

MINUTES OF PERRYSBURG CITY COUNCIL

MEETING HELD FEBRUARY 16, 2021

Mayor Mackin called the meeting to order at 6:30 p.m. Present in Council Chambers were Council Members Cory Kuhlman, Jan Materni, Tim McCarthy, Jonathan Smith, Barry VanHoozen, and Mark Weber (6). Council member Deborah Born was present via teleconferencing (1). Also present were Kate Sandretto, Law Director, and David Creps, Clerk of Council.

Mr. Smith moved to approve the minutes of the City Council meeting held on February 2, 2021 as written and to dispense with their reading. The motion was seconded by Mr. Weber. Ayes: (7). Nays: (0).

SPECIAL REPORTS

None.

LETTERS, COMMUNICATIONS, AND CITIZENS' CONCERNS

None.

ADMINISTRATIVE REPORTS

Mayor's Report

Mayor Mackin recommended John Meier to fill the vacancy on the Historic Landmarks Commission.

Mayor Mackin acknowledged the Department of Public Service crews who worked diligently plowing snow. Mayor Mackin said he received a number of appreciative comments from residents.

City Administrator's Report

No report.

Finance Director's Report

Mr. Creps reported that the Budget Amendment has been distributed to Council members. He said if they had any questions to let him know. Mayor Mackin added that if there are items that City Council would like to see in the budget that are not in there, to please let the Administration know.

Law Director's Report

No report.

President of Council Report

Mr. Smith echoed Mayor Mackin's comments about the Department of Public Service. He thanked them for their service and said this was the 5th largest snowstorm in Toledo history.

Mr. Smith reported that the Appointment Review Committee met prior to the City Council meeting and unanimously recommended that John Meier be appointed to the Historic Landmarks Commission. Mr. Smith moved to appoint John Meier to the Historic Landmarks Commission for an unexpired term expiring on December 31, 2022. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Finance and Economic Development Committee:

Mr. Weber gave his report of the February 9, 2021 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Tuesday, March 9, 2021 at 5:30 p.m.

Mr. Weber introduced **ORDINANCE 6-2021 AMENDING CODIFIED ORDINANCE 891.03(28) OF THE CITY OF PERRYSBURG BUSINESS REGULATION AND TAX CODE** and moved 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 6-2021 by number and title only. Mr. Weber moved that Ordinance 6-2021 be passed. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Weber introduced **ORDINANCE 7-2021 AMENDING CODIFIED ORDINANCE 891.03 OF THE CITY OF PERRYSBURG BUSINESS REGULATION AND TAX CODE BY ADDING SUBSECTION (51)** and moved 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 7-2021 by number and title only. Mr. Weber moved that Ordinance 7-2021 be passed. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Weber introduced **ORDINANCE 8-2021 AMENDING ORDINANCE 22-2020 TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE YEAR BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021 AND DECLARING AN EMERGENCY** and moved to allow for its reading by number and title only. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Safety Committee:

No report.

Next meeting: Tuesday, February 23, 2021 at 6:00 p.m.

Planning and Zoning Committee:

Mr. McCarthy gave his report of the February 10, 2021 meeting, a copy of which is attached hereto and made a part of these minutes.

Next meeting: Wednesday, March 10, 2021 at 5:30 p.m.

Mr. McCarthy introduced **ORDINANCE 9-2021 GRANTING SPECIAL APPROVAL USE TO WOOD COUNTY PLAYS FOR THE CONSTRUCTION OF AN INCLUSIVE PLAYGROUND AT ROTARY COMMUNITY PARK 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: (7). Nays: (0). The Clerk read Ordinance 9-2021 by number and title only. Mr. McCarthy moved that Ordinance 9-2021 be passed as an emergency. Seconded by Mr. VanHoozen. Ms. Born said she is glad this is moving forward. Mr. Smith noted that funding for parking lot improvements at Rotary is in the budget amendment. Ayes: (7). Nays: (0).

Recreation Committee:

Ms. Born gave her report of the February 9, 2021 meeting, a copy of which is attached hereto and made a part of these minutes. Mr. Smith said that while much of the report was accurate, there was one glaring mispresentation of discussion that is not a reflection of what occurred. He said the report attempted to clarify and change another Committee member's comments in the report along with changing the motion that the Committee member made. He said the 2-0 vote was on the meeting minutes; the vote was not to approve the Administration's report. Ms. Materni said that she too disputes the report as written because statements she made were paraphrased in a way that altered their meaning. Ms. Born said that she watches the tape of the meetings and if anybody doesn't agree, she's sorry, but that's what happened at the meeting.

Next meeting: Tuesday, March 9, 2021 at 6:30 p.m.

Personnel Committee:

Mr. Kuhlman stated that the Personnel Committee met prior to the City Council meeting.

Next meeting: Tuesday, March 23, 2021 at 5:00 p.m.

Mr. Kuhlman introduced **ORDINANCE 10-2021 AMENDING CODIFIED ORDINANCE 266.03-1 OF THE CITY OF PERRYSBURG PERSONNEL CODE** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Weber. Ayes: (7). Nays: (0). The Clerk read Ordinance 10-2021 by number and title only. Mr. Kuhlman moved that Ordinance 10-2021 be passed. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Kuhlman introduced **ORDINANCE 11-2021 REPEALING CODIFIED ORDINANCE 266.03-2 OF THE CITY OF PERRYSBURG PERSONNEL CODE PREVIOUSLY ENACTED BY ORDINANCE 105-91 AND PASSED ON NOVEMBER 5, 1991** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Weber. Ayes: (7). Nays: (0). The Clerk read Ordinance 11-2021 by number and title only. Mr. Kuhlman moved that Ordinance 11-2021 be passed. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Kuhlman introduced **ORDINANCE 12-2021 REPEALING CODIFIED ORDINANCE 266.03-3 OF THE CITY OF PERRYSBURG PERSONNEL CODE PREVIOUSLY ENACTED BY ORDINANCE 105-91 AND PASSED ON NOVEMBER 5, 1991** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Weber. Ayes: (7). Nays: (0). The Clerk read Ordinance 12-2021 by number and title only.

Mr. Kuhlman moved that Ordinance 12-2021 be passed. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Kuhlman introduced **ORDINANCE 13-2021 AMENDING CODIFIED ORDINANCE 266.03-4 OF THE CITY OF PERRYSBURG PERSONNEL CODE** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Weber. Ayes: (7). Nays: (0). The Clerk read Ordinance 13-2021 by number and title only. Mr. Kuhlman moved that Ordinance 13-2021 be passed. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Kuhlman introduced **ORDINANCE 14-2021 AMENDING CODIFIED ORDINANCE 266.03-6 OF THE CITY OF PERRYSBURG PERSONNEL CODE** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Weber. Ayes: (7). Nays: (0). The Clerk read Ordinance 14-2021 by number and title only. Mr. Kuhlman moved that Ordinance 14-2021 be passed. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Mr. Kuhlman introduced **ORDINANCE 15-2021 AMENDING CODIFIED ORDINANCE 266.09-1 OF THE CITY OF PERRYSBURG PERSONNEL CODE LAST AMENDED BY ORDINANCE 2-2020 ON FEBRUARY 14, 2020** and moved to allow for its reading by number and title only and to dispense with the second and third readings. Seconded by Mr. Weber. Ayes: (7). Nays: (0). The Clerk read Ordinance 15-2021 by number and title only. Mr. Kuhlman moved that Ordinance 15-2021 be passed. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Public Utilities Committee:

No report.

Next meeting: Wednesday, February 24, 2021 at 6:30 p.m.

Service Committee:

No report.

Next meeting: Wednesday, February 24, 2021 at 5:30 p.m.

OTHER BUSINESS

None.

ADJOURNMENT

There being no objections, the meeting adjourned at 7:03 p.m.

David D. Creps, Clerk

Thomas G. Mackin, Mayor

FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE

FEBRUARY 9, 2021

The meeting was called to order at 5:30 p.m. by Chairman Mark Weber. Committee members present were Deborah Born, Tim McCarthy, and Mark Weber. Also present were Bridgette Kabat, City Administrator, Kate Sandretto, Law Director, Dave Creps, Finance Director, Amber Rathburn, Deputy Finance Director, and Steve Bronder, Income Tax Commissioner.

APPROVAL OF MINUTES

Ms. Born stated that the minutes were already approved at the City Council meeting. Ms. Sandretto stated that what was given at the City Council meeting was a report of the meeting. With no further objections, the minutes of the December 8, 2020 committee meeting were approved.

FINANCE DIRECTOR'S REPORT

The Committee reviewed expenditures over \$5,000 for the month of January. There were questions regarding payments for the credit card bill, the comprehensive plan, paving on Stonecroft, speed signs, and tax software. All questions were answered by the Administration.

Mr. Creps reported that the balance in the Health and Welfare Fund as of January 31 was \$83,722.27. He said the balance was up a little at the end of the month, and we just received a \$74,000 reimbursement that will get added to that balance. Mr. Creps explained how the rates are calculated each year.

2021 AMENDED BUDGET

The proposed amended budget was distributed to the Committee. Ms. Kabat explained which items were carryovers from the 2020 budget and which items are new items. She reviewed the large dollar items that were carried over and those that were added in the budget amendment. She encouraged the Committee to email her with any questions they might have.

TAX COMMISSIONER'S REPORT

Mr. Bronder reported that income tax collections for the month of January were a little over \$1.9 million dollars which is flat compared to January of 2020. He said that he is anticipating that we will still see some lingering effects from the pandemic in this year's tax collections. Mr. Bronder explained that because the due dates were changed last year, the comparison from this year to last year may be skewed. He added that unemployment payments are not taxable at the local level.

Mr. Bronder requested approval of two ordinances that reflect changes to Chapter 891 of the Codified Ordinances. He said that they are basically housekeeping items that update the City Code to be consistent with the Ohio Revised Code. He said that one ordinance

amends our definition of pensions. Paragraph A was in place prior to the State's definition, and paragraph B adds the State language. The second ordinance adds a definition for retirement benefits to mirror the State language. Mr. Weber and Mr. McCarthy said that the ordinances look straight forward. The Committee agreed 3-0 to recommend approval.

There being no further business, the meeting adjourned at 6:05 p.m.

Respectfully submitted,

Mark Weber, Chairman
Finance & Economic Development Committee

Next meeting: Tuesday, March 9, 2021 at 5:30 p.m.

PERRYSBURG CITY COUNCIL

RECREATION COMMITTEE

Report for regular meeting of February 9, 2021

PRESENT: Chairwoman Deborah Born, Committee Members Jonathan Smith and Jan Materni, City Administrator Bridgette Kabat and Law Director Kathryn Sandretto.

Chairwoman Born called the meeting to order at 6:30 P. M. in Council Chambers. After the Pledge of Allegiance, citizen concerns were requested and none presented.

OLD BUSINESS:

A) No action on Riverside Park cannon stands.

B) Inclusive playground. Mr. Smith asked if the revised master plan will be returning to this committee for review. Ms. Kabat responded that since it passed the Planning Commission it will go next to Council's Planning and Zoning Committee. Chairwoman Born stated that she was glad to see the project moving forward; Mr. Smith agreed.

C) No action on the Splash pad.

D) Ms. Materni asked for which park is the Multipurpose wall intended. Chairwoman Born responded that what she had been told at the meeting last year by the wall's proposer, Damon Gorcz. (Perrysburg Lacrosse) that the wall is transportable and can be moved from park to park as needed.

E) Chairwoman Born reported that the idea of a West Side Handball Court was previously proposed by longtime Perrysburg citizen Al Rava. He has plans for this project and if she receives them by the next Recreation Committee meeting she will share them at that time.

F) Chairwoman Born asked for comment on the unleashed dog park. Mr. Smith stated that he not thoroughly reviewed the revised budget since had just received it but he remembered from a Service Committee meeting that a bucket truck was purchased for \$30,000 less than the budget had expected so this saving could be used for an unleashed dog park.

Chairwoman Born stated that she recalled that ORC 955.11 requires that dogs on public property must be on a leash. She then asked for comment from the City Administrator and Law Director on this topic. Ms. Kabat responded that she recalled that section of the ORC to cover dog wardens and possibly cruelty to animals but since she has not read it in ten years she will go back and review it. Chairwoman Born commented that currently dogs may be taken into any of our parks if they are leashed.

Ms. Materni stated that she did not understand how if the City Code requires dogs to be leashed how these unleashed dog parks can be in compliance. Ms. Kabat and Ms. Sandretto agreed to look further into the matter. Ms. Sandretto stated that it would be desirable to check with our insurance providers also.

Chairwoman Born stated that she had read of an incident in New York City where people with big dogs allowed them to harm or kill other people's small dogs. She also cited the dog virus Parvovirus which can be spread in such parks. This was a major problem in recent years.. A positive outcome would be the opportunity for owners to socialize but there are other cons and legalities which need to be reviewed and she repeated her request for the Administrator and Law Director to do this.

Mr. Smith stated that the intent would be to have separate areas for large and small dogs. Chairwoman Born responded that the problem in New York and Chicago was the fact that these rules have been

PLANNING & ZONING COMMITTEE

FEBRUARY 10, 2021

The meeting was called to order at 5:30 p.m. by Chairman Tim McCarthy. Committee members present were Cory Kuhlman, Tim McCarthy, and Barry VanHoozen. Also present were Kate Sandretto, Law Director, Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

APPROVAL OF COMMITTEE MINUTES

There being no objections, the minutes of the January 13, 2021 meeting were approved.

APPOINTMENT TO HISTORIC LANDMARKS COMMISSION

John Meier was present to be considered for appointment to the Historic Landmarks Commission. Dr. Meier said that he has been before the Historic Landmarks Commission several times as an applicant, and he attended the February meeting. Mr. Easterling explained what types of applications the Commission normally considers. The Committee agreed 3-0 to recommend that Dr. Meier's appointment to the Historic Landmarks Commission be approved, and they thanked him for his willingness to serve.

ROTARY PARK SPECIAL APPROVAL USE

Mr. McCarthy stated that the Special Approval Use for Rotary Park was the subject of a public hearing held on February 2, 2021. Mr. Walters said that the last amendment to the Rotary Park Master Plan was in 2019 for the Rotary Pavilion. He said that the current amendment reflects the addition of the inclusive playground. Mr. McCarthy said that the Master Plan shows soccer fields that he does not believe are there. Mr. Walters said that he believes the smaller fields are used, and the fields represent a placeholder for flex space. He said that if the space is used as some other type of field, that would not require an amendment.

Mr. Kuhlman asked if there was any timeline for the parking lot improvements. Ms. Sandretto stated that money was put in the proposed 2021 budget amendment. Mr. McCarthy said that along with the Master Plan, there was a detailed submission of the inclusive playground. Mr. Walters said that they included that rendering because it was available, but the Master Plan is more of a 300' view and as long as there are no substantial changes on the playground, it will not need to come back. There was a brief discussion about a walking path connector shown on the Master Plan. Mr. Walters said that they can strike that feature on the plan that will be attached to the legislation as that area is not included in the plan. The Committee agreed 3-0 to recommend approval of the Special Approval Use subject to the change as noted.

SWIMMING POOL REQUIREMENTS

Mr. Kuhlman asked for an update on the swimming pool issues the Committee had previously discussed. Ms. Sandretto gave a summary of past events, stating that two property owners came to the Committee to ask for changes to the zoning ordinance in regards to pools. The Committee sent the issue to the Planning Commission, and the Planning Commission was not in favor of making any changes to the Code. The two property owners have been notified. Mr. Easterling said that the property owner with the pool that is half above ground and half underground has said that they will redo their project and they were just waiting for the outcome.

The Committee had a lengthy discussion regarding the other property owner who has a built-in pool that is 11.5' from the property line instead of the required 15'. In this case, the contractor had the pool staked out in the right location, but the location was changed. The Committee also discussed several ideas to prevent this from happening in the future. There was no resolution to this issue, but Mr. Kuhlman and Ms. Sandretto agreed to meet to see if they could come up with a way to help this homeowner.

ARBORVITAE DISCUSSION

Mr. McCarthy stated that the height limitation on living screens was presented to the Planning Commission, and the Commission did not recommend any changes to the Code. Mr. Walters said that the Commission felt it was reasonable and appropriate to regulate the height of the living screens.

Lisa Cook, Thompson Road, said that her son lives in the City, and he bought a home with a pool. She said he has three young daughters, and he would like to have a living fence for his daughters' privacy. Ms. Cook stated that she has been a master gardener for 16 years. She asked what the purpose of the restriction on living screens is and who it benefits. She said that a living fence is good for the environment, good for erosion control, and good for wildlife. She asked that the Committee reconsider the ordinance. Kevin Rantanen was present to make the same request.

There was some discussion regarding the history of the regulation. Mr. Walters explained that his recollection is that people were using a living screen as a workaround to the fence height limitations. Mr. McCarthy said that he is not sure he understands the public purpose of this, and he doesn't see the purpose of having any restrictions on the height of hedges on the boundaries of properties. Mr. Kuhlman said that he feels this type of rule is more appropriate for an HOA or for deed restrictions, and he really doesn't understand it either. Mr. VanHoozen said that he would like to understand the history behind this before he rushes to judgment. Mr. McCarthy agreed that he would also like the history. He said it would be helpful to know more about when the change was made to limit the height of living screens and what problem the City was trying to solve. Mr. Walters said that he would look through their records and find everything he can about the subject.

There being no further business, the meeting adjourned at 7:21 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Timothy C. McCarthy". The signature is written in a cursive style with a large initial 'T'.

Tim McCarthy, Chairman
Planning & Zoning Committee

Next meeting: Wednesday, March 10, 2021 at 5:30 p.m.

poorly enforced and many dog owners ignored them. Mr. Smith suggested putting up signs to define the two areas and he added that he believes an unleashed dog park would be a benefit to the community.

Chairwoman Born asked Mr. Smith where he proposed putting the park. Mr. Smith replied that he had previously proposed several locations but at the end of the day he felt that we need to work with the Administration and follow their direction. Chairwoman Born stated that she recalled that Bicentennial park had been considered. She said she had once lived in that neighborhood and she recalled that the residents of that neighborhood were opposed to a lot of activity in the area. If we do decide to have this dog park, the best location would be Rotary Park or the park across the street. Mr. Smith claimed that he has lived in that neighborhood since 2011, and if his neighbors complain he is willing to take the hit.

Ms. Materni stated that she thinks Bicentennial Park is under utilized; Ms. Kabat mentioned a number of athletic groups who use it at one time or another throughout the year.

Ms. Born read a list of thoughts and concerns from staff regarding a dog park on City owned property which she believes need to be answered if this project is to go further These were obtained from Ms. Kabat (the list is attached to this report as a separate document). Mr. Smith asked Ms. Born to E-mail to the Committee the list that she had read; Ms. Born agreed to do so.

NEW BUSINESS:

Ms. Materni stated that there was no item on the agenda requesting approval of Committee minutes by which she meant the report on the meeting written by City staff. She made a motion to approve this document which was seconded by Mr. Smith. Therein ensued a lengthy discussion (which included the Law Director) of the necessity and legality of this action. The Law Director claimed that because the Rules of Council designate a Committee Chair's report as "the personal responsibility of the Chairman" that these are not legitimate "minutes" because they cannot be amended at the Committee level. She claimed that the ORC requires that reports must be subject to amendment by other committee members if so desired or they are not officially "minutes". She also claimed that the policy of not accepting amendments to Committee Chair's reports was a personal decision on the part of Chairwoman Born and not a mandate for all Council Committees from Section 220.5 of the City Code.

Chairwoman Born asked why her reports have not been placed on the City web site. No answer was given. Discussion concluded, Chairwoman Born called the question and the Committee voted 2-0 to approve the Administration's report as written (per Robert's Rules of Order, the Chair cannot vote unless there is a tie).

PRAC REPORT:

No report because PRAC has not met. Their first meeting of the year will be in April. Ms. Materni said she has heard there was an opening on PRAC. Chairman Born said she had not heard this and thanked Ms. Materni for her thought.

Mr. Smith announced that he was planning to attend a Sunshine Law webinar the following morning. The Law Director stated that she believes that all Council people need Sunshine Law training and encouraged them to attend. Chairwoman Born reported that she had called the Ohio Attorney General's office and learned that elected officials need to attend a training session only once during each term they are in office and she had done so in 2019.

Meeting adjourned at 7:02 P. M.
Next regular meeting will be March 9, 2021 at 6:30 P. M.

Report submitted by
Deborah L. Born, Chairwoman
February 15, 2021