

RECORD OF PROCEEDINGS
Minutes of Rossford City Council Meeting
Held February 9, 2009

The meeting was called to order by Mayor William Verbosky Jr. and was opened with the Pledge of Allegiance.

ROLL CALL: Richards, Oberdorf, Eckel, Marquette, Hermes, Michaels, and Kovach all present.

APPROVAL OF MINUTES: Approval of regular council meeting minutes of January 26, 2009. Mr. Oberdorf moved and Mr. Richards seconded the motion to approve the minutes. All ayes. Motion carried.

APPROVAL OF AGENDA: Agenda for regular council meeting of February 9, 2009 was presented to council. Reports from the Public Safety, Marina, and Recreation committees were added. Mr. Richards moved and Mr. Oberdorf seconded the motion to approve the agenda as amended. All ayes. Motion carried.

COMMITTEE REPORTS

Mr. Richards presented the written Public Safety committee minutes of January 12 and 26, 2009 which he had previously given verbal reports on. (see attached minutes). Mr. Kovach asked how soon after the January 12th meeting where it was determined that a combined fire/police public safety levy could not be done was that information given to the police department, and whether the police had asked for a levy to be placed on the May ballot instead. Mr. Richards said the information was provided two days after the meeting and the police did not ask for a levy to be on the May ballot. Mr. Marquette said he is not in favor in adding the additional .5mill levy to the 1mill renewal levy and possibly jeopardizing passage of the renewal part, and whether the two could be separated and why they were put on the same issue. Mr. Ciecka said they could be separated creating a third issue and they were put together because the .5mill is essential for the new equipment purchase. Mr. Richards said the committee members also struggled with putting the two on the same issue but that the renewal of 1mill was not adequate to do what the chief proposed. The committee also struggled with the question of asking for additional taxes. Mrs. Eckel said one of the reasons the committee agreed to add the additional .5mill was because of the confidence in what the chief has done previously in budgeting for his needs and that the 1mill would be used for a ladder truck but that without the .5mill the chief would not have enough money to purchase it. Mayor Verbosky said the existing ladder truck is 32 years old and parts are getting harder to find and repairs more expensive. He noted the increased building in the Crossroads and the heights and sizes of the building require that we have a ladder truck to assure adequate protection.

Mr. Michaels gave a verbal report of the Marina committee meeting held this evening prior to the council meeting. He said the committee recommended the approval of an additional expenditure of \$3,898 to cover an additional 171c.y. of dredged material. If this is approved tonight the total overrun will come to \$17,000 which is about a 10% increase over the original amount which is not out of line.

Mr. Oberdorf presented the Recreation committee meeting report for January 22 (see attached minutes). Mr. Richards said he is very impressed with the increase in memberships and usage of the Rec Ctr. and congratulated Mr. Kovasevic. Mayor Verbosky said there was considerable discussion on spending the money to purchase new and additional cardio equipment but it was evident that the equipment needed to be improved and that you need to spend money to make money. Mr. Kovasevic thanked everyone for the opportunity and encouraged him or her to stop by and check out the new cardio room which the members really appreciate. He said the three newspaper articles and 5K run helped generate new memberships.

Mr. Oberdorf moved and Mr. Michaels seconded the motion to approve the committee reports as given with the exception of the marina committee recommendation for additional money for marina dredging. All ayes. Motion carried.

***Mr. Michaels moved and Mr. Marquette seconded the motion to accept the committee recommendation for payment of an additional \$3,898 for the dredging operation. Michaels, Kovach, Richards, Oberdorf, Eckel, and Marquette aye. Hermes no. Motion carried 6-1.

REPORT OF MAYOR AND/OR ADMINISTRATOR

Mr. Ciecka said a meeting regarding the state budget will be held on Thursday, February 12th at 7:00pm in the Wood County Commissioners hearing room in Bowling Green. This is being sponsored by State Representative Gardner and State Senator Wagoner. He told council that the annual meeting of the NW Water and Sewer District will be on March 5th at 7:00pm and that the Wood County Economic Development Commission will hold its annual dinner on March 18th at the Hilton Garden Inn and to let him know if you are interested in going.

Mayor Verbosky said he had received a letter of resignation from Mr. Tymiak (BZA) due to health reasons and he is looking for names to replace him. He thanked him for his years of service to the community. He noted the correspondence council received from the All Saints School students in observance of Catholic Schools Week and the memo council received in regards to earlier meetings regarding Ordinance#2009-01. The mayor then read a prepared statement regarding water negotiation with the City of Toledo (see attached copy).

CORRESPONDENCE

None

ORDINANCES

#2009-01 – AN ORDINANCE GRANTING A ZONING CHANGE FROM AN R-1C CLASSIFICATION TO A C-1 CLASSIFICATION UNDER CHAPTER 1114 OF THE PLANNING AND ZONING CODE.

Mr. Richards moved and Mr. Oberdorf seconded the motion to read by title only. All ayes. Motion carried. Mr. Richards asked if there was a time element involved in this ordinance. Gene Abercrombie of Eastman & Smith representing Dr. Jackson responded by asking that the second and third reading be waived due to the time spent in the planning commission. Mr. Richards moved and Mrs. Eckel seconded the motion to suspend with the second and third readings. Audience comments were requested and none received. Mr. Michaels asked if a site plan had been done yet and was told no. He asked about fencing and Mayor Verbosky said that council does not set restrictions that this has been done in planning commission with the affected parties. He was told that council is only approving a change in zoning. Mr. Abercrombie discussed what had been agreed to in the planning commission and deed restrictions. Mr. Michaels asked what would happen if the building had new owners and a new use and was told that any alteration to the site would require a zoning variance. Mr. Oberdorf said council is being asked to make a zoning change only, that he was impressed with the flexibility Dr. Jackson has shown and noted that the deed restrictions could not be mandated, they were agreed to voluntarily. He is positive the building will be an asset. Mr. Kovach said in his experience with commercial real estate the deed restrictions could be contested if the property were to change ownership. Mr. Abercrombie said the deed restrictions allow some flexibility but are binding on any future buyer. Mrs. Eckel said that Dr. Jackson has been an asset to the community and the RBA and it is important to help her expand and stay in the community. Mr. Richards moved and Mr. Michaels seconded the motion to declare an emergency. All ayes except for Mr. Hermes who abstained. Mr. Richards moved and Mrs. Eckel seconded the motion to adopt. Richards, Oberdorf, Eckel, Marquette, Kovach all ayes. Michaels nay, Hermes abstained. Motion carried 5-1.

RESOLUTIONS

#2009-05 – A RESOLUTION DECLARING THAT THE AMOUNT OF TAXES THAT MAY BE RAISED BY A LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS IS INSUFFICIENT, AND DECLARING THE NECESSITY OF A RENEWAL LEVY FOR THE CONSTRUCTION OR ACQUISITION OF IMPROVEMENTS FOR RECREATIONAL PURPOSES IN EXCESS OF THAT RATE, AND DECLARING AN EMERGENCY.

Mr. Richards moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka said he does have the certificate of estimated tax revenues on hand and that the levy will generate \$43,998.34. Mr. Marquette moved and Mrs. Eckel seconded the motion to suspend with the third reading. Audience comments were requested and none received. Vote on the motion all ayes. Motion carried. Mr. Kovach moved and Mr. Marquette seconded the motion to amend Section 4 changing the date to the 5th of May. Mr. Marquette moved and Mrs. Eckel seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Hermes moved and Mr. Michaels seconded the motion to adopt. All ayes. Motion carried.

#2009-06 - A RESOLUTION DECLARING THAT THE AMOUNT OF TAXES THAT MAY BE RAISED BY A LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS IS INSUFFICIENT, AND DECLARING THE NECESSITY OF A RENEWAL LEVY FOR RECREATIONAL PURPOSES IN EXCESS OF THAT RATE, AND DECLARING AN EMERGENCY.

Mr. Oberdorf moved and Mr. Michaels seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka again stated the certificate is on hand and will generate \$43, 998.34. Mr. Marquette moved and Mr. Michaels seconded the motion to suspend with the third reading. Audience comments were requested and none received. Vote on the motion all ayes. Motion carried. Mr. Marquette moved and Mrs. Eckel seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Marquette moved and Mrs. Eckel seconded the motion to adopt. All ayes. Motion carried.

#2009-07 – A RESOLUTION TO APPROVE THE MAYOR’S REAPPOINTMENT OF RICHARD HOTZ TO THE RECREATION BOARD; AND DECLARING AN EMERGENCY.

Mr. Richards moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mayor Verbosky said the recreation committee is recommending this reappointment as does the administration. Mr. Richards moved and Mr. Oberdorf seconded the motion to suspend with the second and third readings. Audience comments were requested and none received. Vote on the motion all ayes. Motion carried. Mr. Richards moved and Mr. Michaels seconded the motion to adopt. All ayes. Motion carried.

#2009-08 – A RESOLUTION TO APPROVE THE MAYOR’S APPOINTMENTS TO THE REGIONAL INCOME TAX AGENCY, COUNCIL OF GOVERNMENTS.

Mr. Oberdorf moved and Mr. Richards seconded the motion to read by title only. All ayes. Motion carried. Mayor Verbosky said that we need to appoint a delegate to the R.I.T.A Council of Governments and that Mr. Hermes has agreed to accept the post with Mrs. Freeman as the alternate Mr. Richards asked when and where they meet and was told by Mr. Ciecka that they meet annually in the Cleveland area. Mr. Richards moved and Mrs. Eckel seconded the motion to suspend with the second and third readings. Audience comments were requested and none received. Vote on the motion all ayes. Motion carried. Mr. Richards moved and Mr. Michaels seconded the motion to adopt. All ayes except for Mr. Kovach who voted no saying the city is not in a position to be spending \$65,000 on this. Motion carried 6-1.

#2009-09 – A RESOLUTION DECLARING THAT THE AMOUNT OF TAXES THAT MAY BE RAISED BY A LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS IS INSUFFICIENT, AND DECLARING THE NECESSITY OF AN RENEWAL WITH AN INCREASE LEVY FOR THE PURPOSE OF PROVIDING FIRE PROTECTION OPERATIONS AND DECLARING AN EMERGENCY.

Mr. Hermes moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried.
 *****Mr. Marquette moved to split the two amounts into two separate levies in order to give the voters a choice. Mr. Hermes noted that the 1 mill amount on its own will not be enough to pay for the ladder truck. Mr. Richards is concerned that we are confusing the voters and passing only one of the two does not accomplish what we want to do. Mrs. Eckel also thinks that dividing them will confuse the voters. Mr. Michaels said putting the two together means that if it fails we have nothing and in the current economic times that may happen. Mr. Oberdorf does not think this levy will confuse or deceive the voters and that the media will inform the citizens what this is for.
 ****Mr. Michaels then seconded Mr. Marquette’s motion. Vote on the motion was Marquette, Kovach, and Michaels aye. Eckel, Oberdorf, Richards, and Hermes no. Motion failed 3-4.

Mr. Hermes moved and Mr. Michaels seconded the motion to suspend with the second and third readings. Audience comments were requested and Glenn Goss, Dixie Hwy. Rossford, commented that the fire chief made a good presentation and that he hopes someone works on a similar levy for the police. Mayor Verbosky said the 3.5 mill levy passed two years ago did include police. Mr. Heban said in order for this to pass will need 2/3 majority. Vote on the motion all ayes. Motion carried. Mr. Hermes moved and Mrs. Eckel seconded the motion to declare an emergency. Mr. Richards said he is concerned about this levy as it is a capital levy with three other operational levies on the ballot. If the recreation levies fail it will shut the department down and he argued in committee as he is now he would be more comfortable with this capital equipment levy being on the fall ballot. Mr. Hermes moved and Mrs. Eckel seconded the motion to adopt. All ayes except for Mr. Richards who voted no. Motion carried 6-1.

#2009-10 - A RESOLUTION DECLARING THAT THE AMOUNT OF TAXES THAT MAY BE RAISED BY A LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS IS INSUFFICIENT, AND DECLARING THE NECESSITY OF A RENEWAL LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDINGS, OR SITES THEREFOR IN EXCESS OF THAT RATE, AND DECLARING AN EMERGENCY.

Mr. Oberdorf moved and Mr. Richards seconded the motion to read by title only. All ayes. Motion carried. Mr. Richards moved and Mr. Michaels seconded the motion to suspend with the second and third readings. Audience comments were requested and Pam Simenski responded but was advised her comments did not pertain to this resolution and to wait for audience remarks. Vote on the motion all ayes. Motion carried. Mr. Richards moved and Mr. Oberdorf seconded the motion to declare an emergency. Mr. Richards moved and Mr. Oberdorf seconded the motion to adopt. All ayes. Motion carried.

COUNCIL REMARKS

Mr. Hermes said the budget committee will meet on February 23rd at 6:00pm and that our financial advisor will be here to review the notes upcoming for renewal. He offered his support to the mayor's statement on the water situation and said he is disappointed with Toledo, that they talk regional cooperation but undercut that with their actions.

Mr. Michaels thanked council for their decision on the marina and said he agrees with Mr. Hermes in his comments regarding the water situation with Toledo. Mr. Michaels said only when it benefits Toledo do they want regional cooperation.

Mr. Kovach said a judiciary committee meeting needs to be scheduled.

Mrs. Eckel asked about the street light problem and was told by Mr. Ciecka that it is still an ongoing issue. She asked for an update on several waterline breaks and was told by Mr. Ciecka this is typical for the season. She also offered her support for the mayor's statement and wished we could have had a better outcome to the water negotiations.

Mr. Oberdorf said many hours have been spent on the water situation especially by the mayor, Mr. Heban, and Mr. Ciecka and that Toledo's proposal is unfair and unconscionable in asking for an increase in water rates and the JEDZ rate. He said the mayor has his full support. He reminded council that the TMACOG transit forum will meet on February 18th at 4:30pm in the lobby of MLK Plaza, that the DARE graduation will be on February 12th at 7:00pm at All Saints, and thanked the 3rd graders from All Saints for their letters.

Mr. Richards joined in voicing his support for the mayor's statement.

***Mr. Richards moved and Mr. Marquette seconded the motion to unanimously support the mayor's statement of the water negotiations with Toledo. All ayes. Motion carried.

AUDIENCE REMARKS

Pam Simenski, 194 Hannum, Rossford asked for an answer to her question on what section of the ORC says that we cannot have a joint public safety levy and was told by Mr. Heban Section 5705.19. She asked if he was directed to research that issue or did he do it on his own. Mr. Richards responded that it was an item of discussion at the safety committee meeting and that Mr. Heban in reviewing the minutes advised them of the illegality. She asked if Chief Vespi had knowledge of the discussion on the levy and was told by Mr. Richards that the minutes were shared. Mr. Ciecka said he had talked with the chief also. Mayor Verbosky said that now the chief is back he will be looking at the needs of his department. She noted that the chief has been gone 11 months of the two years he has been chief. Mayor Verbosky said while he was on military leave he was not expected to run the department but that two new police cars were put in the 2009 budget.

Glenn Goss, Dixie Highway, Rossford, said he had been confronted about his attendance at council meetings and hoped the city supports his first amendment rights.

Jeff Appelhans, Hannum Ave., Rossford, said he appreciated the mayor's water statement and he wondered if there was a state agency that could get involved with the water agreement, how long the revenue sharing agreement had to go with Toledo, and whether Pilkington was still reaching the employment level for tax abatement. He was told by the mayor that no state agency will get involved as it is one municipality dealing with another and that the revenue sharing agreement expired with the water agreement and that the indication is that as long as we are receiving water from Toledo for the Crossroads we will have some type of revenue sharing. Mr. Ciecka said that Pilkington's tax abatement expired in 2008.

Dave Amstutz, Director of Development for the City of Toledo responded to the mayor's statement on water negotiations. He said the city of Toledo and Rossford have been talking for some time and that negotiations on this type of agreement are very difficult but he is hopeful that an agreement can be reached. He has not been part of all the sessions (only 1) but he hears about the lack of progress and the perception of Toledo as being big and bad. He feels that is unfair and that there are two sides to the story. From the Toledo side he said they are looking for consistency with the agreements made with other communities. He is still hopeful this can be worked out and that Toledo has made some concessions. He said Toledo does believe in regional cooperation and is hopeful we can find an answer and a way to work together. He said it will take compromise and neither side being happy. Mayor Verbosky said he appreciated his comments and is hopeful this can be worked out looking at the size of our community compared to others. Mr. Marquette thanked him for coming and asked what additional value Rossford would receive from Toledo for the additional 13% share of revenue they are demanding. Mr. Amstutz said he would get that answer.

Mr. Richards moved and Mr. Oberdorf seconded the motion to adjourn. All ayes. Motion carried.

William Verbosky Jr.
Mayor

Robert P. Watrol
Clerk of Council