MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD JANUARY 5, 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.

Perrysburg Municipal Court Judge S. Dwight Osterud administered the oath of office to Nelson Evans as Mayor of Perrysburg for a second term of four years.

Perrysburg Municipal Court Judge S. Dwight Osterud administered the oath of office to Joe Lawless, Maria Ermie and Mike Olmstead as City Council Members for a returning four years.

APPOINTMENT OF PRESIDENT OF COUNCIL

Ms. Ermie made a motion to nominate Joe Lawless for President of Council, which was seconded by Mr. Rutherford. Ayes: (6) Nays: (0) Abstain: (1). Mr. Lawless abstained from the vote.

APPOINTMENT OF COUNCIL COMMITTEE MEMBERS

Finance Committee
Tom Mackin, Chairman
John Kevern
Maria Ermie

Economic Development Committee
Mike Olmstead, Chairman
Joe Lawless
Maria Ermie

Planning and Zoning Committee
Tim McCarthy, Chairman
Joe Lawless
Tom Mackin

Recreation Committee
Joe Lawless, Chairman
Mike Olmstead
Joe Rutherford

Service-Safety Committee
John Kevern, Chairman
Mike Olmstead
Tom Mackin

Personnel Committee
Marie Ermie, Chairman
Tim McCarthy
Joe Rutherford

Health, Sanitation and Public Utilities Committee (HSPU)
Joe Rutherford, Chairman
Tim McCarthy
John Kevern

Appointment Review Committee
Joe Lawless, Chairman
Tom Mackin
Maria Ermie

Mr. Lawless made a motion to approve the appointment of the Council Committee Members to the City Committees, which was seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

APPOINTMENT TO OTHER BOARDS

Firefighter's Dependant's Fund Board
Maria Ermie
Joe Lawless

Mr. Lawless made a motion to approve the Council Committee Members to the Firefighter's Dependant's Fund Board, which was seconded by Mr. Rutherford. Ayes: (7) Nays: (0).

Mr. Lawless moved to approve the minutes from the December 15, 2009 meeting and to dispense with their reading. Ms. Ermie seconded the motion. Ayes: (7) Nays: (0)

SPECIAL REPORTS

Ms. Ermie brought the Council up-to-date on the Fort Meigs Cemetery Board's actions in dealing with the land that was purchased from Bulk Molding. The Board received authorization to approach Bulk Molding and ask them of their interest in purchasing certain parcels of land totaling seven acres. The company stated they had no interest in purchasing the property. The Board now seeks authorization from the City and Township for the sale of certain remaining parcels at $30,000 per acre. This action is necessary to comply with the purchase contract and Ohio Revised Code 721. According to ORC 721 the Ft. Meigs Cemetery Board of Trustees needs an ordinance or resolution in order to take formal action. Mr. Mackin questioned whether this issue should be considered by Council at this time, or rather at the time of a specific potential sale. Mr. Lawless asked if all parcels 1 through 7 were purchased from Bulk Molding and was told yes. Ms. Ermie stated that the only land that would not be for sale would be located on Front Street and the triangle-shaped property on SR25. She also stated that the Board is trying to shorten the time period for selling the land and that if the property would need to be sold to another entity the ORC emphasizes that the land will need to be publicized in the local paper for five weeks. If bulk Molding is not interested in any of the parcels, then the Board will return to the City or Township to see if they would be interested. If neither group is interested, then other businesses might be interested if the zoning of the parcels is looked at and possibly changed. She also noted that the Cemetery Board would like to know if the City or Township would be interested in sharing he cost of an appraisal of the property. Mr. Alexander stated that this issue will go back to the Finance Committee for further discussion.

LETTERS, COMMUNICATIONS AND CITIZENS CONCERNS

Denny Barrett, W. Front Street, asked if any of the Council Members attended the swearing in of Mike Bell, Toledo's new Mayor and if so, what they thought about Mayor Bell's speech when discussing closer relations with area communities. Mayor Evans was not present at the ceremony, but stated he felt Mayor Bell would do a good job at his new post and that he thought it was an excellent idea to work on area relationships.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans thanked everyone for their support in the recent election and stated he was looking forward to the next four years working with the Council and meeting and exceeding new challenges and expectations.

Mayor Evans made asked Council to approve the appointment of Jim Pollock to Planning Commission. Mr. Lawless made a motion to approve the appointment and Mr. McCarthy seconded the motion. Ayes: (7) Nays: (0).

Mayor Evans asked that Council Members consider attending the TMACOG event on January 26, 2010. He stated that he was giving up his position on the Transportation Committee to take a leadership role with TMACOG and encouraged the Council Members to take an active role.

City Administrator's Report

Mr. Alexander reported that the City received verbal confirmation from CSX about starting work on upgrades for three area crossings which would begin on January 11, 2010 and proceed for the next three months. This upgrade is part of the $700,000 Supplemental Safety Agreement for which the City would be responsible for $10,000 total cost to aid in the closures of the area railroad tracks affected by the upgrade.

Mr. Alexander also stated that Ordinances 9, 10, 11 and 14 would be reflected in the first budget amendments, and represent 2009 dollars.

Finance Director's Report

None

Director of Law

Mr. Beredo reported that the quarterly litigation update would be out soon and that the City was presented with a lawsuit pertaining to the 2008 resurfacing project. The company responsible for the work is asking for a per unit price increase for the asphalt that was used in the project and the City did not feel the cost increase was required. The lawsuit specifies that an answer is due from the City by the end of the month.

President of Council Report

Mr. Lawless thanked everyone for their support regarding his re-nomination to President of City Council and stated he felt that the Council had accomplished a lot in the past four years.

Mr. Lawless also stated that he did not feel that the motion to renew on a zoning issue at last month's City Council meeting was the appropriate way to handle the issue at hand. He does not think the City should operate that way and he asked Mr. Beredo to look at specific Council rules. He acknowledged this particular situation was unusual in that several members were absent and one member felt they were unable to vote. The issue should have gone through the Committee process, which is the normal process for appeals of City Council decisions.

COMMITTEE REPORTS

Finance Committee:

The next Finance Committee meeting is scheduled for January 12, 2009 at 5:00 p.m.

Economic Development:

Mr. Kevern read the minutes from the December 21, 2009 meeting and these are attached and made a part of the minutes.

Mr. Kevern introduced **ORDINANCE 6-2010 TERMINATING THE COMMUNITY REINVESTMENT AREA AGREEMENT WITH SCHMALZREID DEVELOPMENT LLC 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. 6-2010 by number and title only. Mr. Kevern moved that Ordinance No. 6-2010 be passed as an emergency measure. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. Kevern introduced **ORDINANCE 7-2010 AMENDING CHAPTER 265 OF THE CODIFIED ORDINANCES TO ACCURATELY REFER TO THE CITY OF PERRYSBURG'S COMMUNITY IMPROVEMENT CORPORATION 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. 7-2010 by number and title only. Mr. Kevern moved that Ordinance No. 7-2010 be passed as an emergency measure. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

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

Safety and Service:

The next Safety-Service meeting is scheduled for January 6, 2010 at 5:30 p.m.

Recreation Committee:

Mr. Lawless read the minutes from the December 21, 2009 meeting and these are attached and made a part of the minutes.

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

Planning And Zoning Committee:

Mr. McCarthy read the minutes from the December 16, 2009 meeting and these are attached and made a part of the minutes.

Mr. McCarthy introduced **ORDINANCE 1-2010 AMENDING CODIFIED ORDINANCE 1235.04 ON SPECIAL APPROVAL USES TO INCORPORATE CERTAIN PRE-EXISTING REQUIREMENTS AFFECTING SEXUALLY-ORIENTED BUSINESSES 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. 1-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 1-2010 be passed as an emergency measure. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 2-2010 AMENDING CODIFIED ORDINANCE 1235.04 ON SPECIAL APPROVAL USES TO INCORPORATE INTO THE SPECIAL APPROVAL USE PROCESS CERTAIN PRE-EXISTING REQUIREMENTS AFFECTING MASSAGE**

ESTABLISHMENTS 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. 2-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 2-2010 be passed as an emergency measure. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 3-2010 AMENDING CODIFIED ORDINANCE 1225.08 ON THE LAND USE AND BASE ZONING DISTRICT TABLE TO SUBJECT MASSAGE ESTABLISHMENTS TO REVIEW AS A SPECIAL APPROVAL USE IN AREAS ZONED AS PBP (PLANNED BUSINESS PARK) 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. 3-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 3-2010 be passed as an emergency measure. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 4-2010 AUTHORIZING EXTENSION OF MUNICIPAL UTILITY SERVICES TO ROBERT A. FRIEDLEY PURSUANT TO CERTAIN CONDITIONS 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. 4-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 4-2010 be passed as an emergency measure. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Mr. McCarthy introduced **ORDINANCE 5-2010 AMENDING THE CODIFIED ORDINANCES TO INCLUDE SECTION 1250.61(i) REGARDING THE USE AND PLACEMENT OF DUMPSTER/ROLL-OFFS 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. 5-2010 by number and title only. Mr. McCarthy moved that Ordinance No. 5-2010 be passed as an emergency measure. Seconded by Mr. Lawless. Ayes: (7) Nays: (0).

Ms. Ermie asked if the City is going to keep the 50% rule for sexually oriented businesses in their definition. Mr. Beredo responded the recommendation being considered for amendment to the definition will be brought back to the Planning and Zoning Committee at a later date. The Ordinance being voted on this evening addresses the placement of sexually oriented businesses and the special approval process.

The next Planning and Zoning meeting is scheduled for January 20, 2010 at 5:30 p.m.

Personnel Committee:

Ms. Ermie read the minutes from the December 22, 2009 meeting and these are attached and made a part of the minutes.

Ms. Ermie introduced **ORDINANCE 15-2010 AMENDING CODIFIED ORDINANCE 266.10-7(A) TO REMOVE ENGINEERING TECHNICIAN FROM THE LIST OF EMPLOYEES REQUIRED TO WEAR A WORK UNIFORM 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. 15-2010 by number and title only. Ms. Ermie moved that Ordinance No. 15-2010 be passed as an emergency measure. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

Ms. Ermie introduced **ORDINANCE 16-2010 APPROVING PROPOSED JOB DESCRIPTION FOR DEPUTY CHIEF OF THE 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. 16-2010 by number and title only. Ms. Ermie moved that Ordinance No. 16-2010 be passed as an emergency measure. Seconded by Mr. McCarthy. Ayes: (7) Nays: (0).

The next Personnel meeting is scheduled for January 26, 2010 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford read the minutes from the December 22, 2009 meeting and these are attached and made a part of the minutes.

Mr. Rutherford introduced **ORDINANCE 8-2010 AUTHORIZING THE CITY TO ENTER AN AGREEMENT WITH MODERN DISPOSAL TO PROVIDE SUPPLIES AND SERVICES FOR THE PICK-UP OF PERRYSBURG RESIDENTS' YARD WASTE 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. 8-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 8-2010 be passed as an emergency measure. Seconded by Ms. Ermie. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 9-2010 AUTHORIZING SOLICITATION OF BIDS TO PERFORM WORK TO RENOVATE THE CURRENT SERVICE BUILDING TO HOUSE THE WATER DIVISION BILLING OFFICE 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. 9-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 9-2010 be passed as an emergency measure. Seconded by Ms. Ermie. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 10-2010 AUTHORIZING AN AGREEMENT WITH JONES & HENRY IN AN AMOUNT NOT TO EXCEED TWENTY-SIX THOUSAND DOLLARS ($26,000.00) TO PROVIDE SUPPORT SERVICES ASSOCIATED WITH THE WHITE ROAD PUMP STATION PROJECT 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. 10-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 10-2010 be passed as an emergency measure. Seconded by Ms. Ermie. Ayes: (7) Nays: (0).

Mr. Rutherford introduced **ORDINANCE 11-2010 AUTHORIZING THE CITY TO ENTER AN AGREEMENT WITH ANDERZACK-PITZEN CONSTRUCTION, INC., IN AN AMOUNT NOT TO EXCEED SI HUNDRED THIRTY-NINE THOUSAND DOLLARS ($639,000) TO PERFORM WORK ON THE CITY'S WHITE ROAD PUMP STATION 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. 11-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 11-2010 be passed as an emergency measure. Seconded by Ms. Ermie. Ayes: (7) Nays: (0).

Ms. Ermie introduced **ORDINANCE 12-2010 AUTHORIZING AN AGREEMENT IN AN AMOUNT NOT TO EXCEED NINETY-FIVE HUNDRED DOLLARS ($9,500.00) WITH CAM-TECH INDUSTRIAL SERVICES LLC TO INSTALL REPAIR SLEEVES IN THE CITY'S SANITARY SEWER SYSTEM 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: (6) Nays: (0) Abstain: (1- Rutherford). The clerk read Ordinance No. 12-2010 by number and title only. Ms. Ermie moved that Ordinance No. 12-2010 be passed as an emergency measure. Seconded by Mr. Kevern. Ayes: (6) Nays: (0) Abstain: (1- Rutherford). Mr. Rutherford abstained from the voting due to a business relationship with Cam-Tech Industrial Services.

Mr. Rutherford introduced **ORDINANCE 13-2010 AUTHORIZING AN AGREEMENT WITH ARCADIS FPS IN AN AMOUNT NOT TO EXCEED NINETY-FIVE HUNDRED DOLLARS ($9,500.00) TO PREPARE SPECIFICATIONS FOR THE REMOTE INTERFACE WATER DISTRIBUTION CENTER PROJECT 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. 13-2010 by number and title only. Mr. Rutherford moved that Ordinance No. 13-2010 be passed as an emergency measure. Seconded by Ms. Ermie. Ayes: (7) Nays: (0).

The next Health, Sanitation, and Public Utilities meeting is January 26, 2010 at 6:00 p.m.

Other Business

No other business.

Mr. Lawless moved to adjourn at 8:17 p.m. Seconded by Mr. McCarthy Ayes: (7) Nays: (0).

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