

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD MARCH 3, 2009

Present were Council Members John Kevern, Mike Olmstead, Joe Rutherford, Joe Lawless, Maria Ermie, Tom Mackin and Tim McCarthy (7). Also present were John Alexander, City Administrator; David Creps, Clerk of Council and Mathew Beredo, Law Director.

Mr. Lawless called the meeting to order at 7:00 p.m.

Mr. Lawless moved to approve the minutes from the February 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

Mike Liebenthal, 14720 Wood Creek, questioned what the time frame was for minutes to be completed and then posted on the City website. He felt it took too long for this process and wondered if the City would consider hiring a service which could complete the task in twenty-four hours. Mr. Alexander explained the process in which minutes are transferred to the website. The City is in the process of looking for a new IT person to who will help with this process.

Chris Bayes, Mechanical Contractor for Bayes, Inc., made a statement about the City's bidding process for the proposed public service building. Mr. Bayes stated that Ohio law allows the option of taking single combined bids to be awarded a single combined contract, provided that the single bid is in fact lower in price than the separate bids. This allows public agencies to have the lowest price method available for construction work on public improvements. The City of Perrysburg's current solicitation only allows for a single combined bid. Mr. Bayes feels that proponents of competitive bidding elimination seek to terminate current broad and open competitive bidding for public works. Proponents' true intent is to eliminate three of four prime bidders by category. This allows the single bidder to conceal the mark-up price, increasing the cost of public construction while concealing the true price by eliminating the competition.

ADMINISTRATIVE REPORTS

Mayor's Report

None

City Administrator's Report

None

Finance Director's Report

None

Director of Law

None

President of Council Report

Mr. Lawless set a public hearing for April 7 at 6:55 p.m. for the presentation of Special Approval Use for Perrysburg Schools Administrative Offices at 140 E. Indiana Avenue.

Mr. Lawless made a motion to adjourn to executive session to discuss personnel issues at the end of the City Council meeting. Ms. Ermie seconded. Ayes: (7) Nays: (0).

COMMITTEE REPORTS

Finance Committee: No report.

Mr. Mackin introduced **ORDINANCE 28-2009 AUTHORIZING THE RENEWAL OF A SIDEWALK LEASE BETWEEN THE CITY AND CASA BARRON RESTAURANT FOR THE TERM OF ONE YEAR AT THE ANNUAL RATE TWENTY-FIVE DOLLARS (\$25.00) 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 Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance No. 28-2009 by number and title only. Mr. Mackin moved that Ordinance No. 28-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

The next Finance Committee meeting is scheduled for March 10, 2009 at 5:00 p.m.

Economic Development: No report.

The next Economic Development meeting is scheduled for March 4, 2009 at 9:00 a.m.

Safety and Service: No report.

The next Safety and Service meeting is March 4, 2009 at 5:30 p.m.

Recreation Committee:

Mr. Lawless read the minutes from the February 11, 2009 meeting and this report is attached and made a part of the minutes.

The next Recreation meeting is March 16, 2009 at 5:00 p.m.

Planning And Zoning Committee:

Mr. McCarthy read the minutes from the February 18, 2009 meeting and this report is attached and made a part of the minutes.

Mr. McCarthy introduced **ORDINANCE NO. 29-2009 AMENDING CODIFIED ORDINANCE 1225.08 ON THE LAND USE AND BASE ZONING DISTRICT TABLE 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. 29-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 29-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 30-2009 AMENDING CODIFIED ORDINANCE 1230.01 ON INTENSITY AND DIMENSIONAL 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 Mr. Lawless. Ayes: (7) Nays: (0). The clerk read Ordinance No. 30-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 30-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 31-2009 AMENDING CODIFIED ORDINANCE 1235.04 ON SPECIAL APPROVAL USES 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. 31-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 31-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 32-2009 AMENDING CODIFIED ORDINANCE 1250.06(b) ON PARKING STALL DIMENSIONS 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. 32-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 32-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 33-2009 AMENDING CODIFIED ORDINANCE 1230.02(j) ON PARKING OF DISABLED VEHICLES 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. 33-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 33-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 34-2009 AMENDING CODIFIED ORDINANCE 1250.38(a) ON SIGN PERMITS 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. 34-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 34-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 35-2009 AMENDING CODIFIED ORDINANCE 1250.48(a)(2) ON EXTERIOR WALL MATERIALS 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. 35-2009 by number and title only.

Mr. McCarthy moved that Ordinance No. 35-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 36-2009 DELETING CODIFIED ORDINANCE 1280.13(c) 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. 36-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 36-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 37-2009 AMENDING CODIFIED ORDINANCE 1260.11(a) REGARDING SUBMITTAL AND DISTRIBUTION OF FINAL SITE PLANS TO THE PLANNING COMMISSION 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. 37-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 37-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 38-2009 DELETING CODIFIED ORDINANCE 1260.12(a) REGARDING FINAL SITE PLAN REVIEW 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. 38-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 38-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 39-2009 ADDING CODIFIED ORDINANCE 1260.06(b) REGARDING PRELIMINARY REVIEW APPLICATIONS 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. 39-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 39-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 40-2009 AMENDING CODIFIED ORDINANCE 1295.05(g)(1) REGARDING PRELIMINARY PLATS 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. 40-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 40-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 41-2009 AMENDING CODIFIED ORDINANCE 1295.07(c)(1) REGARDING FINAL PLATS 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. 41-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 41-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 42-2009 ADDING CODIFIED ORDINANCE 1295.07(b)(2)(K) REGARDING FINAL PLATS 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. 42-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 42-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 43-2009 ADDING CODIFIED ORDINANCE 1280.07(d) REGARDING ISSUANCE OR DISALLOWANCE OF ZONING PERMITS 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. 43-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 43-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE NO. 44-2009 AMENDING FOOTNOTE 6 TO CODIFIED ORDINANCE 1250.32(a), REGARDING ACCESSORY WALL SIGNS, 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. 44-2009 by number and title only. Mr. McCarthy moved that Ordinance No. 44-2009 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

The next Planning and Zoning meeting is March 25, 2009 at 5:30 p.m.

Personnel Committee:

Ms. Ermie read the minutes from the February 24, 2009 meeting and this report is attached and made a part of the minutes.

Ms. Ermie introduced **ORDINANCE NO. 45-2009 AUTHORIZING THE CITY TO INCREASE THE HOURLY RATE PAYABLE ON FOUR PART-TIME SEASONAL JOBS FROM SEVEN DOLLARS (\$7.00) TO SEVEN DOLLARS AND THIRTY CENTS (\$7.30) PER HOUR 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. 45-2009 by number and title only. Ms. Ermie moved that Ordinance No. 45-2009 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

The next Personnel meeting is March 24, 2009 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

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

Mr. Rutherford asked Mr. Eckel to update the Council on the easement situation regarding the Maumee River Interceptor sewer line project and Mr. Eckel stated that the City was still waiting on 3 out of the 13 residents to give their consent for

the easements and that only 1 out of the three had not returned phone calls. He felt that these 3 residents would give consent in the next couple of weeks.

Mr. Mackin asked if Ordinance No. 46-2009 could be postponed for financial reasons and Mr. Eckel stated that completion of Phase II of the wastewater treatment plant dictated the beginning and completion of Phase III. The City signed an agreement with the Environmental Protection Agency and if the Water Treatment Plant would go over 90% capacity the EPA standards would be jeopardized. Postponing would only create more problems in the long run.

Mr. Rutherford introduced **ORDINANCE NO. 46-2009 AMENDING RULES ONE, SEVEN, FOURTEEN, FIFTEEN, AND SEVENTEEN UNDER CODIFIED ORDINANCE 1086.02 REGARDING THE CITY'S BUREAU OF SANITATION AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance 46-2009 by number and title only. Mr. Rutherford moved that Ordinance 46-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE NO. 47-2009 AMENDING CODIFIED ORDINANCE 1086.05(c)(4) REGARDING REFUSE CONTAINERS AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance 47-2009 by number and title only. Mr. Rutherford moved that Ordinance 47-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE NO. 48-2009 AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH HULL & ASSOCIATES IN AN AMOUNT NOT TO EXCEED SEVENTY FIVE HUNDRED DOLLARS (\$7,500.00) FOR SOIL ASSESSMENT AT THE CITY'S OUTDOOR FIRING RANGE AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Ms. Ermie. Ayes: (7) Nays: (0). The clerk read Ordinance 48-2009 by number and title only. Mr. Rutherford moved that Ordinance 48-2009 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7) Nays: (0).

The next Health, Sanitation, and Public Utilities meeting is March 24, 2009 at 6:00 p.m.

The City Council adjourned to executive session to discuss employee collective bargaining at 8:00 p.m.

Council returned from executive session at 8:28 p.m.

There being no other business Council adjourned at 8:28 p.m..

David D. Creps, Clerk of Council

Nelson D. Evans, Mayor