subcontractors to work for the overall bid that was submitted and Mr. Tucker answered in the affirmative.

Al Sylak, who was a resident of Perrysburg for 25 years and a member of the IBEW Electric Union, stated that the union has 84 members who live in Perrysburg of which 75 are active and 9 are retired. He questioned if workers for ECO Electric had a contractor's license. He was also concerned about the electrical contract bid numbers that were accepted by the City from Garrison. The numbers do not work out and with tax liens cropping up for certain subcontractors he feels that the project is on a fine line. Mr. Eckel stated that he does not jump into things and that he has been working on the project for a couple of years. He recalled that he asked Mr. Tucker what he would do to get Ohio workers involved and Mr. Tucker responded saying he would do anything he could. Mr. Tucker is required by contract to stick to the bid submitted and he is bonded to provide security in the event there are significant problems. Mr. Eckel feels confident Mr. Tucker will do a good job through the research done by Mr. Herwat and Mr. Eckel.

Mr. Mackin asked if the City could wait two weeks to make a final decision on accepting the bid. Mr. Alexander felt the decision boiled down to a matter of whether City Council trusted the Administration to make the right choice. Mr. Mackin responded that trust was not the issue, that in the past whenever the City made a hasty decision they ended up jumping through hoops to correct what was done. Mr. Herwat stated that the contract needed to be executed within a 60 day window and that part of the bid requirement was getting the salt dome built by September 30 and the rest of the project done by November 30. Any delay in bidding would hinder these projects. He also stated that he would put his reputation on the line stating that this is the best representative for the City. Mr. Lawless stated that he had not heard anything negative about the Garrison Company or Mr. Tucker and that the subcontractors have not been selected yet.

Nelson Hafner asked what prices for the electrical work did the architect use when estimating the cost. Jeff Normand, architect, created the estimation in late summer and early fall coming up with approximately \$320,000 to \$325,000. He used electrical people to help create the estimate. Rick Ruffner stated that who was to say the next second bid wouldn't have the same problems.

Mr. Olmstead introduced **RESOLUTION 6-2009 AUTHORIZING THE ABOLITION AND ALTERATION OF CERTAIN CROSSINGS OF THE CSX RAILROAD 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 Resolution No. 6-2009 by number and title only. Mr. Olmstead moved that Resolution No. 6-2009 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7) Nays: (0).

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

Recreation Committee:

Mr. Lawless introduced **ORDINANCE 73-2009 AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE FORT MEIGS YMCA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000.00), FOR THE MANAGEMENT OF THE CITY SWIMMING POOL 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. Rutherford. Ayes: (7) Nays: (0). The clerk read Ordinance No. 73-2009 by number and title only. Mr. Lawless moved that Ordinance No. 73-2009 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (7) Nays: (0).

Mr. Lawless introduced **ORDINANCE 74-2009 AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE FORT MEIGS YMCA TO PROVIDE SWIM LESSONS AND AQUATIC EXERCISE AT THE CITY SWIMMING POOL 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. Rutherford. Ayes: (7) Nays: (0). The clerk read Ordinance No. 74-2009 by number and title only. Mr. Lawless moved that Ordinance No. 74-2009 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (7) Nays: (0).

Mr. Lawless introduced **ORDINANCE 75-2009 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) WITH THE PERRYSBURG AREA ARTS COUNCIL FOR ARTS PROGRAMMING 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. Rutherford. Ayes: (7) Nays: (0). The clerk read Ordinance No. 75-2009 by number and title only. Mr. Lawless moved that Ordinance No. 75-2009 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (7) Nays: (0).

The next Recreation meeting is April 20, 2009 at 5:30 p.m.

Planning And Zoning Committee:

Mr. McCarthy read the minutes from the March 25, 2009 meeting and this report is attached and made a part of the minutes.

Mr. McCarthy introduced **ORDINANCE 62-2009 GRANTING SPECIAL APPROVAL USES WITH RESPECT TO THE PROPOSED PUBLIC SERVICE BUILDING AT 11980 ROACHTON ROAD 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. 62-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 62-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 63-2009 AMENDING SECTION 1280.06 OF THE CODIFIED ORDINANCES REGARDING PENALTIES FOR VIOLATIONS OF THE CITY'S 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. Lawless. Ayes: (7) Nays: (0). The clerk read Ordinance No. 63-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 63-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 64-2009 AMENDING THE ZONING MAP OF THE CITY OF PERRYBURG, WOOD COUNTY, OHIO, REGARDING THE COTNER/BAKER ANNEXATION BY DIRECTING THE PLANNING, ZONING, AND ECONOMIC DEVELOPMENT DIVISION TO CHANGE SAID MAP IN ACCORDANCE HERewith 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. 64-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 64-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

The next Planning and Zoning meeting is April 15, 2009 at 5:30 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read the minutes from the March 24, 2009 meeting and this report is attached and made a part of the minutes.

Mr. Rutherford introduced **ORDINANCE 76-2009 AUTHORIZING AN AGREEMENT WITH ACE SEPTIC TANK SERVICES, IN AN AMOUNT NOT TO EXCEED SEVEN THOUSAND TWO HUNDRED FOURTEEN DOLLARS (\$7,214.00), TO PROVIDE PORTABLE TOILETS FOR THE 2009 SEASON 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. 76-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 76-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 77-2009 AUTHORIZING THE CITY TO RENEW ITS PARTICIPATION IN THE NORTHWEST OHIO AGGREGATIONS COALITION FOR ELECTRIC PRICING 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. 77-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 77-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 78-2009 AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH OTHER COMMUNITIES IN THE MAUMEE RIVER BASIN PARTERSHIP OF LOCAL GOVERNMENTS WITH RESPECT TO ALLOCATION OF GRANT MONEY FOR STORM WATER STANDARDS 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. 78-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 78-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 79-2009 ENACTING CHAPTER 1056 PROVIDING FOR CRIMINAL AND CIVIL PENALTIES FOR ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL 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. Kevern. Ayes: (7) Nays: (0). The clerk read Ordinance No. 79-2009 by number and title only. Mr. Rutherford moved that Ordinance No. 79-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Mackin asked if there was anything already on the books for illegal discharge and connection and if not , why the City wanted to enforce it now. Mr. Eckel stated that the City needs to meet storm water standards based on construction sites by the Environmental Protection Agency.

The next Health, Sanitation, and Public Utilities meeting is April 29, 2009 at 6:00 p.m.

Mr. Lawless adjourned the meeting to executive session at 8:35 p.m. for the purpose of discussing collective bargaining agreements and the pending litigation.

The Council reconvened at 9:26 p.m.

Personnel Committee:

Ms. Ermie read the minutes from the March 24, 2009 meeting and the special meeting held on April 6, 2009 these reports are attached and made a part of the minutes.

Ms. Ermie introduced **RESOLUTION 7-2009 ACCEPTING THE FACTFINDER'S REPORT WITH RESPECT TO THE CITY'S NEGOTIATIONS WITH THE OPBA UNITS 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 No. 7-2009 by number and title only. Ms. Ermie moved that Resolution No. 7-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Rutherford (6) Nays: Olmstead (1).

The next Personnel meeting is April 29, 2009 at 5:00 p.m.

Other Business

No other business.

There being no further business Mayor Evans moved to adjourn at 9:38 p.m..

David D. Creps, Clerk of Council

Nelson D. Evans, Mayor