

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD MARCH 2, 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 February 16, 2016 meeting and to dispense with their reading. Ms. Williams seconded. Ayes: (7). Nays (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS, AND CITIZENS' CONCERNS

Kathleen Gibson, 29639 Duxbury, stated that she does not feel that City Council should approve the additional dollars in the budget amendment for Riverside Park.

Chip Pflughhaar, 401 W. Front St., stated that he has been able to access his property from the east side of Riverside Park and if the City moves forward with installing bollards he will lose that access. Ms. Henderson said that she has done research on this subject and his access is not changing.

ADMINISTRATIVE REPORTS

Mayor's Report

No report.

City Administrator's Report

No report.

Finance Director's Report

Mr. Creps informed Council members that a new version of the budget amendment with corrected historical data is in their folders.

Law Director's Report

No report.

President of Council Report

Mr. Kevern said that the Appointment Review Committee met and agreed 3-0 to recommend approval of the Mayor's recommendation of Diane Haas for the Income Tax Board of Review. Mr. Kevern moved to approve the recommendation. Mr. VanHoozen seconded. Ayes: (7). Nays: (0).

COMMITTEE REPORTS

Finance and Economic Development Committee:

Mr. Matuszak gave his report of the February 22, 2016 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Monday, March 28, 2016 at 5:00 p.m.

Mr. Matuszak introduced **ORDINANCE 15-2016 AUTHORIZING A RENEWABLE RIGHT-OF-WAY LEASE BETWEEN THE CITY AND BGJJJ LLC COVERING SIDEWALK IMMEDIATELY ADJACENT TO 219 LOUISIANA AVENUE (SWIG RESTAURANT) AT THE ANNUAL RATE OF TWENTY-FIVE DOLLARS (\$25.00) 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 readings. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance 15-2016 by number and title only. Mr. Matuszak moved that Ordinance 15-2016 be approved as an emergency. Seconded by Mr. Kevern.

Roger Bell stated that he has asked for copies of all of the City's leases. He said that it appears to him that people equally situated are not being treated equally. He asked that the leases be tabled and added that the City should have a policy for leases. Mr. Matuszak asked where the \$25 amount came from for the sidewalk leases. Ms. Kabat noted that these leases are for the use of right-of-way, not a facility. Mr. McCarthy said that the leases were designed more for the terms, not the money. He said that these leases have been enormously successful and he would hate to put these on hold. Mr. Matuszak said that he is not looking to raise the amount of the sidewalk leases. Mr. Smith said that the sidewalk leases are not comparable to leasing a building. Mr. Kevern added that he still thinks it's wise for someone to look at the leases for parity. There was also discussion regarding when the leases begin to see if they needed to be passed as emergency measures.

Ayes: (7). Nays: (0).

Mr. Matuszak introduced **ORDINANCE 16-2016 AUTHORIZING A RENEWABLE SIDEWALK LEASE BETWEEN THE CITY AND CASA BARRON RESTAURANT AT THE ANNUAL RATE OF TWENTY-FIVE DOLLARS (\$25.00) 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 readings. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance 16-2016 by number and title only. Mr. Matuszak moved that Ordinance 16-2016 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. Matuszak introduced **ORDINANCE 17-2016 AUTHORIZING A RENEWABLE SIDEWALK LEASE BETWEEN THE CITY AND BGJJJ LLC, CURRENTLY DOING BUSINESS AS "STELLA'S RESTAURANT," AT THE ANNUAL RATE OF TWENTY-FIVE DOLLARS (\$25.00) 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 readings. Seconded by Mr. Kevern. Ayes: (7). Nays: (0). The Clerk read Ordinance 17-2016 by number and title only. Mr. Matuszak moved that Ordinance 17-2016 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. Matuszak introduced **ORDINANCE 18-2016 AUTHORIZING A RENEWABLE RIGHT OF WAY LEASE BETWEEN THE CITY AND O-DEER PROPERTIES AT THE ANNUAL RATE OF TWENTY-FIVE**

DOLLARS (\$25.00) 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 readings. Seconded by Mr. Rettig. Ayes: Kevern, Matuszak, McCarthy, Rettig, Smith, VanHoozen (6). Abstain: Williams (1). The Clerk read Ordinance 18-2016 by number and title only. Mr. Matuszak moved that Ordinance 18-2016 be approved as an emergency. Seconded by Mr. Rettig. Ayes: Kevern, Matuszak, McCarthy, Rettig, Smith, VanHoozen (6). Abstain: Williams (1).

Mr. Matuszak introduced **ORDINANCE 19-2016 AUTHORIZING THE LEASE OF THE RESIDENTIAL UNIT LOCATED AT 221½ WEST INDIANA AVENUE AT THE RATE OF FOUR HUNDRED FIFTY DOLLARS (\$450.00) PER MONTH 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 19-2016 by number and title only. Mr. Matuszak moved that Ordinance 19-2016 be approved as an emergency. Seconded by Mr. Rettig. Mr. Matuszak asked how the City acquired this property. Ms. Kabat said that it was her understanding that this property and the residential property adjacent to the Municipal Building were purchased for future expansion of the Municipal Building. Ayes: (7). Nays: (0).

Mr. Matuszak introduced **ORDINANCE 20-2016 AMENDING ORDINANCE 109-2015 TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE YEAR BEGINNING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016 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 20-2016 by number and title only.

Ms. Williams thanked the Administration for their work on the budget amendment. She said that the sticking points for her are the additional \$755,000 for Riverside Park, the \$220,000 for the multi-use path, and \$500,000 for Hood Park. She said that she feels infrastructure is being addressed in the budget but she would not support the budget amendment as presented. Ms. Williams asked those members who were on Council when Riverside Park improvements were originally voted on if they had a Plan B. Mr. McCarthy said that when we look at a project that involves grant money, a lot times we are successful in getting the grant but if we are not we have two options. The first is to move forward with the original plan if we have the resources or to scale back the plan. He said that he feels we need to do the Riverside project and do it right. He said that for the 28 years he has been on Council people have said consistently that we need to do something with the riverfront. Ms. Williams said that she supports Riverside Park improvements within budgetary constraints. Mr. Rettig said that \$1.3 million was the original base bid and at first glance he was not in favor of the additional funds in the budget, but doing it and doing it well is important. He said that a large portion of the additional amount is lighting and the cost just to get electricity there is \$100,000. He said that he looks at those additional costs as an insurance policy because lighting will help prevent vandalism. Mr. Rettig said that since the timing for the multi-use path was moved up, these two projects go hand in glove and he doesn't want to ruin a new multi-use path by putting off Riverside Park improvements. Ms. Kabat explained that the original base bid was approximately \$1.8 million and the grant application was for \$500,000 which left a \$1.349 million base bid and access to power and limited lighting on the handrails were alternates. She added that until we go out to bid we won't have firm numbers and there is a 10% contingency built into these numbers that we hope to not spend. Mr. Kevern said he is in favor of the path but not the

stairways, ramps or umbrellas. Mr. Matuszak said that he would prefer that money in the budget be spent for Hood Park before Riverside Park because Hood Park is in a state of disrepair and needs parking. Mr. McCarthy noted that eight days ago at the Finance Committee meeting there was really no discussion regarding Riverside Park and Mr. Kevern and Mr. Matuszak were against the money in the budget amendment for Hood Park and now Mr. Matuszak wants to do Hood Park improvements and not Riverside Park. Mr. Matuszak said he hasn't changed his position, he just didn't discuss it at the Finance Committee meeting. He said that he does not have a problem with doing Riverside Park, but he wants Hood Park done first. Mr. McCarthy said that another reason that he is comfortable with the additional funds for Riverside Park is that other concerns such as setting aside money for a second fire station, the reserve fund and road resurfacing were addressed in the budget amendment. Mr. VanHoozen said that the original number for Riverside Park was \$1.8 million and now we're back there. He said that it would be hard to change the plan in the middle of the plan. Mr. Smith said that he also struggles with this because Hood Park needs some work.

Mr. Matuszak introduced **ORDINANCE 21-2016 TERMINATING THE COMMUNITY REINVESTMENT AREA AGREEMENT WITH PERFECT PACKAGING COMPANY, 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 21-2016 by number and title only. Mr. Matuszak moved that Ordinance 21-2016 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Mr. Matuszak introduced **ORDINANCE 22-2016 TERMINATING THE COMMUNITY REINVESTMENT AREA AGREEMENT WITH RIMA PROPERTIES, LLC AND AMIR U. KHAN, 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 22-2016 by number and title only. Mr. Matuszak moved that Ordinance 22-2016 be approved as an emergency. Seconded by Mr. Kevern. Ayes: (7). Nays: (0).

Service Committee:

Ms. Williams gave her report of the February 24, 2016 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: A special meeting will be held on Wednesday, March 9, 2016 at 5:00 p.m.

Next regular meeting: Wednesday, March 23, 2016 at 5:00 p.m.

Ms. Williams introduced **ORDINANCE 24-2016 AUTHORIZING THE PURCHASE OF A MOWER FROM CENTURY EQUIPMENT AT A PRICE NOT TO EXCEED FIFTY-SEVEN THOUSAND ONE HUNDRED THIRTY-TWO DOLLARS (\$57,132.00) 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 readings. Seconded by Mr. VanHoozen. Ayes: (7). Nays: (0). The Clerk read Ordinance 24-2016 by number and title only. Ms. Williams moved that Ordinance 24-2016 be approved as an emergency. Seconded by Mr. Rettig. Ayes: (7). Nays: (0).

Ms. Williams introduced **ORDINANCE 25-2016 AUTHORIZING THE CITY TO SEEK BIDS FOR THE INTERSECTION SIGNAL UPGRADES OF STATE ROUTE 25/JEFFERSON AND STATE ROUTE 25/W SOUTH BOUNDARY 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. VanHoozen. Ayes: (7). Nays: (0). The Clerk read Ordinance 25-2016 by number and title only. Ms. Williams moved that Ordinance 25-2016 be approved as an emergency. Seconded by Mr. Rettig. Ayes: (7). Nays: (0).

Safety Committee:

Mr. Kevern gave his report of the February 23, 2016 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, March 22, 2016 at 6:00 p.m.

Mr. Kevern introduced **ORDINANCE 23-2016 AUTHORIZING AN AGREEMENT WITH PROPHOENIX IN AN AMOUNT NOT TO EXCEED THIRTY-TWO THOUSAND FOUR HUNDRED TWO DOLLARS AND 10 CENTS (\$32,402.10) TO PROVIDE MAINTENANCE AND TECHNICAL SUPPORT FOR POLICE DIVISION COMPUTER SYSTEMS FOR THE YEAR BEGINNING MARCH 21, 2016, 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 23-2016 by number and title only. Mr. Kevern moved that Ordinance 23-2016 be approved as an emergency. Seconded by Mr. Matuszak. Ayes: (7). Nays: (0).

Mr. Kevern introduced **RESOLUTION 3-2016 AUTHORIZING THE CITY ADMINISTRATION TO PURSUE A SAFER (STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE) GRANT THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY 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 Ms. Williams. Ayes: (7). Nays: (0). The Clerk read Resolution 3-2016 by number and title only. Mr. Kevern moved that Resolution 3-2016 be approved as an emergency. Seconded by Ms. Williams. Mr. Smith asked if the grant is approved and we decline it if we will be penalized on future grant applications. Ms. Kabat said that it is possible, but this is a risk we are willing to take and she is comfortable that the Fire Chief and Deputy Fire Chief will be able to come up with a staffing model. Ayes: (7). Nays: (0).

Recreation Committee:

Mr. Rettig gave the report of the February 22, 2016 meeting, a copy of which is attached hereto and made a part of these minutes. Mr. Matuszak stated that in Mr. Rettig's report, on page 2, it sounds like he was making a statement about modifying access and that the law would apply to both sides, but that was actually a question. Mr. Walters explained that it is his understanding that if we modify access the law would apply to both property to the east and west of Riverside Park, but the east and west sides do not have the same access now. Mr. Matuszak also stated that on page 3 of Mr. Rettig's report, in the second paragraph where he asked about crushed stone, he was asking about that material for the west side of Riverside Park.

Next meeting: Tuesday, March 8, 2016 at 5:00 p.m. which is a change from the regular date and time.

Mr. Rettig introduced **ORDINANCE 14-2016 RENEWING THE MEMORANDUM OF UNDERSTANDING WITH THE PERRYSBURG AMATEUR BASEBALL SOFTBALL COMMISSION REGARDING USE OF CITY ATHLETIC FIELDS DURING 2016 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 Ms. Williams. Ayes: (7). Nays: (0). The Clerk read Ordinance 14-2016 by number and title only. Mr. Rettig moved that Ordinance 14-2016 be approved as an emergency. Seconded by Mr. Smith.

Bill Gau, 283 Queensland Blvd. stated that he coaches a non-PABSC team that is comprised of all Perrysburg kids and he has had problems getting the fields when he wants them. He said he was asked to join PABSC but he doesn't want to have cuts. He said that PABSC is supposed to work with the public and he thinks the City would be better off with a full time Recreation Director. Chris Tinney, 10220 Avenue, President of PABSC, said that Mr. Gau did not get his field requests in on time and they offered him seven dates of which he only took four.

Ayes: Kevern, McCarthy, Rettig, Smith, VanHoozen, Williams (6). Abstain: Matuszak (1).

Mr. Rettig introduced **ORDINANCE 26-2016 AUTHORIZING THE CITY ADMINISTRATOR TO SEEK BIDS FOR WORK ON THE MULTI-USE PATH ALONG THE EXISTING WATER STREET RIGHT-OF-WAY FROM HOOD PARK TO RIVERSIDE PARK 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 Ms. Williams. Ayes: (7). Nays: (0). The Clerk read Ordinance 26-2016 by number and title only. Mr. Rettig moved that Ordinance 26-2016 be approved as an emergency. Seconded by Mr. Smith.

Steve Wise, Perrysburg Boat Club, said that regarding the placement of the bollards, the movable bollard is proposed to be right in front of where they propose a building. He asked if it could be moved westerly of their fence line. He stated that they could live with a shared path but asked that it be left as gravel and he feels that it is premature to go to bid before getting all these questions answered. Mr. McCarthy said that there were a series of emails between Ms. Kabat and Mr. Wise and it is his understanding that the exact placement of the bollards has not yet been determined. Ms. Kabat said that the decision will be made with the contractor who has more knowledge about different types of bollards. Mr. McCarthy asked if they vote to go to bid tonight if they are voting on the placement of the bollards. Ms. Kabat said that they are not voting on the placement of the bollards and the Administration's design team is looking at that along with potential parking in the gravel area but they are limited by the constraints of the Planning and Zoning Code, required parking space size, turn radius and engineering. Rachel Wesley said that her mother is disabled and if the bollards were placed further down toward Riverside Park that would help and they could put in handicap parking spots along Water Street. Ms. Williams asked Ms. Wesley if she would be satisfied if parking goes in down there. Ms. Wesley said she would still not be happy but she would be happier if a couple of handicap spots were installed. Mr. Rettig said that regarding parking at Riverside Park, he looked at the distance between the parking and the center area at Rivercrest Park, and he believes it is about the same distance from Hood Park to Riverside Park. He said that although driving right down to Riverside

Park is convenient, he does not agree that having no parking will destroy the park. Mr. Smith said that this could be a good option and we should look at it. Chip Pflughaar asked if there would be a removable bollard to access the west side. Mr. Eckel said there has been a bollard down there as long as he has worked for the City and it is not a sleeved removable bollard. Mr. Pflughaar stated that he has had vehicular access. Mr. VanHoozen asked how this issue would be affected by the vote on this ordinance. Ms. Kabat said that City Council is voting on going out to bid for the portion of the multi-use path between Hood Park and Riverside Park.

Ayes: (7). Nays: (0).

Planning And Zoning Committee:

Mr. McCarthy gave his report of the meeting held prior to the City Council meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Wednesday, March 16, 2016 at 5:00 p.m.

Mr. McCarthy introduced **ORDINANCE 27-2016 AMENDING CODIFIED ORDINANCE CHAPTER 1230 REGARDING INTENSITY & DIMENSIONAL STANDARDS 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 Ms. Williams. Ayes: (7). Nays: (0). The Clerk read Ordinance 27-2016 by number and title only. Mr. McCarthy moved that Ordinance 27-2016 be approved as an emergency. Seconded by Mr. Smith. Ayes: (7). Nays: (0).

Mr. McCarthy introduced **ORDINANCE 28-2016 AMENDING CODIFIED ORDINANCE CHAPTER 1260.20 REGARDING THE APPEAL PROCESS OF FINAL SITE PLANS 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 Ms. Williams. Ayes: (7). Nays: (0). The Clerk read Ordinance 28-2016 by number and title only. Mr. McCarthy moved that Ordinance 28-2016 be approved as an emergency. Seconded by Mr. Smith. Ayes: (7). Nays: (0).

Personnel Committee:

No report.

Next meeting: Tuesday, March 22, 2016 at 5:00 p.m.

Health, Sanitation and Public Utilities Committee:

Mr. Smith gave his report of the February 24, 2016 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Wednesday, March 23, 2016 at 6:00 p.m.

Mr. Smith introduced **ORDINANCE 29-2016 AUTHORIZING RENEWAL OF THE CITY'S AGREEMENT WITH MODERN DISPOSAL WITH RESPECT TO REMOVAL OF RESIDENTS' YARD WASTE 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. VanHoozen. Ayes: (7). Nays: (0). The Clerk read Ordinance 29-2016 by number and title only. Mr. Smith moved that Ordinance 29-

2016 be approved as an emergency. Seconded by Ms. Williams. Ayes: (7). Nays: (0).

Mr. Smith introduced **ORDINANCE 30-2016 AUTHORIZING AN AGREEMENT WITH AECOM TECHNICAL SERVICES FOR SANITARY SEWER AND COMBINED SEWER FLOW ANALYSIS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FORTY-EIGHT THOUSAND NINE HUNDRED DOLLARS (\$248,900.00) 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 readings. Seconded by Mr. VanHoozen. Ayes: (7). Nays: (0). The Clerk read Ordinance 30-2016 by number and title only. Mr. Smith moved that Ordinance 30-2016 be approved as an emergency. Seconded by Ms. Williams. Ayes: (7). Nays: (0).

OTHER BUSINESS

None.

ADJOURNMENT

Mr. Kevern moved to adjourn the meeting at 8:58 p.m. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

David D. Creps, Clerk

Michael J. Olmstead, Mayor