

## **MINUTES OF PERRYSBURG CITY COUNCIL**

### **MEETING HELD JANUARY 19, 2016**

Mayor Olmstead called the meeting to order at 6:30 p.m. Present were Council Members John Kevern, Jim Matuszak, Tim McCarthy, Rick Rettig, Johnathan Smith, Barry VanHoozen and Becky Williams (7). Also present were Bridgette Kabat, City Administrator, David Creps, Clerk of Council, and Karlene Henderson, Law Director.

Mr. Kevern moved to approve the minutes of the January 5, 2016 meeting and to dispense with their reading. Mr. McCarthy seconded. Ayes: Kevern, McCarthy, Rettig, VanHoozen, and Williams (5). Nays: Matuszak (1). Abstain: Smith (1).

#### **SPECIAL REPORTS**

None.

#### **LETTERS, COMMUNICATIONS, AND CITIZENS' CONCERNS**

Jon Orser, 125 E. Front Street, read a letter that he wrote to the editor of the Perrysburg Messenger Journal in response to letters to the editor that appeared in last week's paper. He also read a letter to the editor written by Diane Bishop regarding those letters.

Susan Berry, 341 W. Front Street, expressed concerns about people crossing Front Street and asked if a crosswalk is not going to go in at Riverside Park if something can be done about the light at Front and Louisiana.

Larry Karnes, 106 Foxhill Lane, had a question about Historic Landmark Commission minutes and he said that Riverside Park is a waste of dollars.

Mary Ellen Davis, 214 E. Sixth Street, said that she thinks the plan for Riverside Park is too much. She said that she is okay with the multi-use path but as it is now, handicap people can drive down and park at Riverside Park. She said a better use of the money would be to repair deteriorating streets.

#### **ADMINISTRATIVE REPORTS**

Mr. Kevern made a motion to go into Executive Session to discuss pending litigation. Mr. Rettig seconded. Ayes: (7). Nays: (0). City Council went into Executive Session at 6:51 p.m. They returned from Executive Session at 7:32 p.m.

#### **Mayor's Report**

No report.

#### **City Administrator's Report**

Ms. Kabat reported that she will be meeting with ODOT on Thursday regarding road closures on I75/475 beginning in May. She said that she will pass the information along to City Council. Mr. Matuszak asked that the information also be passed along to the Messenger Journal.

### **Finance Director's Report**

No report.

### **Law Director's Report**

No report.

### **President of Council Report**

Mr. Kevern introduced **ORDINANCE 4-2016 AMENDING SECTION 250.05(a) OF THE CODIFIED ORDINANCES OF PERRYSBURG TO CHANGE THE TIME OF CITY COUNCIL MEETINGS FROM 7:00 P.M. TO 6:30 P.M. 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 4-2016 by number and title only. Mr. Kevern moved that Ordinance 4-2016 be approved as an emergency. Seconded by Ms. Williams. Ayes: (7). Nays: (0).

Mr. Kevern introduced **ORDINANCE 5-2016 AN ORDINANCE AMENDING SECTION 220.05 RELATING TO THE RULES OF COUNCIL 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 5-2016 by number and title only. Mr. Kevern moved that Ordinance 5-2016 be approved as an emergency. Seconded by Ms. Williams. Mr. Matuszak said that he sent an email requesting that additional language be added to the ordinance. He read the language he suggested be added to Section 6: "The Committee shall also evaluate any legislation intended to authorize the use of Revolving Loan Funds, the primary purpose of which is to be a lender of last resort and assist qualifying organizations interested in relocating to Perrysburg and/or expanding their trade or business operations in Perrysburg." He said that he reviewed the plan document and by incorporating the primary purpose into this ordinance it gives City Council someplace to look to. Mr. Kevern said that he believes that would be a separate issue from this ordinance. Mr. VanHoozen asked how it was handled previously. Ms. Kabat said that in conversations with Glenn Grisdale and in reviewing past files, RLF dollars were used for a Planning Grant for Downtown and at the time, the State required a letter from the Mayor for non-private sector eligible projects. That requirement has changed and they now require a waiver from the legislative body. Mr. Rettig asked if Mr. Matuszak is saying that it is inappropriate for expenditures for park equipment to be considered by the Recreation Committee or if he just means RLF dollars. Mr. Matuszak said that if it involves money it should go to the Finance Committee. Mr. McCarthy said that the concept that it goes to Finance makes sense, but some of the language Mr. Matuszak read gives him pause and he suggested that the Finance Committee can consider it at their next meeting. Ms. Henderson said that she can draft language to be considered by the Finance Committee. Todd Grayson, 520 Mallard, said that Council can put whatever they want on their agenda and he cautioned about getting too specific. Ayes: (7). Nays: (0).

Mr. Kevern introduced **ORDINANCE 8-2016 AUTHORIZING SETTLEMENT AGREEMENT OF LITIGATION AND PENDING APPEALS INVOLVING FORT MEIGS ROAD IMPROVEMENT PROJECT** 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. Williams. Ayes: (7). Nays: (0). The Clerk read Ordinance 8-2016 by number and title only. Mr. Kevern moved that Ordinance 8-2016 be approved as an emergency. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Kevern reported that the following public hearings have been scheduled:

February 2, 2016	6:15 p.m.	Code Amendment – Final Site Plan Appeals
February 2, 2016	6:20 p.m.	Special Approval Uses – Perrysburg 5 <sup>th</sup> /6 <sup>th</sup> Grade School

## **COMMITTEE REPORTS**

### **Finance and Economic Development Committee:**

No report.

Next meeting: Monday, January 25, 2016 at 5:00 p.m.

### **Service Committee:**

No report.

Next meeting: Wednesday, January 27, 2016 at 5:00 p.m.

### **Safety Committee:**

No report.

Next meeting: Tuesday, January 26, 2016 at 6:00 p.m.

### **Recreation Committee:**

Mr. Rettig gave his report of the January 14, 2016 meeting, a copy of which is attached hereto and made a part of these minutes.

Mr. Rettig introduced **ORDINANCE 6-2016 GRANTING SPECIAL APPROVAL USE TO THE CITY OF PERRYSBURG PURSUANT TO CODIFIED ORDINANCE 1235.04(cc) 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. Matuszak. Ayes: (7). Nays: (0). The Clerk read Ordinance 6-2016 by number and title only. Mr. Rettig moved that Ordinance 6-2016 be approved as an emergency. Seconded by Mr. McCarthy. Mr. Matuszak said that there are misleading statements in the minutes regarding the Planning Commission vote on this issue. He said the first vote was 3-3 with one member abstaining and then the Mayor made the same motion and he should have abstained because it is his project. Mr. Matuszak said that he does not believe the second vote was valid; it was out of order because a motion to reconsider has to be made. He said the Chair and Vice-Chair are both engineers and they voted against this. Ms. Henderson said that she checked into Roberts' Rules of Order and the second vote does count. She said that if a Planning Commission member had raised an issue about point of order the Chairman would have made a ruling about whether they would have voted. She added that Roberts' Rules are guidelines not laws. Ms. Henderson stated that the Mayor is placed on the Planning Commission by the Charter and this is not his personal project; it is a City project. Mr. McCarthy stated that the Planning

Commission makes a recommendation to City Council but ultimately the voters place the seven Council members up there to make a decision. He said that this is already a park and probably did not need to go through the special approval use process but more review is always okay. Mr. Smith said that his concern is about crossing Front Street and he talked to Ms. Kabat and she is in contact with ODOT. Ms. Kabat said that she had a discussion with ODOT and they indicated that they would approve the flashing light as long as it meets all rules and regulations, but they do not feel it is warranted. They strongly suggested as an intermediate step that we install signage and track data from this point forward. She said that they would use a crosswalk like the one on Fort Meigs Road as a last measure. Ms. Kabat said that we are moving forward with flat signage and she is working with the Police Division on tracking. Mr. VanHoozen asked why this is going through the Special Approval Use process since it is already a park. Ms. Kabat said that Mr. Walters felt that since it is significant improvements it should go through the Special Approval Use process. Ms. Williams said that the Code does say if it is a major change it should go through the process. She added that she too has concerns about Front Street but she is satisfied that those concerns are being addressed. Ms. Williams said that at a past Recreation committee meeting someone asked if the EPA had been contacted and she wondered if that had occurred yet. Ms. Kabat said that she's not sure if the EPA needed to be contacted, but she will check and see what regulatory agencies need to be contacted and if that has already happened. Ms. Williams asked about sewer overflows from the manholes. Ms. Kabat said that the Wastewater Treatment Plant improvements mitigated some concerns, there have been some design changes to the actual piping, and screws pumps have been added and are checked daily. She said there no other improvements scheduled that she is aware of but she will check with the Department of Public Utilities. Ms. Williams asked the Administration for a verbal commitment that they will look at parking and providing property owners on the north side of Water Street access if they don't already have Front Street access. Mayor Olmstead said that he is more than comfortable with committing to looking at parking options as well as access. Mr. McCarthy added that before we go out to bid we should have a better understanding of the sewer issues because we don't want to make improvements and then have sewer overflows at the foot of the park. Ayes: McCarthy, Rettig, Smith, VanHoozen, and Williams (5). Nays: Kevern and Matuszak (2).

Next meeting: Tuesday, February 9, 2016 at 6:00 p.m.

Todd Grayson stated that the Charter was set up with the Mayor on the Planning Commission and they had to know that City projects would come through the Planning Commission. He said that he thinks it was the intent and purpose to have the Mayor be an advocate for the City on City projects. Tom Forquer, Vice-Chair of the Planning Commission said that he did challenge the vote at the Planning Commission meeting. He said that the former Law Director said that a vote could not end in a tie. He questioned Ms. Henderson's response to the vote and said that her comments tonight are different than what she previously said. He said that his no vote was because this was characterized as a neighborhood park but the neighbors don't want it. Chris Carry, Planning Commission Chair said that a vote on the preliminary and final site plan could not end in a tie and since the Special Approval Use was combined in the motion that it is why there was a second vote. He acknowledged that the two items should have been separated. He said that he felt it would continue to be tied so to move it along to City Council he abstained. He said that his original no vote was because of concerns he has about sanitary sewer issues. Ms. Williams thanked Mr. Carry and Mr. Forquer for their comments and for their service on the Planning Commission.

**Planning And Zoning Committee:**

No report.

Next meeting: Wednesday, February 17, 2016 at 5:00 p.m.

**Personnel Committee:**

No report.

Next meeting: Tuesday, January 26, 2016 at 5:00 p.m.

**Health, Sanitation and Public Utilities Committee:**

No report.

Next meeting: Wednesday, January 27, 2016 at 6:00 p.m.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

Mr. Kevern moved to adjourn the meeting at 8:40 p.m. Seconded by Mr. McCarthy.  
Ayes: (7). Nays: (0).

David D. Creps, Clerk

Michael J. Olmstead, Mayor