

MINUTES OF PUBLIC HEARING

PERRYSBURG CITY COUNCIL

SEPTEMBER 3, 2019

Mayor Mackin called the public hearing to order at 6:15 p.m. Present were Council Members Deborah Born, Jim Matuszak, Jonathan Smith, Barry VanHoozen, Mark Weber and Becky Williams (6). Tim McCarthy was absent (1). Also present were Bridgette Kabat, City Administrator, Laura Alkire, Law Director, and David Creps, Clerk of Council.

The purpose of the public hearing was to hear public comment regarding a proposed Designated Outdoor Refreshment Area (DORA) at Levis Commons. Ms. Alkire stated that draft legislation regarding this issue has been provided to City Council but no action will be taken tonight. She explained that October 1, 2019 will be the last regularly scheduled City Council meeting to consider the legislation. Ms. Alkire stated that the Ohio Revised Code provides that the Mayor decides what application he will forward to City Council. She said that the City must advertise for two consecutive weeks prior to City Council taking action on the legislation.

Ms. Kabat explained how the decision was made to forward the Levis Commons application to City Council. She said that Senior Staff members went through both applications and made a recommendation to the Mayor that the Levis Commons application be moved on to City Council. She said that Police Chief Pat Jones spoke to both the Toledo and Sylvania police chiefs regarding their DORAs. Ms. Kabat said that the Staff's recommendation was based on future growth opportunity, natural boundaries, consistency of use, and the number of permit holders. She added that no concerns were raised by nearby residents of Levis Commons, but they did receive concerns from property owners near the downtown area.

Rita Nelson, General Manager of Levis Commons, and Allison Schroeder, Marketing Director for Levis Commons, showed a PowerPoint presentation. They spoke about the area that would be included in the DORA, the liquor permit holders, on site security, and the three major rules. Those rules are: the hours from noon to 11:00 p.m., only cups with the DORA logo can be used, and you must stay within the DORA boundaries. Ms. Nelson said that they originally had proposed the hours going to midnight, but the Police Chief suggested that they make it earlier. Ms. Born said that she believes it would be hard to control and people that are shopping don't want someone intoxicated walking around them. Ms. Nelson said that they are trying to create ambience and relaxation. She gave an example of people having a glass of wine or beer as they look at art during the art fair. Ms. Nelson said that there has only been one incident report in the last year related to intoxication at Levis. Ms. Williams said that there is currently 217 hours of security scheduled at Levis per week. She asked if that number will stay the same if the DORA is approved. Ms. Nelson said that they will review the number if the DORA is granted. She said they have discussed a number of scenarios with hours, but the number of personnel has not been determined. Ms. Williams asked how often they would anticipate the Police Division patrolling the area. Ms. Schroeder said that they have worked with the Police Division on a communication plan, and for certain events they hire police officers to work at Levis' expense. Mr. Weber asked if all fourteen permit holders are committed. Ms. Schroeder said that they are. Mr. Weber expressed concerns because parking areas are included, and people could take their cup to their vehicle to refill, and it could lead to underage drinking. He asked if security would be checking ID's outside. Ms. Schroeder said no, that is not part of the plan. Mr. Weber asked if the security cameras cover everything. Ms. Schroeder

said they cover the main drag and the cinema area. Mr. Weber asked if the fences would still be up for fundraisers, and Ms. Schroeder said they would be. Mr. Matuszak asked why they would want the hours for the DORA to be to 11:00 p.m. if the stores closed at 9:00 p.m. Ms. Schroeder said that patrons could go from one bar or restaurant to another bar or restaurant. Mr. Matuszak asked them to explain how it's appropriate to have kids around adults drinking alcohol. Ms. Schroeder said that is the parents' choice. Mr. Matuszak asked if they would be willing to have restrictions for events that kids would be attending. Ms. Schroeder said that they would be willing to discuss it, but she feels that the more restrictions the more confusing it would be. Mr. Smith asked about the beer garden tent and open container laws. Ms. Schroeder explained that you can't take your drink from one business with a liquor permit into another business with a liquor permit. Mr. VanHoozen asked how many times they met with the police chief. Ms. Nelson said that she and Mel Ayers, owner of Basil, met once with the police chief. Mr. Ayers corrected Ms. Nelson and said they met twice. Mr. VanHoozen asked what concerns the police chief had, and Ms. Nelson said security. There was additional discussion about security, and Ms. Nelson stated that they use the same company that handles the Toledo DORA.

Jack Hoeflinger, 350 Osage Court, asked if the logo is specific to serving establishments and if it is highly visible. Ms. Schroeder explained the cups and how they work.

Linda Bowyer, 149 Partridge, said that she is the Vice-President of the Uptown Association in Toledo and the Village on Adams has a DORA. She said that they have had no problems with public intoxication and have actually seen an improvement in the area which has allowed them to get rid of security. Ms. Bowyer said that personally she would prefer to see the DORA in downtown Perrysburg.

Patrick Leahy, 104 Louisiana Avenue, spoke on behalf of the downtown permit holders, and he said that it was disheartening that they did not hear from the City. Mayor Mackin said that he contacted at least two people on the downtown application before a decision was made. Mr. Leahy said that the downtown plan was never made public so nearby residents wouldn't have known the boundaries. He said that he has 29 letters of support, and he asked that City Council reject the Levis Commons DORA and meet with downtown business owners. Mr. Matuszak asked Mr. Leahy if the Levis Commons DORA is approved, if he thinks it will be a competitive disadvantage to downtown Perrysburg. Mr. Leahy said that he thinks it will put them at a disadvantage with other downtown areas in the future as those areas get DORAs.

Jill Perry, 402 E. Second Street, said that she is a real estate agent, and she spoke in favor of a DORA in the downtown area because the downtown is what sets Perrysburg apart. Ms. Alkire explained that per the Ohio Revised Code, City Council can only vote on the Levis Commons application and either approve or disapprove it; they cannot substitute the downtown application. Mr. Matuszak asked if Ms. Perry believes that more people would be likely to buy a house in Perrysburg if the downtown had a DORA. Ms. Perry stated that she believes a DORA downtown would increase activity which would lead to more stores and restaurants.

Rick Ruffner asked what the population needs to be before a city can have more than one DORA. Ms. Alkire said that populations of 50,000 or less can only have one.

Kelly Ewbank asked how long a DORA is good for. Ms. Alkire said that state law requires that it be reviewed at a minimum every five years, but City Council can approve it for as long as they want up to the five years.

Ann Benjamin, 721 Locust, said that she has an issue with people being able to go to their car and about the hours.

Tim Higgins, 12341 Waterstone Lane, recommended that City Council approve the Levis Commons application as is.

The public hearing adjourned at 7:21 p.m.

David D. Creps, Clerk

Thomas Mackin, Mayor

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD SEPTEMBER 3, 2019

Mayor Mackin called the meeting to order at 7:30 p.m. Present were Council Members Deborah Born, Jim Matuszak, Jonathan Smith, Barry VanHoozen, Mark Weber and Becky Williams (6). Tim McCarthy was absent (1). Also present were Bridgette Kabat, City Administrator, Laura Alkire, Law Director, and David Creps, Clerk of Council.

Mr. Matuszak moved to approve the minutes of the August 20, 2019 meeting as written and to dispense with their reading. Ms. Williams seconded. Ms. Born said that she will not be voting to approve because in the minutes it refers to the Recreation Committee report as minutes. Ayes: Matuszak, Smith, VanHoozen, Weber, and Williams (5). Nays: Born (1).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS, AND CITIZENS' CONCERNS

Rick Ruffner was present to ask if a decision has been made regarding police coverage for the Christmas parade. Ms. Alkire said that at the June 11, 2019 Finance Committee meeting the committee recommended 2-0 to recommend to City Council that the City pay for the police coverage for the parade. Ms. Born asked Mr. Ruffner how much Mr. Taylor gives for the parade. Mr. Ruffner said that is private information between businesses. Mr. Matuszak moved to designate funds within the Police Division not to exceed \$3,000 to pay for the cost of police coverage for the Christmas parade. Seconded by Ms. Williams. Ayes: Matuszak, Smith, VanHoozen, Weber and Williams (5). Nays: Born (1).

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Mackin reported that he received a text from Toledo Mayor Kapszukiewicz that Toledo City Council unanimously approved the water contract. He said that the final draft from the consultant regarding Bowling Green water has been received and it will be forwarded to City Council so they can do their due diligence to make an informed decision.

City Administrator's Report

No report.

Finance Director's Report

No report.

Law Director's Report

Ms. Alkire reported that she has been notified by Toledo's Law Director that they would like the contracting communities to vote on the water contract within 45 days. This is to allow the City of Toledo to present to their City Council water rate

ordinances by the end of the year which will be based on the number of contracting communities. Mayor Mackin said that there were hard fought negotiations and Ms. Godsey, Ms. Kabat, and Ms. Alkire deserve much of the credit. He said we were at the table, and we were heard. He said the terms are fair and are consistent with the goals of Perrysburg.

Jon Orser, 125 E. Front Street, said that since the Law Director has not set a date for the HLC appeal filed by Perrysburg Heritage LLC, if it is not done by September 30 they will be suing the City. Mayor Mackin asked Mr. Orser if he is the majority owner of Perrysburg Heritage LLC, and Mr. Orser said he is.

President of Council Report

There was discussion regarding scheduling a Committee of the Whole meeting for City Council to discuss DORA and one to discuss drinking water options. The Committee of the Whole meeting to discuss DORA was scheduled for Monday, September 16 at 5:30 p.m. A Committee of the Whole meeting to discuss water options was scheduled for Tuesday, September 17 or Wednesday, September 18 at 5:30 p.m. depending on when representatives from the City of Toledo and Jones and Henry are available. Ms. Alkire asked what Council's preference for putting DORA on the agenda is because she needs to advertise it for two weeks prior to the legislation being considered. It was agreed that the legislation for DORA would be considered as an emergency measure at the October 1, 2019 City Council meeting.

Finance and Economic Development Committee:

No report.

Next meeting: Tuesday, September 10, 2019 at 5:30 p.m.

Service Committee:

Mr. VanHoozen gave his report of the August 28, 2019 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Wednesday, September 25, 2019 at 5:00 p.m.

Mr. VanHoozen introduced **RESOLUTION 54-2019 A RESOLUTION OF CONSENT BY THE CITY OF PERRYSBURG AS THE LOCAL PUBLIC AGENCY TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTION PROGRAM SERVICES PID NUMBER 109334 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). Mr. VanHoozen moved that Resolution 54-2019 be passed as an emergency. Seconded by Ms. Williams. Ayes: (6). Nays: (0).

Safety Committee:

No report.

Next meeting: Tuesday, September 24, 2019 at 6:00 p.m.

Recreation Committee:

No report.

Next meeting: Tuesday, September 10, 2019 at 6:30 p.m.

Planning and Zoning Committee:

No report.

Next meeting: Wednesday, September 11, 2019 at 5:30 p.m.

Personnel Committee:

Ms. Williams gave her report of the August 26, 2019 meeting, a copy of which is attached hereto and made a part of these minutes. Mr. Matuszak asked how the Human Resource Manager has the expertise to supervise a Safety Coordinator. Ms. Kabat explained that the Human Resource Manager's background is in safety. Mr. Matuszak stated that the cost of benefits was not included. Ms. Kabat said that payroll taxes would add 18% and a single coverage health plan would be \$7,000 and family coverage would be \$16,000.

Next meeting: Tuesday, September 24, 2019 at 5:00 p.m.

Ms. Williams introduced **ORDINANCE 37-2019 AN ORDINANCE AMENDING ORDINANCE 11-2019 PREVIOUSLY ADOPTED ON MARCH 19, 2019 AMENDING CODE SECTION 266.15-2 TO INCLUDE THE JOB DESCRIPTIONS FOR IT SUPPORT/NETWORK TECHNICIAN AND SAFETY COORDINATOR** 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 37-2019 by number and title only. Ms. Williams moved to approve Ordinance 37-2019. Seconded by Mr. Weber. Ayes: (6). Nays: (0).

Ms. Williams introduced **ORDINANCE 38-2019 AN ORDINANCE AMENDING ORDINANCE 8-2019 PREVIOUSLY ADOPTED JANUARY 22, 2019 AMENDING CODE SECTION 267.01-2 TO INCLUDE THE JOB TITLE AND WAGE RANGE FOR THE POSITION OF SAFETY COORDINATOR** 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 38-2019 by number and title only. Ms. Williams moved to approve Ordinance 38-2019. Seconded by Mr. Weber. Ayes: (6). Nays: (0).

Public Utilities Committee:

Mr. Smith gave his report of the August 28, 2019 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Wednesday, September 25, 2019 at 6:00 p.m.

Mr. Smith introduced **RESOLUTION 55-2019 AUTHORIZING CHANGE ORDER NUMBER TWO AND CHANGE ORDER NUMBER THREE TO AN AGREEMENT WITH VERNON NAGEL INC. FOR CONSTRUCTION OF THE PINE STREET AND MULBERRY STREET WATER MAIN PROJECT FOR AN INCREASED COST OF NINETEEN THOUSAND THREE HUNDRED TWENTY-ONE DOLLARS AND TWENTY-THREE**

CENTS 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. VanHoozen. Ayes: (6). Nays: (0). The Clerk read Resolution 55-2019 by number and title only. Mr. Smith moved that Resolution 55-2019 be approved as an emergency. Seconded by Mr. Weber. Ayes: (6). Nays: (0).

OTHER BUSINESS

Ms. Born said that with regards to the Northwest Ohio Gold Star monument, Haraz Ghanbari has stated on his Facebook page that City Council is in favor of it, but she is personally opposed to the location. She said that one is planned for the courthouse in Bowling Green and she wonders if we need two in Northwest Ohio.

ADJOURNMENT

Mr. Matuszak moved to adjourn the meeting at 8:29 p.m. Seconded by Mr. Smith. Ayes: (6). Nays: (0).

David D. Creps, Clerk

Thomas G. Mackin, Mayor