MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD FEBRUARY 2, 2010

Present were Council members Tom Mackin, John Kevern, Maria Ermie, Joe Lawless, Mike Olmstead, Joe Rutherford, 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 made a motion to approve the minutes from the January 19, 2010 meeting without reading. Seconded by Ms. Ermie. Ayes: (7) Nays: (0).

SPECIAL REPORTS

None

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

Denny Barrett, 514 W. Front Street, voiced his disapproval of the City Council's hiring a lobbyist to represent them in Washington D.C. He stated "Perrysburg was one more hog at the money trough" with this action.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans reported that the OEPA has denied our request for extensions in the timeline for ongoing sewer improvements.

The Mayor will be forming an Ad Hoc Committee to help with preparations for the Fiftieth Anniversary of the City Charter.

There will be a Branding Event for the Toledo Regional Chamber of Commerce on Wednesday, February 3, 2010, at 7:00 p.m. in Council Chambers and the Mayor encouraged everyone to come.

Bridge Consulting is putting packages together to possibly take advantage of available federal money.

City Administrator's Report

Mr. Alexander reported that as a "Preserve America Community", Perrysburg applied for a grant to help with improvements of older buildings within the City. The grant was not funded by President Obama and Administration will continue to stay the course.

Finance Director's Report

Mr. Creps called attention to the Ethics Commission Financial Disclosure Statements which must be submitted by April 15, 2010.

Director of Law

Mr. Beredo apologized to the Council for errors and missing attachments on the Cook Motor and Shiple Ordinances and stated updated versions where in Council Members folders this evening.

Mr. Beredo also requested an executive session for the purpose of discussing pending litigation. Mr. Lawless made a motion to adjourn to executive session for the purpose of discussing pending litigation at the end of this evening's Council meeting. The motion was seconded by Ms. Ermie. Ayes: (7) Nays: (0).

President of Council Report

Mr. Lawless requested that the order of this evening's agenda be changed allowing for Planning and Zoning to proceed before the other Committees' reports.

COMMITTEE REPORTS

Planning And Zoning Committee:

Mr. McCarthy read the minutes from the January 20, 2010 meeting which are attached and made a part of the minutes.

Mr. McCarthy introduced **ORDINANCE 29-2010 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE DAVIS II 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. Seconded by Mr. Lawless. Ayes: (7) Nays: (0). The clerk read Ordinance No. 29-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 29-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 30-2010 GRANTING SPECIAL APPROVAL USE TO COOK MOTOR SALES AT 26420 NORTH DIXIE HIGHWAY PURSUANT TO CODIFIED ORDINANCE 1235.049(e) REGARDING AUTOMOBILE SALES AND LEASINGAND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Lawless. Ayes: (7) Nays: (0). The clerk read Ordinance No. 30-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 30-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 31-2010 AMENDING THE ZONING MAP OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO, REGARDING THE SHIPLE 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. Seconded by Mr. Lawless. Ayes: (7) Nays: (0). The clerk read Ordinance No. 31-2010 by number and title only.

Mr. McCarthy moved that Ordinance No. 31-2010 be passed as an emergency. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. Beredo stated that the primary recommendations for these Ordinances came from Rick Thielen, Planning, Zoning and Economic Development Administrator.

The next Planning and Zoning meeting is scheduled for February 17, 2010 at 5:30 p.m.

Finance Committee:

Ms. Ermie presented a finalized copy of the Fort Meigs Union Cemetery which contains the parcels that will be put up for sale by the Cemetery Board of Trustees.

Ms. Ermie introduced **ORDINANCE 21-2010 AUTHORIZING THE FORT MEIGS UNION CEMETERY BOARD OF TRUSTEES TO OFFER FOR SALE CERTAIN PARCELS OF REAL PROPERTY TITLED IN THE NAME OF THE CITY OF PERRYSBURG IN AN AMOUNT NOT LESS THAN FAIR MARKET VALUE, AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0). The clerk read Ordinance No. 21-2010 by number and title only.

Mr. Mackin wanted his reasons to be known for voting against this Ordinance. The first reason was he felt the request was premature because no formal action was needed from Council at this time. The Joint Council of the City and Township needs to approve final action like the acceptance of a formal written offer to purchase the property, and that Council did not have the authority separately to approve the Cemetery Board's next steps. The second reason is that the Ordinance states "Fair Market Value" which is not what the Cemetery Board asked for in the beginning. They stated the parcels should be sold for no less than $30,000 per acre and Mr. Mackin did not think an appraisal would be helpful since the property would not be sold for less than $30,000, so the cost of doing the appraisal would not be helpful to determining the price of sale.

Ms. Ermie stated there were other interpretations of the law and that the Cemetery Board does need the approval of both the City and Township in order to proceed with the sale of the parcels. Mr. Kevern added that Council was just facilitating the process.

Ms. Ermie made a motion to amend Ordinance 21-2010 to read "**IN AN AMOUNT NOT LESS THAN $30,000 PER ACRE**". Seconded by Mr. Kevern. Ayes: (6) Nays: (1-Mackin).

Ms. Ermie moved that Ordinance No. 21-2010 with the amended portion adding the language "Fair Market Value or $30,000, whichever is greater", be passed as an emergency. Seconded by Mr. Kevern. Ayes: (5-Kevern, Ermie, Lawless, Olmstead and McCarthy) Nays: (2-Rutherford and Mackin).

The next Finance Committee meeting is scheduled for February 9, 2010 at 5:00 p.m.

Economic Development:

Mr. Olmstead read the minutes from the January 20, 2010 meeting and these are attached and made a part of the minutes.

The next Economic Development meeting is schedule for February 17, 2010 at 6:30 p.m.

Safety and Service:

The next Safety-Service meeting is scheduled for February 3, 2010 at 5:30 p.m.

Recreation Committee:

The next Recreation meeting is scheduled for February 16, 2010 at 5:30 p.m.

Personnel Committee:

Ms. Ermie read the minutes from the January 25, 2010 meeting and these are attached and made a part of the minutes.

Ms. Ermie introduced **ORDINANCE 22-2010 AMENDING CODIFIED ORDINANCE 266.09-1(B) TO INCREASE THE NUMBER OF REPRESENTATIVES ON THE CITY'S HEALTH INSURANCE COMMITTEE AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The clerk read Ordinance No. 22-2010 by number and title only. Ms. Ermie moved that Ordinance No. 22-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Kevern pointed out an error on the Council's hard copy of Ordinance 22-2010 and Mr. Beredo apologized and stated the first line of the Ordinance should read "WHEREAS, Ordinance 266.09-1(B) for the City of Perrysburg, Ohio, sets membership of the City's Health Insurance Committee.

Ms. Ermie made a motion to amend Ordinance 22-2010 as stated above. Mr. McCarthy seconded the motion. Ayes: (7) Nays: (0).

Ms. Ermie introduced **ORDINANCE 23-2010 APPROVING PROPOSED JOB DESCRIPTION FOR SUPPORT SERVICES MANAGER FOR THE CITY'S POLICE DIVISION AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0). The clerk read Ordinance No. 23-2010 by number and title only. Ms. Ermie moved that Ordinance No. 23-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

The next Personnel meeting is scheduled for February 23, 2010 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read the minutes from the January 25, 2010 meeting and these are attached and made a part of the minutes. Mr. Alexander corrected the minutes stating he was not present at the meeting.

Mr. Rutherford introduced **ORDINANCE 24-2010 AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT FOR BIDS FOR A NEW REFUSE VEHICLE AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0). The clerk read Ordinance No. 24-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 24-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 25-2010 AUTHORIZING AN AGREEMENT WITH DELVENTHAL COMPANY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-ONE THOUSAND NINE HUNDRED DOLLARS ($121,900.00) TO COMPLETE BUILDING IMPROVEMENTS AND RENOVATIONS AT 205 E. BOUNDARY STREET AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0). The clerk read Ordinance No. 25-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 25-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 26-2010 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH CAMPBELL INC. IN AN AMOUNT NOT TO EXCEED SIX THOUSAND FIVE HUNDRED NINETY-SIX DOLLARS ($6,596.00) FOR 2010 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. Seconded by Mr. Kevern. Ayes: (7) Nays: (0). The clerk read Ordinance No. 26-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 26-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 27-2010 AUTHORIZING AN AGREEMENT WITH NORMAND & ASSOCIATES IN AN AMOUNT NOT TO EXCEED SIXTY-TWO HUNDRED DOLLARS ($6,200.00) TO DO FIELD INSPECTIONS ON BUILDING IMPROVEMENTS AT 205 E. BOUNDARY STREET AND DECLARING AN EMERGENCY** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0). The clerk read Ordinance No. 27-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 27-2010 be passed as an emergency. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 28-2010 LEVYING SPECIAL ASSESSMENTS FOR THE SEPARATION OF COMBINED SEWERS WITHIN CHERRY STREET SEWER SEPARATION DISTRICT 207** and moved that the rules be suspended to allow for its reading by number and title only. Seconded by Mr. Kevern. Ayes: (7) Nays: (0). The clerk read Ordinance No. 28-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 27-2010 be passed. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

The next Health, Sanitation, and Public Utilities meeting is February 23, 2010 at 6:00 p.m.

Other Business

No other business.

Mr. Lawless moved to adjourn to executive session at 7:45 p.m. for the purpose of discussing pending litigations. Council returned at 8:07 p.m.

Mayor Evans made a motion to adjourn at 8:07 p.m. Seconded by Mr. Lawless.

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