MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD JANUARY 4, 2011

Mayor Evans called the meeting to order at 7:00 p.m. Present were Council Members John Kevern, Joe Lawless, Tom Mackin, Tim McCarthy, Mike Olmstead, and Joe Rutherford (6). Maria Ermie arrived at 7:01 p.m. Also present were John Alexander, City Administrator, David Creps, Clerk of Council, Mathew Beredo, Director of Law, Kelly Louderback, Human Resource Director, and Jeff Klein, Fire Chief.

Mr. Lawless moved to approve the minutes from the December 21, 2010 meeting and to dispense with their reading. Mr. Olmstead seconded the motion. Ayes: (6). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

None.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Evans stated that the TMACOG General Assembly Meeting is January 26, 2011. The guest speaker is John Fernandez, U.S. Assistant Secretary of Commerce for Economic Development. Mayor Evans asked Council members to notify Cindy Silvis if they are interested in attending this event.

City Administrator's Report

Mr. Alexander called attention to Ordinance 2-2011 regarding the Fact Finder's report with respect to negotiations with IAFF Local 3331. Mr. Alexander stated that the Administration recommends approval of the ordinance although they do not agree with the rationale used to reach the decision.

Mr. Alexander also called attention to Resolution 2-2011 requesting TMACOG merge certain projects. Mr. Alexander noted that these are unfunded projects, but the Administration believes that it is important enough to bring to Council.

Finance Director's Report

No report.

Director of Law

No report.

President of Council Report

Mr. Lawless stated that appointment of a representative to the Cemetery Board was on the agenda, but Mrs. Ermie has agreed to stay on as Council's representative so no action is required.

Mr. Lawless noted that a public hearing is needed to discuss the Carranor Hunt and Polo Club's request for rezoning to INS. The public hearing was set for 6:55 p.m. on February 15, 2011.

COMMITTEE REPORTS

Finance Committee:

No report.

Next meeting: January 11, 2011 at 5:00 p.m.

Economic Development Committee:

No report.

Next meeting: January 31, 2011 at 6:30 p.m. which is a change from the regular meeting date.

Service-Safety Committee:

Mr. Kevern gave his report on the January 3, 2011 meeting, a copy of which is attached hereto and made a part of these minutes.

Regarding the Fire Division overtime, Mr. Lawless stated that Council used to get a report about the number of false alarms. He questioned if there is still a high percentage of false alarms. Chief Klein stated that a report is given to the City Administrator each month. He estimated the number of calls where they are cancelled before leaving the station at 90 a year.

Mr. Kevern introduced **ORDINANCE 1-2011 AMENDING CODIFIED ORDINANCE 1092.01 REGARDING CHARGES FOR AMBULANCE AND EMERGENCY MEDICAL 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. Mackin. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 1-2011 by number and title only. Mr. Kevern moved that Ordinance No. 1-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

Mr. Kevern introduced **RESOLUTION 1-2011 ADOPTING A STATEMENT OF SERVICES WITH RESPECT TO THE ANNEXATION CERTAIN LANDS [THE "VALLEYBROOK REALTY (JOHN KURFESS) ANNEXATION] IN COMPLIANCE WITH OHIO REVISED CODE § 709.03 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 Resolution No. 1-2011 by number and title only. Mr. Kevern moved that Resolution No. 1-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

Mr. Kevern introduced **RESOLUTION 2-2011 REQUESTING THE TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS TO MERGE CERTAIN PROJECTS IN THE 2011 "ON THE MOVE" UPDATE TO THE 2007-2035 TRANPORTATION PLAN 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 Resolution No.

2-2011 by number and title only. Mr. Kevern moved that Resolution No. 2-2011 be passed as an emergency. Seconded by Mr. Mackin. Ayes: (7). Nays: (0).

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

Recreation Committee:

No report.

Next meeting: January 31, 2011 at 5:30 p.m. which is a change from the regular meeting date.

Planning And Zoning Committee:

No report.

Next meeting: January 19, 2011 at 5:00 p.m.

Personnel Committee:

Mrs. Ermie reviewed the report from the special meeting held on January 3, 2011. This report is attached and made a part of the minutes.

Mrs. Ermie introduced **ORDINANCE 2-2011 AUTHORIZING AN AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 3331 CONSISENT WITH THE FACTFINDERS REPORT AND ALL OTHER TERMS ON WHICH THE PARTIES AGREED 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. Rutherford. Ayes: (7). Nays: (0). The Clerk read Ordinance No. 2-2011 by number and title only.

Mrs. Ermie stated that she feels the City should pay salaries and benefits that will attract good employees and that she will support the Fact Finder's report. However, she disagrees with the reasoning behind the process and with the overall collective bargaining process.

Mr. Rutherford stated that he too will support the ordinance although he feels any pay increase in this economic climate is unwarranted. He feels that the reasoning behind the Fact Finder's report is flawed and does not support the answer. However, he feels if the City were to go further in the process, it could end up losing and he is not willing to risk doubling the expense for taxpayers.

Mr. McCarthy echoed Mr. Rutherford's remarks regarding the conclusion reached by the Fact Finder in that a pay increase in this economic climate is troubling. However, Mr. McCarthy disagreed that the Fact Finder's report is flawed. He feels that the Fact Finder applied the law as it currently dictates. He added that the law as it currently stands limits the ability of a public employer to reserve money for uncertain economic times. It also does not give consideration to a lack of increase in taxpayers' wages. He noted that the Fact Finder operated within the current constraints, but the constraints are wrong.

Mrs. Ermie agreed, noting that is why a year ago the State Representatives were asked to look into changing the process.

Mr. Lawless agreed with the others' comments. He stated that although he doesn't agree with the recommendation, he doesn't want to subject taxpayers to a decision by a third party arbitrator that has no responsibility to get elected. He agreed that the system is flawed.

Mr. Olmstead stated that the November election results were a culmination of grass roots efforts by people wanting change. He added that the creation of ORC Chapter 4117 has taken the control away from the elected state and local government officials. He expressed his dissatisfaction with the current system, noting that he is not allowed to even comment on the specifics of why he will not be supporting the ordinance. He added that he will comment specifically on why he is not supporting it a later date.

Mr. Kevern noted that two years ago the City wanted a wage re-opener in the contract. He stated that it got the wage re-opener, and he feels the results are better than if an increase had been set at that time.

Mrs. Ermie moved that Ordinance No. 2-2011 be passed as an emergency. Seconded by Mr. Rutherford. Ayes: Ermie, Kevern, Lawless, Mackin, McCarthy, Rutherford (6). Nays: Olmstead (1).

Next regular meeting: January 25, 2011 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Rutherford stated that a special HSPU meeting is scheduled for January 10, 2011 at 7:00 p.m. Representatives from JATECH will be here to discuss their patented process for sewage treatment that may have the potential to save the City a sizable amount of money.

Next regular meeting: January 25, 2011 at 6:00 p.m.

OTHER BUSINESS

Mr. Alexander clarified that per ORC Chapter 4117, IAFF Local 3331 has the Fact Finder's report as a pending matter.

ADJOURNMENT

Mr. Lawless moved to adjourn. Seconded by Mr. Mackin. Ayes: (7). Nays: (0). The meeting adjourned at 7:33 p.m.

David D. Creps, Clerk | Nelson D. Evans, Mayor