

RECORD OF PROCEEDINGS
Minutes of Rossford City Council Meeting
Held April 14, 2008

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

ROLL CALL: Richards, Oberdorf, Marquette, Hermes, Michaels, and Kovach all present. Mrs. Eckel was expected shortly.

APPROVAL OF MINUTES: Approval of regular council meeting minutes of March 24, 2008. Mr. Richards moved and Mr. Oberdorf seconded the motion to approve the minutes. All ayes. Motion carried.

APPROVAL OF MINUTES: Approval of special council meeting minutes of March 31, 2008. Mr. Richards moved and Mr. Oberdorf seconded the motion to approve the minutes. All ayes. Motion carried.

APPROVAL OF AGENDA: Agenda for regular council meeting of April 14, 2008 was presented to council. An executive session to hold a grievance hearing with IBEW 245 was added. Mr. Richards moved and Mr. Oberdorf seconded the motion to approve the agenda as amended. All ayes. Motion carried.

COMMITTEE REPORTS

Mr. Michaels presented the Marina committee report of April 7, 2008 (see attached minutes). Mrs. Eckel entered the meeting at this time.

Mr. Richards wondered if legislation will be required to enforce our authorized fishing hours. Mr. Ciecka said we can use current public safety laws and park regulations to enforce. Mr. Hermes wondered how these fishing hours would be applied to people staying on the boats at night and fishing from their boat. Mr. Heban does not think fishing is allowed inside the marina. Mr. Michaels said Mr. Heban will clarify this, make sure any signage is legal and appropriate, and that this will be enforced uniformly.

REPORT OF MAYOR AND/OR ADMINISTRATOR

Mayor Verbosky said that is has been announced that the Pharm's are being sold to Rite Aid but we are not sure how that affects our local Pharm. He is having Mr. Ciecka working on this and will be watching for further developments. He attended an open house for a Complete Care facility being opened in town by Mr. Bradley Good. He noted the opening of Tano's Pizza downtown, and said the Bass Pro Job Fair attracted over 3100 applicants. He said the Planning Commission met April 9th and approved the final plat for the Sonic Drive-In and also reviewed the proposed changes to Ordinances #2008-06 and #2008-07 and had made recommended one change to the railroad property zoning from unzoned to C1 and then reaffirmed all the changes they had put in place at their previous meetings. The mayor reminded elected officials that the financial disclosure deadline is tomorrow, said the Fire Dept. is receiving a \$4500 grant for EMS training from the Ohio Dept. of Public Safety. He said the RBA Business Fair was a huge success and thanked all who helped in staffing the city booth, especially Mr. Ciecka for putting up and taking down the booth, our new Recreation Director, and DARE officer Jodi Johnson for their help. He asked council to consider having a public hearing at the next council meeting to discuss our water situation with members of the NW Water and Sewer District.

Mr. Ciecka said he had passed out a public announcement from TARTA regarding public hearings to be held proposing expansion of the #10 Call-A-Ride route and other proposed route changes. He said the city has advertised for bids for the Lime City Rd. resurfacing project which are due on April 22nd. Hopefully he will have a recommendation at the next council meeting. He noted that a public meeting had been held regarding the Buck Rd. /Lime City Rd. intersection project, that proposed alternatives are available for public view in the lobby, and public comments are being accepted until April 24th. As federal funds are being used whatever plan is used will have to meet federal standards. He stated that brush pickup begins the week of April 28th and is for brush and tree limbs only, that the marina opened last weekend and spaces are still available for rent, and that city income taxes are due tomorrow. Mr. Hermes wondered why a marina guard was on duty last Sunday when there were no boats in the water yet and was told that since the marina was officially opened and is advertised to include security this was necessary. Mrs. Eckel asked how the

feedback process works on the Buck/Lime City project and how much say Rossford has in that. Mr. Ciecka said the stakeholders, of which Rossford is one, will sit down and review the alternatives, public comments, and expected cost, along with other criteria such as attaining a least a C level of service, and then a decision will be reached. Mayor Verbosky noted the letter from Mr. Heban to members of council concerning the zoning ordinance and a specific request from Mr. Allen.

CORRESPONDENCE

None

ORDINANCES

#2008-06 – AN ORDINANCE AUTHORIZING THE REPEAL OF CHAPTER ELEVEN, IN TOTAL, OF THE ROSSFORD MUNICIPAL CODE AND ENACTING A NEW CHAPTER ELEVEN OF THE ROSSFORD MUNICIPAL CODE. THIRD READING.

Mr. Richards moved and Mr. Oberdorf seconded the motion to read this by title only. All ayes. Motion carried. Mr. Marquette asked for an update on this as he missed the last meeting. Mayor Verbosky explained that the ordinance was tabled before the third reading. Mr. Hermes said he is confused and wondered what the administrations recommendation at this point is. Mr. Heban suggested council pass the ordinance with an amendment which is the language in his memo which would change section 1135.01. Mr. Oberdorf said he has thought about this a lot and talked to one person who said this was a case of uniformity versus individual property rights. Mr. Oberdorf said he feels strongly about individual rights and while he respects the planning commission and their efforts on this he feels it is more important to respect the individual property owner's rights. Mr. Richards said he agrees with Mr. Oberdorf and he also wants to preserve the right of a person to continue using his property in the same manner he/she has been using it. He is not sure the one year time limit to rebuild is reasonable and would suggest that verbiage be changed that rebuilding begin in a year. Mayor Verbosky said that when council gets to ordinance #2008-07 it will be council's choice to not change the zoning on a parcel. He also would not like to see the rebuilding period open-ended. Mrs. Eckel thinks the time frame of one year is to short but also does not want it left open-ended. Mr. Marquette agrees with Richards, Eckel and said rebuilds are often time-sensitive, and that he would agree with the language stating the owner has one year to start construction and must be finished within two years.

****Mr. Hermes moved and Mrs. Eckel seconded the motion to amend Ordinance #2008-06 by changing the language of section 1135.01c per the memo of March 31, 2008 to reflect that a non-conforming single family residence over 75% damaged can be rebuilt if construction commences within one year and is completed and occupied within two years. All ayes. Motion carried.

Mr. Richards moved and Mr. Oberdorf seconded the motion to adopt as amended. All ayes. Motion carried.

#2008-07 – AN ORDINANCE AUTHORIZING THE REPEAL OF THE ZONING MAP OF THE CITY OF ROSSFORD AND ADOPTING A NEW ZONING MAP OF THE CITY OF ROSSFORD. THIRD READING.

Mr. Richards moved and Mr. Oberdorf seconded the motion to read this by title only. All ayes. Motion carried. Mr. Ciecka displayed the current zoning map originally dated 1980 along with changes that have made by over the years by council action on individual parcels. He then showed the proposed new zoning map and recommended that council amend it with any changes they would like. Mr. Hermes had a question regarding what is allowed in agricultural zoned areas with primary concern mega farms and animals. Mr. Ciecka reference the portion of the new zoning code which explains what is allowed. Mayor Verbosky said council is being asked to accept the planning commission map as presented or leave individual parcels as is. Mr. Marquette asked how many property owners requested no change be made to their parcel and was told five. Mrs. Eckel said she agrees with not changing agricultural zoned properties. Mr. Michaels said that previously council was not proactive and only changed zoning at the landowner's request.

****Mr. Richards moved and Mr. Oberdorf seconded the motion to amend the ordinance to exclude from any zoning change the properties of Law, Rinker, Hofbauer, and Tremsky. All ayes. Motion carried.

****Mr. Hermes moved and Mr. Michaels seconded the motion to amend the ordinance to accept the planning commission's current recommendation for changing the railroad property from residential to C1.

**** Mrs. Eckel moved and Mr. Michaels seconded the motion to amend the ordinance to exclude from any zoning change the Nitschke property. All ayes. Motion carried.

Mr. Richards moved and Mr. Oberdorf seconded the motion to adopt as amended. All ayes. Motion carried.

#2008-12 – AN ORDINANCE AUTHORIZING THE DISPOSAL OF CERTAIN SURPLUS PROPERTY NOT NEEDED FOR ANY MUNICIPAL PURPOSE AND DECLARING AN EMERGENCY. SECOND READING.

Mr. Richards moved and Mr. Oberdorf seconded the motion to read by title only. All ayes. Motion carried. Mr. Hermes moved and Mr. Richards 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. Hermes moved and Mr. Richards 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.

#2008-13 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$340,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO REDEEM THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY’S COMMUNITY CENTER CONSTRUCTION BONDS AND DECLARING AN EMERGENCY.

Mr. Hermes moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mr. Hermes said the finance committee had met this evening and discussed this ordinance and the following and that three readings of ordinances #2008-13 through #2008-17 are expected. He stated the highlights of the ordinances and said the city is making good progress in paying these down. This year a total of \$595,000 is being paid down which represents 20.5% of the outstanding balance. A favorable rate should be expected when these come up for renewal on June 12th. Mr. Marquette is concerned that the city may be depleting the general fund in order to make these paydowns and was told by Mr. Hermes that this is not the case, the amounts were budgeted and the city is being very prudent. Mr. Michaels inquired about the cost to roll these notes over and was told by Mr. Ciecka that the cost is rolled into the note. Mr. Richards said bond counsel estimated a total cost of about a 2.5%. This was given a first reading only.

#2008-14 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$120,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVEMENTS TO THE SANITARY SEWER SYSTEM, AND DECLARING AN EMERGENCY.

Mr. Hermes moved and Mr. Richards seconded the motion to read by title only. All ayes. Motion carried. This was given a first reading only.

#2008-15 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,400,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING CERTAIN ROADS AND APPURTENANCES AND INTERESTS THERIN FOR PUBLIC USE AS A PART OF THE CITY’S SYSTEM OF PUBLIC STREETS, AND DECLARING AN EMERGENCY.

Mr. Richards moved and Mr. Oberdorf seconded the motion to read by title only. All ayes. Motion carried. Mayor Verbosky said this is the boulevard between SR795 and Rt. 20. This was given a first reading only.

#2008-16 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$222,500 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING CERTAIN SANITARY SEWERS AND RELATED FACILITIES, AND DECLARING AN EMERGENCY.

Mr. Oberdorf moved and Mr. Richards seconded the motion to read by title only. All ayes. Motion carried. The mayor said these are sanitary sewers in the Crossroads Parkway area. This was given a first reading only.

#2008-17 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$222,500 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING A WATER LINE AND APPURTENANCES THERETO AND INTERESTS THEREIN FOR OPERATION AND USE TO SERVE USERS IN THE CITY AS A PART OF THE CITY’S WATERWORKS SYSTEM, AND DECLARING AN EMERGENCY.

Mr. Richards moved and Mr. Oberdorf seconded the motion to read by title only. All ayes. Motion carried. This was given a first reading only.

#2008-18 – AN ORDINANCE TO PROVIDE SUPPLEMENTAL APPROPRIATIONS FOR OPERATING EXPENDITURES FOR THE PERIOD BEGINNING JANUARY 1, 2008 AND ENDING

DECEMBER 31, 2008 AMENDING ORDINANCE NO. 2007-46; AND DECLARING AN EMERGENCY.

Mr. Richards moved and Mr. Oberdorf seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka indicated that this does not need to be passed until the next council meeting and represents a change in the revenue forecast in the amount of \$126,450 from a Ohio Public Works commission grant for the Lime City Rd. resurfacing project and appropriates the funds for the project. Mrs. Eckel wondered that insofar as changes to the Buck Rd. /Lime City Rd. intersection may have an impact how will that be factored into the resurfacing project. Mr. Ciecka said it is being bid alternative ways to allow for various plans. Mr. Richards moved and Mr. Oberdorf seconded the motion to suspend with the second and third reading. Audience comments were requested and none received. Vote on the motion all ayes. Motion carried. Mr. Richards moved and Mr. Oberdorf seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Richards moved and Mr. Oberdorf seconded the motion to adopt. All ayes. Motion carried.

#2008-19 – AN ORDINANCE MAKING CERTAIN ADDITIONS TO THE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES AND MAKING CERTAIN ADDITIONS TO THE REVENUE BUDGET FOR THE YEAR BEGINNING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2008 AMENDING ORDINANCE NO. 2007-46; 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 this supplemental appropriation is to replace 25 fire hydrants in the city and for a \$10,000 engineering study on a water line not operating at Glenwood Rd. near the railroad tracks. He indicated the money will come from the city water fund. Mr. Hermes said the money is allocated in the budget and has been collected as part of the water fee and is an appropriate use. Passage is suggested tonight in order to get the city on Toledo's list earlier. Mr. Marquette asked what is being replaced on the fire hydrant and was told all internal components as well as external. Mr. Hermes explained that the new ones also have a larger and better valve opening which works better with modern day fire hoses and pumpers. Mr. Hermes moved and Mrs. Eckel seconded the motion to suspend with the second and third reading. Audience comments were requested and none received. Vote on the motion all ayes. Motion carried. Mr. Hermes moved and Mr. Richards seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Hermes moved and Mr. Richards seconded the motion to adopt. All ayes. Motion carried.

#2008-20 – AN ORDINANCE MAKING CERTAIN ADDITIONS TO THE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES AND MAKING CERTAIN ADDITIONS TO THE REVENUE BUDGET FOR THE YEAR BEGINNING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2008 AMENDING ORDINANCE NO. 2007-46; AND DECLARING AN EMERGENCY.

Mr. Hermes moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka said this only needs to be given a first reading and that the purpose is to fund the replace or repair of roofs at the police and street department buildings. Mr. Michaels asked if any quotes will come from Rossford residents and Mr. Ciecka said the appropriate guidelines will be followed. This was given a first reading only.

#2008-21 – CONFIRMING ORDINANCE 2007-42 ENACTED BY THE CITY OF ROSSFORD, WOOD COUNTY, OHIO, IN THE MATTER OF PARTICIPATING WITH THE DIRECTOR OF TRANSPORTATION, OHIO DEPARTMENT OF TRANSPORTATION IN A SAFETY PROGRAM UPGRADE OF STATE ROUTE 20 IN THE CITY OF ROSSFORD; AND DECLARING AN EMERGENCY.

Mr. Richards moved and Mr. Oberdorf seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka said this is the resurfacing project at Rt. 20 involving the installation of micro asphalt and we share in the local match to a safety grant. The bids obtained last year exceeded the estimate by 20% so an additional safety grant was obtained. Our cost will increase from \$9,565 to \$15,381 with our additional funds coming from state highway funds in our SCM&R fund. Mr. Richards moved and Mr. Marquette seconded the motion to suspend with the second and third reading. 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 declare an emergency. All ayes. Motion carried. Mr. Richards moved and Mr. Michaels seconded the motion to adopt. All ayes. Motion carried.

#2008-22 – AN ORDINANCE APPROVING THE ANNUAL SCOPE OF WORK UNDER THE MASTER SERVICES AGREEMENT WITH HULL & ASSOCIATES, INC. FOR PROFESSIONAL ENVIRONMENTAL SERVICES RELATED TO THE WALES ROAD LANDFILL; 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 there has been a slight increase in the program cost due to additional EPA concerns about high chlorine levels in one of the wells. This is a not-to-exceed figure. Mayor Verbosky said this is part of the ongoing cost of closing the landfill over twenty years ago. Mr. Marquette moved and Mr. Richards seconded the motion to suspend with the second and third reading. Audience comments were requested and none received. Vote on the motion all ayes. Motion carried. Mr. Marquette moved and Mr. Richards seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Marquette moved and Mr. Richards seconded the motion to adopt. All ayes. Motion carried.

#2008-23 – AMENDING ORDINANCE 2005-09 SETTING ROSSFORD MARINA FEES; AND DECLARING AN EMERGENCY.

Mr. Marquette moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka outlined the seasonal fees for various docks and said he believes the wall docks are all rented for the season. This ordinance is an effort to increase revenues for the season by allowing a 30 day docking fee category.

***Mr. Michaels moved and Mr. Hermes seconded the motion to amend section 1 to only allow a maximum of two months for floating docks.

Mr. Oberdorf moved and Mrs. Eckel seconded the motion to suspend with the second and third reading. Audience comments were requested and none received. Vote on the motion all ayes. Motion carried. Mr. Oberdorf moved and Mr. Michaels seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Oberdorf moved and Mr. Michaels seconded the motion to adopt. All ayes. Motion carried.

#2008-24 – AN ORDINANCE AUTHORIZING THE ADMINISTRATION TO ENTER INTO A PARTIAL MUTUAL RELEASE OF CLAIMS BETWEEN PERRYSBURG TOWNSHIP, THE CITY OF ROSSFORD, THE ROSSFORD ARENA AMPHITHEATER AUTHORITY, AND THE OHIO GOVERNMENT RISK MANAGEMENT PLAN; AND DECLARING AN EMERGENCY.

Mr. Richards moved and Mr. Oberdorf seconded the motion to read by title only. All ayes. Motion carried. Mr. Heban said this payment from the city's insurance company to the township will resolve the negligent representation case between the township and the RAAA and cost the city nothing. Mr. Richards moved and Mr. Oberdorf seconded the motion to suspend with the second and third reading. Audience comments were requested and none received. Vote on the motion all ayes. Motion carried. Mr. Richards moved and Mr. Oberdorf seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Richards moved and Mr. Oberdorf seconded the motion to adopt. Richards, Oberdorf, Marquette, Hermes, Michaels, and Kovach voted aye. Eckel voted no. Motion carried 6-1.

RESOLUTIONS

#2008-06 – A RESOLUTION SUPPORTING THE CONTINUATION AND STRENGTHENING OF TRADITIONAL MEDICARE; AND DECLARING AN EMERGENCY. THIRD READING.

Mrs. Eckel moved and Mr. Marquette seconded the motion to read this by title only. All ayes. Motion carried. Mr. Hermes asked what the comments of Mr. Klepacz about this were since they were not in the minutes. It was noted that Mr. Klepacz remarks are under the mayor's report since he yielded the floor to him. Mr. Oberdorf said this is a supportive measure that will be sent to our senators and congressman. Mr. Oberdorf moved and Mr. Marquette seconded the motion to adopt. All ayes. Motion carried.

COUNCIL REMARKS

Mr. Hermes congratulated and thanked all those involved in the RBA Business Fair.

Mr. Michaels said the architectural review committee is still being organized.

Mrs. Eckel said the RBA Business fair was a great event. She asked if leaf bags will be available at other places i.e. the Recreation Center or someplace else that has longer open hours. Mr. Ciecka said he is trying to secure other sites that will offer them for sale. She said the public works committee will meet next Monday. Mr. Hermes asked that they discuss the flooding problem on the tree streets that occurred two years ago and what might be in the works for solving that.

Mr. Oberdorf thanked Dr. Jackson and the RBA for a fantastic event, said he had judged a youth contest at the Rossford Eagles on Saturday, congratulated Mr. Good on his new business, and asked Mr. Ciecka for an update on the Free Press littering problem. Mr. Ciecka said he has sent a letter to the Toledo Free Press and has not yet received a response.

AUDIENCE REMARKS

Jeff Appelhans, 177 Hannum, Rossford wondered if there was any warranty given for the resurfacing job on Hannum Ave. has it is already cracking and chipping. He said this was a waste of money and he hopes this is not the type of resurfacing job going to be done on Lime City Rd. He also commented that he had heard a rumor that the police chief was going to be on leave for a year, wondered if this will be paid, and how it will effect the police department. Mayor Verbosky said it is not a rumor, that the police chief may be deployed to Iraq, the length of time is not yet know, and unfortunately the war in Iraq effects Rossford and the fact that Chief Vespi's Coast Guard reserve unit is being deployed to Iraq is totally out of our control. Mr. Appelhans also questioned the amount spend on negotiations and wondered if that could have better spent on another police officer. Mayor Verbosky explained that the city has always been represented by legal council in negotiations and that the cost is what it is. Mr. Appelhans hopes that the public works committee addresses the free mowing service the city is giving Pilkington.

Mr. Richards moved and Mr. Oberdorf seconded the motion to go into executive session for the purpose of a grievance hearing with IBEW 245 involving firefighter Tom Samson Jr. All ayes. Motion carried.

Mr. Richards moved and Mr. Oberdorf seconded the motion to return to open session. All ayes. Motion carried.

Mr. Heban said that after executive session council was recommending a written warning be placed in the file of Tom Samson Jr. for his conduct arising out of the situation referenced in Chief Vespi's report and that he be reimbursed for 31 hours of lost time.

***Mr. Oberdorf moved and Mr. Richards seconded the motion that council recommends a written warning be placed in the file of Tom Sampson Jr. and that he be reimbursed for 31 hours of lost time. All ayes. Motion carried.

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