

RECORD OF PROCEEDINGS
Minutes of Rossford City Council Meeting
Held July 27 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 Duricek all present.

APPROVAL OF MINUTES: Approval of regular council meeting minutes of July 13, 2009. Mr. Oberdorf moved and Mr. Duricek seconded the motion to approve the minutes. All ayes. Motion carried.

APPROVAL OF AGENDA: Agenda for regular council meeting of July 27, 2009 was presented to council. Mr. Richards moved and Mr. Oberdorf seconded the motion to approve the agenda. All ayes. Motion carried.

COMMITTEE REPORTS

None

REPORT OF MAYOR AND/OR ADMINISTRATOR

Mayor Verbosky responded to rumors of the post office closing saying he had talked to Dave at the Rossford Post Office and there is no scheduled closing of the Rossford office. He also said that a meeting will be set shortly for the Historical District Design Review committee.

Mr. Ciecka said he has stayed busy reviewing personnel policies.

CORRESPONDENCE

A thank-you note from the family of Evelyn Demko addressed to Rossford City staff for the beautiful plant was read into the record.

ORDINANCES

#2009 – 21 - AN ORDINANCE APPROVING AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO MAINTAIN TRAFFIC SIGNALS ON STATE ROUTES/US HIGHWAYS WITHIN THE CITY OF ROSSFORD; AND DECLARING AN EMERGENCY.

Mr. Richard moved and Mr. Oberdorf seconded the motion to read by title only. All ayes. Motion carried. Mrs. Eckel asked if there were any numbers on previous maintenance cost and would we still pay the electric cost. She was told by Mr. Ciecka that over the last five years \$35,700 has been spent on contract maintenance work on these signals. Last year was \$18,000 and the five year average is \$7,000 with outside contractors primarily on three lights while the fourth light was being maintained by the state in error and the city would continue to pay all electric. Mrs. Eckel asked if the average was for three signals not four and was told yes. She asked if the cost included Dave Jones time and was told no. Mr. Richards said he had talked to several people on this issue and one of the ODOT guys told him they would use State Patrol officers for traffic control when working on the lights not city police which would be a cost savings and ease the burden on our own maintenance department. Mr. Richards moved and Mr. Oberdorf seconded the motion to adopt. All ayes expect for Mr. Hermes who voted no. Motion carried 6-1.

#2009-23- AN ORDINANCE ENACTING ROSSFORD MUNICIPAL CODE SECTION 1133.03. THIRD READING.

Mr. Oberdorf moved and Mr. Richards seconded the motion to read by title only. All ayes. Mr. Marquette said the judiciary committee has not yet met to further discuss this and the next ordinance. Mr. Marquette moved and Mr. Hermes seconded the motion to table until August 10th. All ayes. Motion carried.

#2009-24- AN ORDINANCE ENACTING ROSSFORD MUNICIPAL CODE SECTION 351.03(a) (19). THIRD READING.

Mr. Duricek moved and Mr. Michaels seconded the motion to read by title only. All ayes. Motion carried. Mr. Marquette moved and Mr. Hermes seconded the motion to table until August 10th. All ayes. Motion carried.

#2009-25 – AN ORDINANCE AUTHORIZING THE AWARD OF A CONTRACT FOR REPLACEMENT OF ROOFS AT THE ROSSFORD SENIOR/RECREATION CENTER AND POLICE STATION; AND DECLARING AN EMERGENCY. SECOND READING

Mr. Oberdorf moved and Mr. Richards seconded the motion to read by title only. All ayes. Motion carried. Mayor Verbosky said council had a memo from Mr. Heban dated July 22nd regarding this bidding process. Mr. Hermes asked if the city had confirmed with the bidder that everything was ok as to the specifications. Mr. Ciecka said a sample had been provided. Mr. Ciecka some additional work in rain gutters will be needed. Mr. Michaels asked what the approximate amount of the additional work would be and was told \$2000. Mr. Marquette asked if we could legally pick and choose the lowest bid by facility and was told no, that this was bid as a total project. Mrs. Eckel asked about the discrepancy in the bid and was told by Mr. Heban that the police/fire bids were mistakenly switched and that was not a legal problem as the total bid was the controlling factor. Mr. Hermes moved and Mr. Richards seconded the motion to suspend with the third reading. Audience comments were requested and Dan Baum, 1102 W. Elm Tree Rd. asked if the bids take into consideration any roof damage. Mr. Ciecka said that cannot be determined until the old roof is removed. Neil McKinnon, 326 Jennings, VP of Nordmann Roofing questioned the original process of no bid and after some phone calls going out for bids and thought the bids should have been split which may have resulted in a better deal and that this should be rebid which may result in more bidders. Mr. Richards said he respects Mr. Heban's legal opinions but always wants to save money. He wondered if there was a good reason not to reject all the bids and rebid again. Mr. Ciecka said he placed the bid specs together with two roofs as one job hoping to get the best price. Mr. Richards said all of council agreed with the decision when it was made. Mr. Ciecka said it is councils prerogative to reject the bids but it would be his recommendation to accept the low bid. Mr. Michaels asked if there is a legal implication in rejecting the bids and was told no. Mrs. Eckel is concerned that the mistake in switching the bid numbers may be a bad sign for the low bidders work. In response to a question from Pam Simenski, Mr. Ciecka stated that each department Police and Recreation will have the roof cost come from their own fund. Dan Baum, 1102 W. Elm Tree Rd. asked why the bid was done as a total not bid both ways. Mr. Ciecka said that was his choice. Mr. Duricek said council gives up some of their power to the administrator and asked him to go out for bids and use his discretion in how to bid. Mr. Hermes said he has bid several jobs of this nature and said he has never experienced a situation where it was cheaper to have two separate contractors come in rather than just one. He is in support of the process used by Mr. Ciecka. He also said if rebid the price may go up since everyone knows what was bid. Mr. McKinnon said that in today's market prices will not go up and probably will result in more bidders and a lower price if rebid. Mr. Marquette said the bid was based on a total price not separate for each building. Vote on the motion all ayes. Mr. Richards remembered when this was discussed awhile back and said that council agreed on this form for bidding thinking it would result in a better price. He said the administrator has taken responsibility but it was a collective agreement. 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. Vote on the motion was Hermes, Marquette, Oberdorf, Michaels aye. Eckel, Richards, and Duricek no. Motion passed 4-3.

RESOLUTIONS

#2009-14 – OPPOSING THE SALES TAX LEVY PROPOSED TO SUPPORT THE OPERATIONS OF THE TOLEDO AREA REGIONAL TRANSIT AUTHORITY.

Mr. Oberdorf moved and Duricek seconded the motion to read by title only. All ayes. Motion carried. Mayor Verbosky said that Mr. Oberdorf had requested this be tabled in case additional information was received. Mr. Oberdorf said that Mr. Michaels had talked to our TARTA representative who is supposed to have a meeting with Mr. Gee. Mr. Oberdorf moved and Michaels seconded the motion to table this until August 10th. All ayes. Motion carried.

#2009-16 – 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 FIRE PROTECTION OPERATIONS AND APPARATUS; AND DECLARING AN EMERGENCY. SECOND READING.

Mr. Duricek moved and Mr. Michaels seconded the motion to read by title only. All ayes. Motion carried. Mayor Verbosky said the purpose of this resolution is to place a 1 mill renewal levy on the November ballot. Mr. Ciecka said this affects the five year equipment replacement plan and also what happens with the existing aerial ladder. Mayor Verbosky said in the spring this renewal plus an additional ½ mill new levy was defeated. Mr. Ciecka said this needs to be to the county by August 20th in order to be on the November ballot. Mr. Marquette clarified that this

was a renewal of an existing levy. Mr. Michaels asked if this was a renewal or replacement and was told was a renewal. Mr. Hermes moved and Mrs. Eckel seconded the motion to suspend with the third reading. Audience comments were requested and Pam Simenski of 171 Maple said this appears to be going back for the same thing that was defeated in the spring and an attempt to get a new aerial truck. She was told by the mayor that the ½ mill new portion has been eliminated and that this is a renewal of an existing levy and references fire protection operations and apparatus and may or may not include a new truck or just a refurbishment. Vote on the motion was all ayes. 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.

#2009-17 – A RESOLUTION CONSENTING TO THE ANNEXATION PETITION FILED BY THE BOARD OF EDUCATION OF THE ROSSFORD EXEMPTED VILLAGE SCHOOLS AND DECLARING AN EMERGENCY. SECOND READING.

Mr. Oberdorf moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mayor Verbosky said this ordinance and the next two need to be done together. Mr. Heban said this is a request by the Rossford Board of Education to annex the athletic complex into Rossford and that the township has already consented with the Wood County hearing scheduled or early August. He said #2009-18 references the services to be provided by the city and #2009-19 provides for a buffer zone in the event of an incompatible use. Mr. Hermes asked if the schools pay property tax and was told no. Mr. Richards moved and Mr. Oberdorf 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. 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.

#2009-18 - A RESOLUTION STATING WHAT SERVICES THE MUNICIPAL CORPORATION WILL PROVIDE, AND AN APPROXIMATE DATE BY WHICH IT WILL PROVIDE THEM, TO THE TERRITORY PROPOSED FOR ANNEXATION, UPON ANNEXATION, PERTAINING TO ANNEXATION PETITION FILED BY THE BOARD OF EDUCATION OF THE ROSSFORD EXEMPTED VILLAGE SCHOOLS ON JULY 6, 2009, 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. Richards moved and Mrs. Eckel seconded the motion to suspend with the third reading. Audience comments were requested and Dan Baum, 1102 W. Elm Tree Rd. said this will extend the area of the city and we will need more police and fire to cover. Mayor Verbosky said we have already been covering that area since Glenwood School was annexed and the Crossroads was built. Vote on the motion all ayes. Motion carried. Mr. Richards moved and Mrs. Eckel seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Richards moved and Mrs. Eckel seconded the motion to adopt. All ayes. Motion carried.

#2009-19 – A RESOLUTION RESPECTING THE PROVISION OF A BUFFER SHOULD THE USES PERMITTED BY MUNICIPAL ZONING REGULATIONS IN THE ANNEXED TERRITORY BE DETERMINED TO BE CLEARLY INCOMPATIBLE WITH THE USES PERMITTED UNDER CURRENT COUNTY OR TOWNSHIP ZONING REGULATIONS IN THE ADJACENT LAND WITHIN THE TOWNSHIP FROM WHICH THE TERRITORY WAS ANNEXED, PERTAINING TO THE ANNEXATION PETITION FILED BY THE BOARD OF EDUCATION OF THE ROSSFORD EXEMPTED VILLAGE SCHOOLS DATED JULY 6, 2009, AND DECLARING AN EMERGENCY. SECOND READING.

Mr. Richards moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mr. Hermes asked who determines if incompatible use. Mr. Heban said that is up to the Planning Commission and that a resident is allowed to sue the city if feels incompatible use. Mr. Hermes also asked what the size of the buffer zone is and was told by Mr. Heban that depends on the use. Mr. Richards moved and Mrs. Eckel seconded the motion to suspend with the third reading. Audience comments were requested and Pam Simenski asked what else could go on that property. Mayor Verbosky said whatever the school wanted to request. Ms. Simenski proceeded to ask questions pertaining to police and fire staffing and was told that was not pertinent to this resolution. Vote on the motion all ayes. Motion carried. Mr. Richards moved and Mrs. Eckel seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Richards moved and Mrs. Eckel seconded the motion to adopt. All ayes. Motion carried.

COUNCIL REMARKS

Mr. Oberdorf reminded council of the Fed Ex grand opening tomorrow from 10am to 1pm. He asked if there was a need for a committee of the whole meeting on August 3rd and seeing none ***Mr. Richards moved and Mrs. Eckel seconded the motion to suspend with the August Committee of the Whole meeting. All ayes. Motion carried.

Mrs. Eckel thanked the All Saints Festival Committee for a nice community event, the Rossford United Methodist Church for holding Vacation Bible School, and the Legion for hosting the Gil McGee Memorial Softball tournament.

Mr. Michaels said that the Marina committee will meet on July 28th at 5:30pm and suggested that committee meeting minutes be posted on the website.

AUDIENCE REMARKS

John Folcik, Hannum said his water bill only went up \$3. Mayor Verbosky said it appears that minimum users have not been affected greatly by Toledo's increase in water rate.

Chad Cooper, 161 Maple St. said it would have been more cost effective to hire a police officer from the existing list rather than retest. Mayor Verbosky said the civil service commission is going out to retest and the decision not to hire from the existing list was an administrative decision. .

Pam Simenski, 171 Maple asked if those already tested who choose to retest will have to pay the fee again when it was the police chiefs fault. Mayor Verbosky said it was not the police chiefs fault and they will have to pay to retest.

Dan Baum, 1102 W. Elm Tree Rd., asked why the hired police person was let go. Mayor Verbosky said she was never hired officially and therefore was not let go and that the cost was not \$15,000 for background checks.

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