

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD APRIL 6, 2010

Present were Council members Tom Mackin, John Kevern, Joe Lawless, Joe Rutherford and Tim McCarthy (5). Also present were Mayor Nelson Evans; John Alexander, City Administrator; Tim Fisher, Deputy Finance Director and Mathew Beredo, Law Director. Not present were Council members Maria Ermie and Mike Olmstead.

Mayor Evans called the meeting to order at 7:00 p.m.

Mr. Lawless made a motion to approve the minutes from the March 16, 2010 meeting without reading. Seconded by Mr. Mackin. Ayes: (5) Nays: (0).

SPECIAL REPORTS

Oscar Sung, Ohio Oriental Cultural Association, presented information and a power point presentation about the upcoming event “Shen Yun” which will be held at the Stranahan Theater on Friday, May 14, 2010 at 7:30 p.m.

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

Robert Zak, 1044 Locust Street, was present to speak of his concern about possible signage in Municipal Park for advertising purposes. Mr. McCarthy stated that the residents of the Municipal Park area would be notified if any changes would be considered at the Park. Mr. Lawless stated that the process in which the proposed amendments, being presented this evening, went through was confusing and not followed correctly. There seemed to be two different Committees involved as well as two different sets of rules that were followed. Mario Procaccini, 1039 Locust Street, added that he thought there were a lot of questions still unanswered as far as signage for any City park such as liability to the City, who would maintain the signs, and a budget for the Parks. He also wondered if the City had considered what the Parks would look like five to ten year into the future with the added signage.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans asked that Council check with TARTA about having a public meeting sometime in late April or early May to discuss matters to be presented at the August TARTA Board of Directors meeting.

The Mayor also reported that Danielle Nesmith, a representative from Senator Brown's office, visited Perrysburg and was given a tour of the area and also had a discussion about future projects for the City.

City Administrator's Report

Mr. Alexander reported that the 2010 resurfacing project had been presented to the Service-Safety Committee on April 5, 2010 and this would be published on the City website with a list of streets that would be affected.

Finance Director's Report

None

Director of Law

Mr. Beredo reported on pending litigation with D & M Painting stating that the 6th District Court of Appeals awarded their decision to the City, but D & M Painting was appealing this decision with the Ohio Supreme Court at the end of March.

Mr. Beredo stated that Ordinance 52-2010 should be coming out of the Recreation Committee and not Service-Safety.

Ordinances 50-2010 and 51-2010 were requested to be split apart by the Service-Safety Committee and will now be introduced at Ordinances 51-2010, 52-2010, 65-2010 and 66-2010.

The Memorandum of Understanding from the Recreation Committee was amended and being presented this evening.

Finally, Mr. Beredo presented a preview of the City advertising policy which would govern advertising in Rivercrest Park. He stated that this preview is not, by any means, a final copy.

President of Council Report

City Council needs to schedule a Public Hearing for May 18, 2010 at 6:45 p.m. for the purpose of considering Urban Village Overlay (UVO) designation for Harbortown Place Development.

COMMITTEE REPORTS

Finance Committee:

The next Finance Committee meeting is scheduled for April 13, 2010 at 5:00 p.m.

Economic Development:

The next Economic Development meeting is schedule for April 19, 2010 at 6:30 p.m.

Service-Safety:

Mr. Kevern read the minutes of the April 5, 2010 Service-Safety meeting and these are attached and made a part of the minutes.

Mr. Kevern introduced **ORDINANCE 47-2010 AUTHORIZING AN AGREEMENT WITH HULL AND ASSOCIATES, INC., FOR DITCH MITIGATION AND MONITORING IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$5,750.00) 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. Mackin. Ayes: (5) Nays: (0). The clerk read Ordinance No. 47-2010 by number and title only. Mr. Kevern moved that Ordinance No. 47-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (5) Nays: (0).

Mr. Kevern introduced for a first reading **ORDINANCE 48-2010 AUTHORIZING AN AGREEMENT WITH PIERCE MANUFACTURING IN AN AMOUNT NOT TO EXCEED THREE HUNDRED NINETY-NINE THOUSAND ONE HUNDRED THIRTY-SEVEN DOLLARS AND FORTY TWO CENTS (\$399,137.42) FOR A FIRE ENGINE AND DECLARING AN EMERGENCY.** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Mackin. Ayes: (5) Nays: (0). The clerk read Ordinance No. 48-2010 by number and title only.

Mr. Lawless felt that buying a new fire engine for a new fire station that has been put on hold does not seem right and he has not heard any compelling arguments to help his decision. Chief Klein, Perrysburg Fire Chief, responded that the Fire Division has been down an engine since 2007 and that the two engines they do have are twenty and thirteen-years-old. As far as the mutual aid issue, it takes Perrysburg Township ten minutes to respond to a call compared to the City's four minute response time. Mr. Lawless asked if the City had ever had any problems responding to calls which put citizens in jeopardy since 2007 and Chief Klein responded no. Mr. Lawless also asked why this was a last minute decision for a large dollar purchase. Mr. Alexander responded that the third engine purchase has been in the Fire Division's five-year plan for several years and was also put through all of the 2010 budget meetings. Mr. Mackin added that he and Mr. Olmstead had asked all of these same questions during the Service-Safety meeting and Chief Klein had reported that there was a time constraint as far as being able to purchase a 2009 engine at a \$20,000 decrease within the next month. It was decided to hold the Ordinance as a first reading until the Service-Safety minutes are published and reviewed by Council and to make the final decision at the April 20, 2010 City Council meeting.

Mr. Kevern introduced **ORDINANCE 49-2010 AUTHORIZING AN AGREEMENT WITH PHILLIPS MEDICAL SYSTEMS IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$20,450.00) FOR HEART MONITORS/DEFIBRILLATORS 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: (5) Nays: (0). The clerk read Ordinance No. 49-2010 by number and title only. Mr. Kevern moved that Ordinance No. 49-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (5) Nays: (0).

Mr. Kevern introduced **ORDINANCE 50-2010 AMENDING CODIFIED ORDINANCE 310.02 REGARDING ADVERTISING ON PUBLIC PROPERTY 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: (5) Nays: (0). The clerk read Ordinance No. 50-2010 by number and title only. Mr. Kevern moved that Ordinance No. 50-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (5) Nays: (0).

Mr. Kevern introduced **ORDINANCE 51-2010 AMENDING CODIFIED ORDINANCE 1090.07 REGARDING MERCHANDISING, ADVERTISING AND SIGNS IN CITY PARKS 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: (5) Nays: (0). The clerk read Ordinance No. 51-2010 by number and title only. Mr. Kevern moved that Ordinance No. 51-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (5) Nays: (0).

Mr. Kevern introduced **ORDINANCE 65-2010 AMENDING CODIFIED ORDINANCE 1090.071 REGARDING COMMERCIAL ADVERTISING IN CITY PARKS 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: (5) Nays: (0). The clerk read Ordinance No. 65-2010 by number and title only. Mr. Kevern moved that Ordinance No. 65-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (5) Nays: (0).

Mr. Kevern introduced **ORDINANCE 66-2010 AMENDING CODIFIED ORDINANCE 610.021 REGARDING COMMERCIAL ADVERTISING AT RIVERCREST PARK 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: (5) Nays: (0). The clerk read Ordinance No. 66-2010 by number and title only. Mr. Kevern moved that Ordinance No. 66-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (5) Nays: (0).

Mr. McCarthy stated he has some concerns with the signage agreement with Rivercrest Park but does not see any signage issues at Municipal Park in the near future. The City needs to proceed carefully with this issue and he hopes that PABSC does not expect to see future movement of the signage issue to Municipal Park. Mr. Lawless stated he supported this issue cautiously and that it was hard to get rid of the billboards that lined the freeways in Perrysburg and he does not want to see the signage replace the billboards. The City parks are important and want to keep them looking nice for the residents. He also stated he hopes things work out with the signage issue.

Becky Williams, Planning Commission Member, asked what affect this Ordinance will have on temporary signs put in parks during events such as Relay-For-Life and the Kip Boulis 5K Run. Mr. Eckel responded that non-profit groups such as these are allowed to have signs at the City's discretion. Mr. Beredo also responded that Ordinances refer to signs put in by the City for City purposes.

Mayor Evans thanked Council for its support with this issue and feels it will help the City in the long run.

Mr. Kevern introduced **ORDINANCE 53-2010 AUTHORIZING AN AGREEMENT WITH TRUGREEN CHEMLAWN IN AN AMOUNT NOT TO EXCEED TWENTY-THREE THOUSAND DOLLARS (\$23,000.00) TO PROVIDE EMERALD ASH BORER TREATMENTS TO CITY TREES 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: (5) Nays: (0). The clerk read Ordinance No. 53-2010 by number and title only. Mr. Kevern moved that Ordinance No. 53-2010 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (5) Nays: (0).

The next Safety-Service meeting is scheduled for May 5, 2010 at 5:30 p.m.

Recreation Committee:

Mr. Lawless introduced **ORDINANCE 52-2010 AUTHORIZING AN AGREEMENT WITH TRUGREEN CHEMLAWN IN AN AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND FOUR HUNDRED THIRTY DOLLARS AND EIGHTY-SEVEN CENTS (\$18,430.87) TO PROVIDE LAWN TREATMENTS AT VARIOUS CITY PROPERTIES 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: (5) Nays: (0). The clerk read Ordinance No. 52-2010 by number and title only. Mr. Lawless moved that Ordinance No. 52-2010 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (5) Nays: (0).

Mr. Lawless introduced **ORDINANCE NO. 54-2010 AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE PERRYSBURG AMATEUR BASEBALL SOFTBALL COMMISSION REGARDING USE OF CITY ATHLETIC FIELDS FOR BASEBALL AND SOFTBALL 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: (5) Nays: (0). The clerk read Ordinance No. 54-2010 by number and title only. Mr. Lawless moved that Ordinance No. 54-2010 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (5) Nays: (0).

Mr. Mackin wanted to make sure that PABSC will be providing access of the fields to all City users and that house league will not get pushed aside for revenue-generated tournaments or travel teams.

Mr. Lawless introduced **ORDINANCE NO. 55-2010 AUTHORIZING AN AGREEMENT WITH THE FORT MEIGS YMCA TO PROVIDE SWIM LESSONS AND AQUATIC EXERCISE AT THE MUNICIPAL 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: (5) Nays: (0). The clerk read Ordinance No. 55-2010 by number and title only. Mr. Lawless moved that Ordinance No. 55-2010 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (5) Nays: (0).

Mr. Lawless introduced **ORDINANCE NO. 56-2010 AUTHORIZING AN AGREEMENT WITH THE FORT MEIGS YMCA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED CITY 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: (5) Nays: (0). The clerk read Ordinance No. 56-2010 by number and title only. Mr. Lawless moved that Ordinance No. 56-2010 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (5) Nays: (0).

The next Recreation meeting is scheduled for April 19, 2010 at 5:30 p.m.

Planning And Zoning Committee:

Mr. McCarthy read the minutes from the March 17, 2010 Planning and Zoning meeting and these are attached and made a part of these minutes.

Mr. McCarthy introduced **ORDINANCE NO. 67-2010 GRANTING SPECIAL APPROVAL USE WITH RESPECT TO THE INSTALLATION OF FENCES AND LIGHTING AT RIVERCREST PARK 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: (5) Nays: (0). The clerk read Ordinance No. 67-2010 by number and title only. Mr. McCarthy moved that

Ordinance No. 67-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (5) Nays: (0).

The next Planning and Zoning meeting is scheduled for April 21, 2010 at 5:00 p.m.

Personnel Committee:

Mr. McCarthy read the minutes from the March 31, 2010 Personnel meeting and these are attached and made a part of these minutes.

Mr. McCarthy introduced **ORDINANCE NO. 57-2010 ADDING CLASSIFICATIONS FOR SAFETY TOWN POSITIONS TO CODIFIED ORDINANCE 267.01-2 REGARDING THE 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. Rutherford. Ayes: (5) Nays: (0). The clerk read Ordinance No. 57-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 57-2010 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (5) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 58-2010 AMENDING THE TITLE OF CODIFIED ORDINANCE CHAPTER 260 REGARDING THE DIVISION OF PLANNING, ZONING AND ECONOMIC DEVELOPMENT 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: (5) Nays: (0). The clerk read Ordinance No. 58-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 58-2010 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (5) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 59-2010 AMENDING CODIFIED ORDINANCE 260.01 REGARDING THE COMPOSITION OF THE CITY'S DIVISION OF PLANNING AND ZONING 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: (5) Nays: (0). The clerk read Ordinance No. 59-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 59-2010 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (5) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 60-2010 AMENDING CODIFIED ORDINANCE 260.02 REGARDING THE GENERAL DUTIES OF THE CITY'S ADMINISTRATOR FOR PLANNING AND ZONING 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: (5) Nays: (0). The clerk read Ordinance No. 60-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 60-2010 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: (5) Nays: (0).

The next Personnel meeting is scheduled for April 27, 2010 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read the minutes of the March 23, 2010 HSPU meeting and these are attached and made a part of these minutes.

Mr. Rutherford introduced **ORDINANCE NO. 62-2010 AUTHORIZING AN AGREEMENT WITH ARCADIS IN AN AMOUNT NOT TO EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) FOR ENGINEERING SERVICES WITH RESPECT TO EAST BOUNDARY FORCE MAIN EXTENSIONS 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: (5) Nays: (0). The clerk read Ordinance No. 62-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 62-2010 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (5) Nays: (0).

Mr. Rutherford introduced **ORDINANCE NO. 63-2010 AUTHORIZING AN AGREEMENT WITH NEPTUNE EQUIPMENT COMPANY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$179,500.00) TO PURCHASE ONE THOUSAND (1000) WATER METERS 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: (5) Nays: (0). The clerk read Ordinance No. 63-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 63-2010 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (5) Nays: (0).

Mr. Rutherford introduced **ORDINANCE NO. 64-2010 AUTHORIZING AN AGREEMENT WITH OHIO ECAVATING IN AN AMOUNT NOT TO EXCEED NINE THOUSAND EIGHT HUNDRED DOLLARS (\$9,800.00) FOR THE REPAIR OF A VAULT LID AT ECKEL JUNCTION ROAD AND STATE ROUTE 25 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: (5) Nays: (0). The clerk read Ordinance No. 64-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 64-2010 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (5) Nays: (0).

The next Health, Sanitation, and Public Utilities meeting is April 27, 2010 at 6:00 p.m.

Other Business

No other business.

Mr. Lawless made a motion to adjourn at 8:25 p.m. Seconded by Mayor Evans.

David D. Creps, Clerk of Council

Nelson D. Evans, Mayor