

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD AUGUST 1, 2017

Mayor Olmstead called the meeting to order at 6:30 p.m. Present were Council Members Nelson Evans, Jim Matuszak, Tim McCarthy, Rick Rettig, Jonathan Smith, Barry VanHoozen and Becky Williams (7). Also present were Bridgette Kabat, City Administrator, Karlene Henderson, Law Director, and Tim Fisher, Deputy Finance Director.

Mr. McCarthy moved to approve the minutes of the July 11, 2017 meeting as written and to dispense with their reading. Ms. Williams seconded. Ayes: (7). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS, AND CITIZENS' CONCERNS

Jon Orser, 125 E. Front St., pointed out that on the city map, the Louisiana Avenue right of way is shown as part of Hood Park and he said that it is incorrect. Mr. Orser said that the Water Street right of way from Riverside Park to the sewage treatment plant is also missing. He asked who designed the map and Mayor Olmstead said that he would get back to him with that information.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Olmstead reported that we should be going live with Ohio Checkbook soon. Mr. Matuszak asked if there was an estimate on when, and Ms. Kabat said that the City is reviewing the information for violations of HIPAA and our Tax Code.

City Administrator's Report

No report.

Finance Director's Report

No report.

Law Director's Report

Ms. Henderson requested that City Council go into Executive Session to discuss pending litigation. Mr. McCarthy moved to go into Executive Session at 6:34 p.m. Ms. Williams seconded. Ayes: (7). Nays: (0). Mr. Smith moved to return from Executive Session at 6:43 p.m. Seconded by Ms. Williams. Ayes: (7). Nays: (0).

President of Council Report

Mr. McCarthy announced that there will be a public hearing on September 5, 2017 at 6:15 p.m. regarding a proposed Code Amendment regarding accessory structures.

COMMITTEE REPORTS

Finance and Economic Development Committee:

Mr. Matuszak gave his report of the July 24, 2017 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Monday, August 28, 2017 at 5:00 p.m.

Mr. Matuszak introduced **ORDINANCE 52-2017 AMENDING PART EIGHT – TITLE TWO OF THE BUSINESS REGULATION CODE TO ADD CODIFIED ORDINANCE CHAPTER 813 FOR THE REGISTRATION OF MOBILE FOOD VEHICLES** 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 Mr. McCarthy. Ayes: (7). Nays: (0). The Clerk read Ordinance 52-2017 by number and title only. Mr. Matuszak moved that Ordinance 52-2017 be approved. Seconded by Mr. McCarthy. Ms. Williams expressed concern that the ordinance does not include ice cream trucks. She said that since their target audience is kids, she thinks a registration process would be appropriate. Ms. Williams added that the \$100 fee is not equivalent to the cost of the City mowing, removing trash, and the loss of parking spaces. She said that she would like to see the food truck language referred to the Planning and Zoning Committee because there is no regulation as to where they can go and she does not feel they are appropriate in residential areas. Ms. Kabat stated that the Convention and Visitors' Bureau will be reimbursing the City for the cost of mowing. Mr. Rettig said that as the ordinance is written, the fees don't really apply to ice cream trucks because they don't use the City's right of way or services in the same way. Mr. Evans said that he will be voting no because of the income tax issue in the ordinance. He said the Law Director has recommended against it and the income tax that we are going to collect is probably about \$300 a year. Mr. Matuszak said it is a matter of principle not the dollar amount. He said that if we don't do this, they won't pay any taxes. Mr. McCarthy said that this is just an obligation to withhold tax from employees and we are trying to define the structure. He said that the Ohio Revised Code says we can negotiate with them and we want to ensure that the proper taxes are paid. Ms. Henderson said that in her opinion, if we are telling them they have to sign an agreement regarding the withholding, we are not negotiating and it is not the intent of the ORC language. Mr. Evans made a motion to remove Section 813.04(e) from the ordinance. Mr. VanHoozen seconded. Ayes: Evans, Rettig, Smith, VanHoozen, and Williams (5). Nays: Matuszak and McCarthy (2). Mr. Matuszak moved that Ordinance 52-2017 as amended be approved. Seconded by Mr. Rettig. Ayes: Evans, Matuszak, McCarthy, Rettig, Smith, VanHoozen (6). Nays: Williams (1).

Service Committee:

Ms. Williams gave her report of the July 17, 2017 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Wednesday, August 23, 2017 at 5:00 p.m.

Ms. Williams introduced **ORDINANCE 73-2017 AMENDING CODIFIED ORDINANCE 660.14 REGARDING WEEDS, GRASS, NATURAL LANDSCAPES, LITTER AND DEBRIS 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: (7). Nays: (0). The Clerk read Ordinance 73-2017 by number

and title only. Ms. Williams moved that Ordinance 73-2017 be approved as an emergency. Seconded by Mr. Rettig. Ayes: (7). Nays: (0).

Ms. Williams introduced **ORDINANCE 74-2017 AUTHORIZING AN AGREEMENT WITH WATERVILLE IRRIGATION FOR LABOR COSTS FOR THE INSTALLATION OF AN IRRIGATION SYSTEM AT THE DIVERGENT DIAMOND INTERCHANGE IN AN AMOUNT NOT TO EXCEED FORTY SIX THOUSAND NINE HUNDRED DOLLARS (\$46,900.00) 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. Rettig. Ayes: (7). Nays: (0). The Clerk read Ordinance 74-2017 by number and title only. Ms. Williams moved that Ordinance 74-2017 be approved as an emergency. Seconded by Mr. Rettig. Ayes: (7). Nays: (0).

Safety Committee:

Mr. Evans gave his report of the July 27, 2017 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Monday, August 28, 2017 at 6:00 p.m.

Mr. Evans introduced **ORDINANCE 75-2017 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE LATHROP COMPANY FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE FORT MEIGS ROAD FIRE STATION 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: (7). Nays: (0). The Clerk read Ordinance 75-2017 by number and title only. Mr. Evans moved that Ordinance 75-2017 be approved as an emergency. Seconded by Mr. Matuszak. Mr. Rettig made a motion to amend the Ordinance to include another Whereas clause stating that the Safety Committee agreed 3-0 to recommend approval of the ordinance. Seconded by Mr. Matuszak. Ayes: (7). Nays: (0). Mr. Evans moved that Ordinance 75-2017 as amended be approved as an emergency. Seconded by Mr. Matuszak. Ayes: (7). Nays: (0).

Recreation Committee:

Mr. Rettig gave his report of the July 17, 2017 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, August 8, 2017 at 6:00 p.m.

Mr. Rettig introduced **RESOLUTION 15-2017 AUTHORIZING THE CITY ADMINISTRATION TO PURSUE GRANTS THROUGH THE WOOD COUNTY PARK DISTRICT TO DEFRAY COST OF IMPROVEMENTS FOR A SWING AT WOODLANDS PARK, BALLFIELD DUGOUT SHADES AT MUNICIPAL AND RIVERCREST PARKS AND TEN PARK INFORMATION KIOSKS 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 15-2017 by number and title only. Mr. Rettig moved that Resolution 15-2017 be approved as an emergency. Seconded by Mr. Matuszak. Ayes: (7). Nays: (0).

Planning And Zoning Committee:

Mr. McCarthy gave his report of the July 19, 2017 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, August 22, 2017 at 5:30 p.m., which is a change from the regular date.

Mr. McCarthy introduced **ORDINANCE 76-2017 AMENDING PLANNING AND ZONING CODE SECTIONS 1235, 1215, AND 1225 TO PERMIT THE KEEPING OF CHICKENS (HENS) IN RESIDENTIAL AREAS** 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: (7). Nays: (0). The Clerk read Ordinance 76-2017 by number and title only. Mr. McCarthy moved that Ordinance 76-2017 be approved. Seconded by Mr. Smith. Mr. McCarthy stated that his thinking is that there are a number of folks who keep hens and the information from the neighbors is that there are no problems. He said that it seems to be a compatible use and the ordinance includes safeguards to protect neighbors. He said that raising hens is a big undertaking so he doesn't think there will be a rush to do it so it should not be burdensome for City services. He said that similar ordinances have been adopted by about 20 communities in Ohio and we have not heard that they have had excessive issues because of it. Mr. Matuszak asked about the impetus of this issue. Ms. Kabat provided the background information. Mr. Matuszak said that if all three ordinances are defeated, it doesn't sound like we can prosecute this case. Ms. Kabat and Ms. Henderson said that it would be up to the prosecutor. Mr. Rettig said that his concern is about what can or can't be built. He said that there is nothing to indicate that chicken coops will lower property values, but in his opinion, he can't see that coops would raise property values. He said that he is very impressed with the work Ms. Kiessling has done regarding this issue, but he has received more feedback against than in favor of chickens. Ann Hymel, 574 Chippewa Lane, asked if the City has done any research on what the cost to the city would be. Mr. Evans said that it depends; it could be no time if there are no issues or if there are issues, they could spend a lot of time dealing with it. Ms. Hymel asked if the City has considered if there is a constitutional rights violation and she referred to HB175 at the state level regarding urban farming. Ms. Henderson said that HB175 relates to townships and counties. Ms. Kiessling said that one point that continues to come up is that when people move to Perrysburg they don't expect to see chickens. She said that when she returned to the Perrysburg area she does not remember people's pets, per se. She read a letter to City Council from Andy Schnieder, USDA Biosecurity Expert, urging them to allow backyard hens. Mr. Evans said that in his experience as Mayor, the Planning and Zoning Code was probably the worst thing he had to deal with because it is hard to enforce. He said that he is concerned about enforcement if someone does not maintain the coops. He said that he has to consider if it will make life better for the majority of people in Perrysburg. Ms. Kiessling said that this is forward thinking and is a benefit to our citizens by providing access to a healthy food source. Mr. VanHoozen said that this is not an easy decision and that when it comes to personal property rights versus the common good, he leans towards personal property rights. Ayes: Matuszak, McCarthy and VanHoozen (3). Nays: Evans, Rettig, Smith and Williams (4).

Mr. McCarthy introduced **ORDINANCE 77-2017 AMENDING PLANNING AND ZONING CODE SECTION 1215.02(180) CLARIFYING DEFINITIONS UNDER SPECIALIZED DOMESTIC ANIMAL RAISING AND CARE AND ALLOWING CURRENT CHICKEN (HEN) OWNERS TO REGISTER TO KEEP EXISTING HENS** 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: (7). Nays: (0). The Clerk read Ordinance 77-2017 by number and title only. Mr. McCarthy moved that Ordinance 77-2017 be approved. Seconded by Mr. Rettig. Mr. McCarthy said that the procedures have not all been hashed out yet. Ms. Williams said that she has concerns with the grandfathering clause without a specific end date. She asked about the cost of banding. Ms. Kabat said that she has had discussions with the Toledo Zoo about microchipping and it would be \$25 per animal for them to do it. Ms. Williams said that she would prefer banding instead. Mr. Matuszak asked if there was any discussion about grandfathering for all current residents. Mr. McCarthy said there was not. Ms. Kabat said that the Administration would view this like other Planning and Zoning issues when there is a change in the Code which creates a non-conforming status. Mr. Matuszak asked if there was any consideration given to grandfathering current chicken owners so they would be able to replace the chickens they have now. Mr. McCarthy said that the grandfather clause was added as goodwill because many of the people that have chickens also have children and they view the hens as their pets. Ayes: Matuszak, McCarthy, Rettig, Smith, and VanHoozen (5). Nays: Evans and Williams (2).

Mr. McCarthy introduced **ORDINANCE 79-2017 AUTHORIZING AN AGREEMENT WITH TETRA TECH FOR DETAILED ENGINEERING AND BIDDING PHASE SERVICES AT HOOD PARK AT A PRICE NOT TO EXCEED FORTY NINE THOUSAND NINE HUNDRED DOLLARS (\$49,900.00) 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 Ms. Williams. Ayes: (7). Nays: (0). The Clerk read Ordinance 79-2017 by number and title only. Mr. McCarthy moved that Ordinance 79-2017 be approved as an emergency. Seconded by Mr. Evans. Mr. Rettig said that the line item in the budget for this improvement was discussed as park improvements and he would like it to go to the Recreation Committee. Mr. Rettig moved to table Ordinance 79-2017 to allow it to be discussed at a Recreation Committee meeting. Seconded by Mr. Matuszak. Ayes: Matuszak, McCarthy, Rettig, Smith and Williams (5). Nays: Evans and VanHoozen (2).

Personnel Committee:

No report.

Next meeting: Tuesday, August 22, 2017 at 5:00 p.m.

Mr. VanHoozen introduced **ORDINANCE 57-2017 AMENDING SECTION 220.07 OF THE CODIFIED ORDINANCES OF PERRYSBURG REGARDING COMPENSATION FOR CITY COUNCIL MEMBERS** 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 57-2017 by number and title only. Mr. VanHoozen moved that Ordinance 57-2017 be approved. Seconded by Mr. McCarthy. Ayes: Evans, McCarthy, Rettig, VanHoozen (4). Nays: Matuszak, Smith, Williams (3).

Public Utilities Committee:

No report.

Next meeting: Wednesday, August 2, 2017 at 6:00 p.m., which is a change from the regular date.

OTHER BUSINESS

None.

ADJOURNMENT

Mr. McCarthy moved to adjourn the meeting at 9:00 p.m. Seconded by Mr. Smith.
Ayes: (7). Nays: (0).

David D. Creps, Clerk

Michael J. Olmstead, Mayor