

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD MARCH 1, 2011

Mayor Evans called the meeting to order at 7:00 p.m. Present were Council Members Maria Ermie, John Kevern, Joe Lawless, Tom Mackin, Tim McCarthy, Mike Olmstead and Joe Rutherford (7). Also present were John Alexander, City Administrator, David Creps, Clerk of Council, Jon Eckel, Service Director and Mathew Beredo, Director of Law.

Mayor Evans requested a moment of silence in honor of Staff Sergeant Bradley Hart who passed away while serving with the Army overseas in support of Operation Enduring Freedom.

Mr. Lawless moved to approve the minutes from the February 15, 2011 meeting and to dispense with their reading. Mr. McCarthy seconded the motion. Ayes: (7). Nays: (0).

SPECIAL REPORTS

Carol Russell, President of the League of Women Voters, was present to discuss a resolution approved by the League regarding TARTA and public transportation. Ms. Russell stated that they recommend the formation of an ad hoc committee to discuss how taxpayers can get a better value for the money spent. The committee could also develop ways to better inform the citizens of the services TARTA provided. She thanked City Council for their time and attention to this matter and said that they are available to support City Council.

Mr. Rutherford thanked Ms. Russell for the League's support and stated that this item will be put on the Health, Sanitation and Public Utilities agenda for their March meeting.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

None.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans requested that Council adopt Resolution 7-2011 honoring Lloyd Swanson for his years of service to the City.

Mr. Lawless introduced **RESOLUTION 7-2011 HONORING LLOYD SWANSON FOR HIS SERVICE AND COMMITMENT TO THE CITY OF PERRYSBURG** and moved to dispense with the second and third reading. Seconded by Ms. Ermie. Ayes: (7). Nays: (0). The Clerk read Resolution No. 7-2011. Mr. Lawless moved that Resolution No. 7-2011 be passed as an emergency. Seconded by Ms. Ermie. Ayes: (7). Nays: (0).

Mayor Evans requested that Council confirm the appointments of Steve Bronder as Income Tax Commissioner and Richard Toepfer as Superintendent of Streets and Building Services.

Mr. Lawless moved to approve the appointments of Steve Bronder as Income Tax Commissioner and Richard Toepfer as Superintendent of Streets and Building Services. Mr. Rutherford seconded. Ayes: (7). Nays: (0).

Mayor Evans stated that during the Committee reports, HSPU will go ahead of Personnel because they will need to go into Executive Session to discuss collective bargaining issues prior to Personnel's report.

City Administrator's Report

No report.

Finance Director's Report

Mr. Creps stated that he knows of two Council members that will be unavailable for the April 5th meeting. Mr. Lawless suggested that a decision regarding cancelling or rescheduling the meeting be made at the next Council meeting.

Director of Law

Mr. Beredo requested that Council go into Executive Session so he could update them on pending and potential litigation.

President of Council Report

Mr. Lawless moved that Council go into Executive Session prior to the Personnel Committee report to discuss collective bargaining issues and pending and potential litigation. Mrs. Ernie seconded. Ayes: (7). Nays (0).

COMMITTEE REPORTS

Finance Committee:

No report.

Next meeting: March 8, 2011 at 5:00 p.m.

Mr. Mackin introduced **ORDINANCE 21-2011 AUTHORIZING RENEWAL OF A LEASE AGREEMENT WITH THE PERRYSBURG BOAT CLUB AT A PRICE NOT LESS THAN TWO HUNDRED FIFTY (\$250.00) PER MONTH REGARDING PROPERTY AT THE FOOT OF LOUISIANA AVENUE AND TO DECLARE 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 Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 21-2011 by number and title only. Mr. Mackin moved that Ordinance No. 21-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. Mackin introduced **ORDINANCE 22-2011 AMENDING ORDINANCE 182-2010 TO AUTHORIZE CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE YEAR BEGINNING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2011 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 Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 22-2011 by number and title only. Mr.

Mackin moved that Ordinance No. 22-2011 be passed as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Economic Development Committee:

No report.

Next meeting: March 7, 2011 at 6:00 p.m. which is a change from the regular meeting date.

Service-Safety Committee:

No report.

Next meeting: March 7, 2011 at 5:00 p.m.

Ordinance 23-2011 is still on the agenda but is going back to the Committee for further consideration.

Recreation Committee:

No report.

Next meeting: March 21, 2011 at 5:30 p.m.

Planning And Zoning Committee:

Mr. McCarthy gave his report of the February 16, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: March 16, 2011 at 5:00 p.m.

Mr. McCarthy introduced **ORDINANCE 29-2011 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, TO REZONE 502 E. SECOND STREET AS INS (INSTITUTIONAL) 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 reading. Seconded by Mr. Mackin. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 29-2011 by number and title only. Mr. McCarthy moved that Ordinance No. 29-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: Ernie, Kevern, Mackin, McCarthy, Olmstead, Rutherford (6). Nays: (0). Abstain: Lawless (1).

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford gave his report of the February 22, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: March 22, 2011 at 6:00 p.m.

Mr. Rutherford introduced **ORDINANCE 30-2011 AUTHORIZING AN AGREEMENT IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS (\$40,000.00) WITH ARCADIS U.S. INC. FOR ADDITIONAL DESIGN 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 reading. Seconded by Mr. McCarthy. Ayes:

(7). Nays: (0). The Clerk read Ordinance No. 30-2011 by number and title only. Mr. Rutherford moved that Ordinance No. 30-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Rutherford introduced **ORDINANCE 31-2011 AUTHORIZING AN AGREEMENT WITH ARCADIS U.S. INC. TO PERFORM CONSTRUCTION INSPECTION SERVICES WITH RESPECT TO THE WATER TOWER PROJECTS AT A PRICE NOT TO EXCEED ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000.00) 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 reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 31-2011 by number and title only. Mr. Rutherford moved that Ordinance No. 31-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Rutherford introduced **ORDINANCE 32-2011 AUTHORIZING THE PURCHASE OF A GALION DUMP TRUCK BED FROM KALIDA TRUCK EQUIPMENT FOR A PRICE NOT TO EXCEED SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500.00) 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 reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 32-2011 by number and title only. Mr. Rutherford moved that Ordinance No. 32-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Rutherford introduced **ORDINANCE 33-2011 AUTHORIZING AN AGREEMENT WITH CAMPBELL INC. IN AN AMOUNT NOT TO EXCEED SEVEN THOUSAND EIGHT HUNDRED SIXTY-EIGHT DOLLARS (\$7,868.00) FOR 2011 HVAC PREVENTATIVE MAINTENANCE AND ENERGY CONSULTING SERVICES FOR THE CITY'S WASTEWATER TREATMENT PLANT 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 reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 33-2011 by number and title only. Mr. Rutherford moved that Ordinance No. 33-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Rutherford introduced **ORDINANCE 34-2011 AUTHORIZING THE CITY ADMINISTRATION TO SOLICIT BIDS TO PERFORM WORK ON THE CHERRY STREET WATERMAIN PROJECT 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 reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 34-2011 by number and title only. Mr. Rutherford moved that Ordinance No. 34-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Council went into Executive Session at 7:36 p.m. They returned from Executive Session at 8:08 p.m.

Personnel Committee:

Mrs. Ernie gave her report of the February 24, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Mr. McCarthy noted that when the pay ranges for Administrative Staff, Senior Administrative Staff and Executive Staff were adjusted in 2008, they were only increased three percent. Mr. McCarthy clarified that when he said perhaps the timing was not the best to distribute the Employee Compensation reports, he was not being critical of the Administration.

Next meeting: March 22, 2011 at 5:00 p.m.

Mrs. Ermie introduced **ORDINANCE 17-2011 REJECTING THE FACT-FINDER'S REPORT WITH RESPECT TO THE CITY'S NEGOTIATIONS WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (COMMUNICATIONS OFFICER AND ANIMAL CONTROL OFFICER UNIT) 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 reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 17-2011 by number and title only. Mrs. Ermie moved that Ordinance No. 17-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mrs. Ermie introduced **ORDINANCE 18-2011 ACCEPTING THE FACT-FINDER'S REPORT WITH RESPECT TO THE CITY'S NEGOTIATIONS WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (PATROL UNIT) 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 reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 18-2011 by number and title only. Mrs. Ermie moved that Ordinance No. 18-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy Rutherford (6). Nays: Olmstead (1).

Mrs. Ermie introduced **ORDINANCE 19-2011 ACCEPTING THE FACT-FINDER'S REPORT WITH RESPECT TO THE CITY'S NEGOTIATIONS WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (SERGEANTS UNIT) 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 reading. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 19-2011 by number and title only. Mrs. Ermie moved that Ordinance No. 19-2011 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy Rutherford (6). Nays: Olmstead (1).

Mrs. Ermie stated that the Fact-finder's report for the Communications Officers and Animal Control Officers Bargaining Unit inserted an issue that the Administration and Council feel is beyond the scope of the wage reopener so that is why it was rejected. She stated that she feels that it is right to accept the two percent increase for the Patrolmen and Sergeant Bargaining Units because in the past the City has tried to rectify the low salaries that the patrolmen and sergeants had been receiving and this is one way to do that. She stated that her philosophy has been to compare it to the private sector, and she feels that the two percent increase is consistent with that philosophy.

Mr. McCarthy stated that jurisdictions used by the fact-finder were mainly Toledo suburban communities and that the patrolmen and sergeants' wages were near the low end of the spectrum. He felt that if it went onto binding arbitration there would be no appreciable change so that is why he voted to accept the fact-finder's reports for two of the bargaining units. He stated that it is maddening that the fact-

finder notes in the report that the City is in relatively good posture compared to other communities, and Council has labored under the yoke that the process does not allow the City to set aside reserves for contingencies.

Mr. Olmstead stated that he believes America is in a war of competing values between fundamental historic American ideals and a hard, secular position. The first competing value is productivity versus union work rules and bureaucracies. Mr. Olmstead stated that the United States won World War II in three years and eight months, but it took 23 years to complete a runway at an Atlanta airport. He stated that it has been over nine years since September 11, 2001, and yet the buildings still have not been rebuilt. He blames the bureaucracy and red tape for these delays. He stated the second competing value is elective representation versus bureaucrats and judges. Elected representation is at the heart of the American system. Mr. Olmstead stated that all Americans should fully believe that we are entrusted by God with rights that no politician, no bureaucrat and no judge has the right to take away from people. He said that there is a movement in this country right now by the bureaucratic elite to change us, the people, to be more progressive, more secular and more tolerant. He stated that the Tea Party is an example of the challenge to this general thought. Mr. Olmstead stated that he is not willing to discuss the technical merit of these ordinances because the system is fundamentally broken and that is why he voted to reject all three fact-finder reports.

Mr. Mackin stated that he would echo the comments of Mrs. Ernie and Mr. McCarthy. He said that he thinks all of Council would agree that the members of these bargaining units are very qualified, talented, dedicated employees. He referred to recent media reports about several police officers going above and beyond in responding to an apartment fire. He stated that every day these employees are out in the community doing their job in a professional manner. Mr. Mackin stated that what was voted on is, he believes, money well spent to pay for the services provided to this community.

OTHER BUSINESS

None.

ADJOURNMENT

Mr. Lawless moved to adjourn. Seconded by Mr. Rutherford. Ayes: (7). Nays: (0). The meeting adjourned at 8:35 p.m.

David D. Creps, Clerk

Nelson D. Evans, Mayor