

## **MINUTES OF PERRYSBURG CITY COUNCIL**

### **MEETING HELD SEPTEMBER 4, 2018**

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

Mr. Matuszak moved to approve the minutes of the August 21, 2018 meeting as written and to dispense with their reading. Mr. Ghanbari seconded. Ayes: (6). Nays: (0).

#### **SPECIAL REPORTS**

None.

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

Jon Orser, 125 E. Front Street, thanked City Council for upholding the decision of the Historic Landmarks Commission regarding 120 W. Second Street.

#### **ADMINISTRATIVE REPORTS**

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

Mayor Mackin called attention to the legal opinion sent to City Council members regarding Council members speaking at meetings of committees they do not serve on.

Mayor Mackin stated that the deadline has passed for applications for the Law Director position. He said that the applications will be reviewed to make sure that the candidate meets the qualifications, and then a list of the qualified applicants will be sent to all Council members. He said that there will be two rounds of interviews.

Mayor Mackin cautioned Council members about using the City's logo on personal social media.

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

No report.

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

Mr. Creps reported that he received the final audit report and it was a clean audit. He said that he will get a copy to Council members. He added that the City has received the Auditor of State award for the fourth year.

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

None.

##### **President of Council Report**

No report.

## COMMITTEE REPORTS

### Finance and Economic Development Committee:

No report.

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

### Service Committee:

Mr. VanHoozen gave his report of the August 22, 2018 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Monday, September 17, 2018 at 5:00 p.m., which is a change from the regular date.

Mr. VanHoozen introduced **ORDINANCE 104-2018 AUTHORIZING A CONTRACT WITH MICHIGAN PAVERS AND WALLS TO REMOVE AND REPLACE THE LOWER TIER OF THE HOOD PARK RETAINING WALL AT A PRICE NOT TO EXCEED FORTY THOUSAND ONE HUNDRED FIFTY DOLLARS (\$40,150.00) 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. Smith. Ayes: (6). Nays: (0). The Clerk read Ordinance 104-2018 by number and title only. Mr. VanHoozen moved that Ordinance 104-2018 be approved as an emergency. Seconded by Ms. Williams.

Mike Cousino, 26901 Eckel Road, referenced the exhibit in the ordinance and said that the wall has been this way for a while. He asked if it was damaged when the Boat Club was knocked down, and why the City was paying for it. Ms. Kabat said that the area was surveyed before and after demolition. Ms. Born said that she distributed a video to City Council that shows Klumm Brothers did intentional damage to the wall. Mr. Cousino added that Redi-Rock is not historical and will just look like concrete. He added that the City should consider changing the meeting time so more people can attend.

Gary Franks, 29479 Belmont Lake Road, said that he is a township resident, but he served two terms on the Historic Perrysburg Board. He said that Redi-Rock meets or exceeds standards. He said that a City Council member has talked about deterioration of the Redi-Rock at Hood Park and Riverside Park, but he has seen no deterioration, and opinions should be left to professionals. He added that he is a retired engineer, and Redi-Rock is interlocking blocks and they don't sway.

Jon Orser, 125 E. Front St., said that he wants to talk not about the design issue, but about the cost. He said that there is an election next year and voters come out when Council spends too much money. He said that the City should make Klumm Brothers pay to fix the wall.

Ms. Williams stated that she could not see a lot in the video provided by Ms. Born. Ms. Born said it was a crane going back and forth. Ms. Williams said that the Historic Landmarks Commission approved the Redi-Rock for the retaining wall in May and they approved it in the past to be used at Riverside Park, and the Service Committee recommended approval by a 2-1 vote. She said that she has talked to historians and previous city employees, and the uni-lock previously used for the wall was not the proper material and may not have been placed properly. She said

that she is not seeing any indication that the Redi-Rock at Riverside Park is swaying.

Mr. Ghanbari asked if the City has reached out to Klumm Brothers. Ms. Kabat said that she spoke to the owner, and Mr. Klumm said no damage was done. She added that City employees inspected the area before and after the work was done by Klumm. Mr. Ghanbari said that he is trying to determine if the substance of the objection is the cost or the Redi-Rock. Mr. Orser and Ms. Born said it is the cost. Mr. Ghanbari asked if we have long term plans to use Redi-Rock in other areas of the City. Ms. Kabat said it will be used for signage at the DDI. Brody Walters stated that as the second and third tiers of the retaining wall fail, there has been a verbal commitment to continue with Redi-Rock. Mr. Ghanbari asked about warranties. Mr. Walters said he did not have the specific language with him, but there is a warranty for the product itself and one for installation.

Mr. Matuszak asked if the rock that is in disrepair is the same as the rock that is not in disrepair. Ms. Kabat explained that the pieces of bricks and rocks were pushed into the hill by the Service Department. Ms. Born said that the damage by Klumm Brothers was to the brown material.

Mr. Ghanbari asked if there has been any discussion with the Boat Club regarding cost sharing since they will benefit from it. Mr. Walters said that we have talked to them about cost sharing on other items, and they are not in a position to contribute. Mayor Mackin pointed out that this is a city park. Mr. Matuszak asked if there is any chance there will be damage during construction of the new boat club. Mr. Walters said that the wall is a good distance away from the boat club.

Mr. Smith said that the Redi-Rock emulates limestone and he is in favor of upgrading the parks for the enjoyment of residents.

Jack Hoeflinger, Osage Court, said that we should check the track record of Redi-Rock and of the Klumm Brothers.

Mr. Matuszak said that he appreciates the parks, but he is going to be consistent and he did not vote for Riverside Park.

Ayes: Smith, VanHoozen, and Williams (3). Nays: Born, Ghanbari, and Matuszak (3). Since there was a tie, Mayor Mackin broke the tie by voting in favor of the ordinance, and it was approved by a vote of 4-3.

Mr. VanHoozen introduced **ORDINANCE 105-2018 AUTHORIZING A CONTRACT WITH TURNER CONCRETE PRODUCTS FOR THE PURCHASE OF REDI-ROCK FOR THE LOWER TIER OF THE HOOD PARK RETAINING WALL AT A PRICE NOT TO EXCEED THIRTEEN THOUSAND FOUR HUNDRED TWENTY-EIGHT DOLLARS AND SEVENTY-FIVE CENTS (\$13,428.75) AND DECLARING AN EMERGENCY** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Smith. Ayes: (6). Nays: (0). The Clerk read Ordinance 105-2018 by number and title only. Mr. VanHoozen moved that Ordinance 105-2018 be approved as an emergency. Seconded by Ms. Williams. Ayes: Smith, VanHoozen, and Williams (3). Nays: Born, Ghanbari, and Matuszak (3). Since there was a tie, Mayor Mackin broke the tie by voting in favor of the ordinance, and it was approved by a vote of 4-3.

Mr. VanHoozen introduced **ORDINANCE 106-2018 AUTHORIZING AN AGREEMENT WITH CSX RAILROAD FOR THIRTY-SEVEN**

**THOUSAND FIVE HUNDRED SIXTY-NINE DOLLARS (\$37,569.00) FOR CONSTRUCTION INSPECTION SERVICES RELATED TO THE CONSTRUCTION OF THE ROACHTON ROAD MULTI-USE PATH AND DECLARING AN EMERGENCY** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Ms. Williams. Ayes: (6). Nays: (0). The Clerk read Ordinance 106-2018 by number and title only. Mr. VanHoozen moved that Ordinance 106-2018 be approved as an emergency. Seconded by Ms. Williams. Mr. Ghanbari asked if this is an emergency because the project is at a standstill until the agreement is in place. Ms. Kabat said that is the reason. Ayes: (6). Nays: (0).

Mr. VanHoozen introduced **ORDINANCE 107-2018 AUTHORIZING AN AGREEMENT WITH WEST ERIE REALTY SOLUTIONS LTD. IN AN AMOUNT NOT TO EXCEED TWENTY-FOUR THOUSAND SIX HUNDRED SEVENTY DOLLARS (\$24,670.00) FOR APPRAISAL AND NEGOTIATION SERVICES FOR THE ACQUISITION OF RIGHT-OF-WAY FOR THE STATE ROUTE 25/ROACHTON ROAD INTERSECTION** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Ms. Williams. Ayes: (6). Nays: (0). The Clerk read Ordinance 107-2018 by number and title only. Mr. VanHoozen moved that Ordinance 107-2018 be approved. Seconded by Ms. Williams. Ayes: (6). Nays: (0).

**Safety Committee:**

No report.

Mr. Ghanbari thanked the Police Division for their response to an incident that occurred in Perrysburg Township the previous week. He also said his thoughts and prayers are with the Perrysburg Township officers involved in the incident.

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

**Recreation Committee:**

No report.

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

**Planning and Zoning Committee:**

No report.

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

Mr. Walters reviewed the history of the Special Approval Use for the Perrysburg Pet Lodge. Ms. Williams moved to approve the amended schedule of outdoor activities and landscaping requirements for the Perrysburg Pet Lodge, a copy of which is attached hereto and made a part of these minutes. Seconded by Mr. Matuszak. Ayes: Born, Ghanbari, Matuszak, VanHoozen, and Williams (5). Abstain: Smith (1).

**Personnel Committee:**

No report.

Ms. Williams said that the September meeting needs to be rescheduled and she will contact the Committee with possible dates and times.

**Public Utilities Committee:**

Mr. Smith gave his report of the August 22, 2018 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Monday, September 17, 2018 at 5:30 p.m., which is a change from the regular date and time.

Mr. Smith introduced **ORDINANCE 108-2018 AUTHORIZING THE CITY ADMINISTRATOR TO SEEK BIDS FOR THE CONSTRUCTION OF A POST-AERATION AND PRIMARY BYPASS PROJECT AT THE WASTEWATER TREATMENT PLANT 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: (6). Nays: (0). The Clerk read Ordinance 108-2018 by number and title only. Mr. Smith moved that Ordinance 108-2018 be approved as an emergency. Seconded by Ms. Williams. Ayes: (6). Nays: (0).

Mr. Smith introduced **ORDINANCE 109-2018 AUTHORIZING AN AGREEMENT WITH BERGREN ASSOCIATES FOR REPLACEMENT SCADA EQUIPMENT AND PROGRAMMING FOR THE EAST BOUNDARY PUMP STATION AT A COST NOT TO EXCEED TWENTY-FOUR THOUSAND NINE HUNDRED DOLLARS (\$24,900.00) 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: (6). Nays: (0). The Clerk read Ordinance 109-2018 by number and title only. Mr. Smith moved that Ordinance 109-2018 be approved as an emergency. Seconded by Ms. Williams. Ayes: (6). Nays: (0).

**OTHER BUSINESS**

None.

**ADJOURNMENT**

Mr. Matuszak moved to adjourn the meeting at 7:41 p.m. Seconded by Mr. Smith. Ayes: (6). Nays: (0).

David D. Creps, Clerk

Thomas G. Mackin, Mayor