

## **MINUTES OF PERRYSBURG CITY COUNCIL**

### **MEETING HELD AUGUST 21, 2018**

Mayor Mackin called the meeting to order at 6:30 p.m. Present were Council Members Deborah Born, Haraz N. Ghanbari, Jim Matuszak, Tim McCarthy, Jonathan Smith, Barry VanHoozen, and Becky Williams (7). Also present were Bridgette Kabat, City Administrator, and David Creps, Clerk of Council.

Mr. Matuszak moved to approve the minutes of the July 31, 2018 meeting as written and to dispense with their reading. Ms. Williams seconded. Ayes: (7). Nays: (0).

#### **SPECIAL REPORTS**

None.

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

None.

#### **ADMINISTRATIVE REPORTS**

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

Mayor Mackin recommended that Connor Patrick be appointed to PRAC to fill a student vacancy. Mr. Matuszak stated that the Appointment Review Committee met prior to the City Council meeting and agreed 3-0 to recommend approval of the appointment of Connor Patrick to PRAC. Mr. Matuszak moved that Connor Patrick be appointed to PRAC. Seconded by Ms. Born. Ayes: (7). Nays: (0).

Mayor Mackin reported that former City Council member Judy Verkin passed away August 20, 2018.

Mayor Mackin said that with regards to Ordinance 103-18, the Administration spoke to the Chairman of the Public Utilities Committee, and he is ready to move forward on the legislation without going to the committee. Mayor Mackin said that the ordinance will rescind Ordinance 85-2018 and will allow the City to piggyback on an agreement already in place regarding the Michindoh Aquifer. He said that the dollar amount remains the same as the amount previously approved.

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

Ms. Kabat reported that the local CSX representative in Lima said that he has put in a request for funding for a tie replacement program in 2019. Ms. Born asked if they plan on closing any crossings. Ms. Kabat said that repairs to the Indiana/Mulberry crossing are scheduled for this year and it will have to be temporarily closed to vehicular traffic for repairs, but there has been no permanent closings mentioned by the local rep.

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

No report.

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

None.

**President of Council Report**

Mr. Matuszak reminded City Council that a hearing regarding a Historic Landmarks Commission appeal is scheduled for Thursday, August 23 at 5:30 p.m.

**COMMITTEE REPORTS**

**Finance and Economic Development Committee:**

Mr. Matuszak gave his report of the August 14, 2018 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, September 11, 2018 at 5:30 p.m.

Mr. Matuszak introduced **ORDINANCE 101-2018 AUTHORIZING AN AGREEMENT WITH DETROIT SALT COMPANY FOR WINTER ROAD SALT FOR THE 2018/2019 SEASON 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 101-2018 by number and title only. Mr. Matuszak moved that Ordinance 101-2018 be approved as an emergency. Seconded by Ms. Williams. Ayes: (7). Nays: (0).

Mr. Matuszak introduced **RESOLUTION 19-2018 ACCEPTING AMOUNTS AND RATES DETERMINED BY THE BUDGET COMMISSION OF WOOD COUNTY, OHIO TO AUTHORIZE NECESSARY TAX LEVIES AND CERTIFY THEM TO THE COUNTY AUDITOR 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 19-2018 by number and title only. Mr. Matuszak moved that Resolution 19-2018 be approved as an emergency. Seconded by Ms. Williams. Ayes: (7). Nays: (0).

**Service Committee:**

No report.

Next meeting: Wednesday, August 22, 2018 at 5:00 p.m.

**Safety Committee:**

No report. Mr. Ghanbari said that the August meeting is cancelled due to a lack of agenda items. He also stated that the PUCO sent their findings to him regarding the train crossings, and he will forward them after he gets a chance to review. He said the new fire station is looking great. He asked when the City will be taking over maintenance of the DDI. Ms. Kabat said that is to be determined because the subcontractor has work to perform with replanting and there is a waiting period to make sure the plantings grow.

Next meeting: Tuesday, September 25, 2018 at 6:00 p.m.

**Recreation Committee:**

Ms. Born gave her report of the August 14, 2018 meeting, a copy of which is attached hereto and made a part of these minutes. Mayor Mackin stated that the ordinances regarding the retaining wall at Hood Park are not on tonight's agenda. He added that the Administration has requested an opinion from outside legal counsel regarding Council members speaking at committee meetings of which they are not a member. He said that the legal opinion they have from the former Law Director only addressed being in attendance at a meeting, not speaking at it.

Next meeting: Tuesday, September 11, 2018 at 6:30 p.m.

Ms. Born introduced **RESOLUTION 20-2018 AUTHORIZING THE CITY ADMINISTRATION TO PURSUE GRANTS THROUGH THE WOOD COUNTY PARK DISTRICT TO DEFRAY THE COST OF TIMBERSCAPE AND PLAYGROUND EQUIPMENT 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 Resolution 20-2018 by number and title only. Ms. Born moved that Resolution 20-2018 be approved as an emergency. Seconded by Mr. Matuszak. Mr. Ghanbari asked about the deadline for the grant application and whether the resolution is an emergency because of the application deadline or because the playground equipment is unsafe. Ms. Kabat said she is not sure about the deadline but will check with Mr. Eckel and follow-up with City Council. Mayor Mackin said that he saw the playground equipment at Eisenhower Park and it is not unsafe. Mr. Smith added that it's not unsafe, but it doesn't move the way it should. Ayes: (7). Nays: (0).

#### **Planning and Zoning Committee:**

Mr. McCarthy gave his report of the August 8, 2018 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Wednesday, September 12, 2018 at 5:30 p.m.

Mr. McCarthy introduced **ORDINANCE 102-2018 AMENDING PLANNING AND ZONING CODE SECTION 1250.48 "EXTERIOR MAXIMUM WALL MATERIALS CHART"** 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 102-2018 by number and title only. Mr. McCarthy moved that Ordinance 102-2018 be approved. Seconded by Ms. Williams. Ayes: (7). Nays: (0).

There was discussion regarding amending the Special Approval Use for the Perrysburg Pet Lodge. However, no action was taken until a new document could be drawn up so it was clear to all parties what the terms of the agreement are. Mayor Mackin said that it is expected that all parties will use good faith and follow the terms they have agreed to until those terms can be put into one document and be approved by City Council.

#### **Personnel Committee:**

No report. Ms. Williams stated that the August meeting is cancelled due to a lack of agenda items.

Next meeting: Tuesday, September 25, 2018 at 5:00 p.m.

### **Public Utilities Committee:**

No report.

Next meeting: Wednesday, August 22, 2018 at 6:00 p.m. Mr. Smith said that Jack Jones of Poggemeyer Design Group will be present to review their report regarding the Bowling Green water system.

Mr. Smith introduced **ORDINANCE 103-2018 RESCINDING ORDINANCE 85-2018 AND AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR A NEW WATER MANAGEMENT FACILITY UTILIZING GROUND WATER AS THE SUPPLY SOURCE 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 103-2018 by number and title only. Mr. Smith moved that Ordinance 103-2018 be approved as an emergency. Seconded by Ms. Williams. Mayor Mackin explained that the Administration is in the process of due diligence to find the best and cheapest water source because the City's contract with Toledo expires in 2027. He said that in Ordinance 85-2018, City Council approved entering into an agreement with Artesian of Pioneer regarding testing of the Michindoh Aquifer. However, Liberty Center and Henry County are already doing testing at the aquifer so this ordinance will rescind the prior ordinance and instead of an agreement between three governmental entities and a private entity, will allow an intergovernmental agreement. The dollar amount stays the same, but will also cover the costs of determining how much it would cost to get the water from there to here which is a central component. Ms. Born said that she spoke to individuals from Williams and Fulton counties, including a commissioner, and the aquifer is not a reliable source of water and this could end up being a legal issue. Mayor Mackin said that he has heard both good and bad comments about the aquifer. He said that he is very mindful of the fact that it may not be politically possible, but we need to investigate if this is a viable option, if not for a primary source than perhaps a secondary source. Mr. Matuszak asked if the testing will be done whether we participate or not. Ms. Kabat said that it would be. Mr. Matuszak asked what the rush is and why we can't just purchase the results later. Mayor Mackin said that it would cost more for the other municipalities and would send a bad message regarding Perrysburg's role. Ms. Kabat noted that Perrysburg is the fourth largest user of Toledo water. Mayor Mackin added that we need to be at the table. Mr. Ghanbari asked if any money has been spent relating to Ordinance 85-2018. Ms. Kabat said that Perrysburg has spent nothing. Mr. Ghanbari said that Ordinance 85-2018 was passed six weeks ago as an emergency and asked if anything has been done. Ms. Kabat said that Mr. Kitzen has acquired the land for the testing. Mr. Ghanbari questioned the need for this to be an emergency. Mr. Smith said that we aren't going to make a decision in the next six weeks, but we are at crunch time and depending on what option is chosen, we may need to build infrastructure which will take time. Mr. Ghanbari stated that the dollar amount has not changed but there are more parties now. Ms. Kabat said that with the same dollars we will get additional information regarding transmission. Mr. Ghanbari asked if the study will address the impact to the local community in that area. Mayor Mackin stated that part of the equation is the current capacity and the current users' potential growth. Jim Hagen, 10741 Avenue Road, expressed his reservation regarding tapping into the aquifer on an environmental basis. He asked if this group of communities is looking into dipping a straw into the Maumee River. Mayor Mackin said that we would need partners and the Northwestern Water and Sewer District and Maumee want to look at other options first. He added it is on the list of potential options. Mr. Ghanbari asked what the Mayor's vision is of how much we would spend on

studies. Mayor Mackin said that we need to do the due diligence necessary to make a sound decision. He said he is mindful of the costs associated with the studies, but he can't answer that question directly. Mr. McCarthy said that if we negotiate with Toledo, we need to know what other options we have available. Mr. Ghanbari made a motion to amend Ordinance 103-18 to add the word "water" after potable in the 5<sup>th</sup> Whereas clause. Seconded by Mr. Smith. Ayes: (7). Nays: (0). Mr. Smith moved to approve Ordinance 103-18 as amended as an emergency. Seconded by Ms. Williams. Ayes: Ghanbari, Matuszak, McCarthy, Smith, VanHoozen, and Williams (6). Nays: Born (1).

### **OTHER BUSINESS**

Mayor Mackin introduced Kate Oatis, the new editor of the Perrysburg Messenger Journal.

### **ADJOURNMENT**

Mr. Matuszak moved to adjourn the meeting at 7:54 p.m. Seconded by Mr. Smith. Ayes: (7). Nays: (0).

David D. Creps, Clerk

Thomas G. Mackin, Mayor