

RECORD OF PROCEEDINGS
Minutes of Rossford City Council Meeting
Held October 10, 2005

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, Jakubec, and Kovach all present.

APPROVAL OF MINUTES: Approval of regular council meeting minutes of September 26, 2005. Mrs. Jakubec asked that the date of the next meeting of the Tree commission be changed. Mr. Oberdorf moved and Mrs. Jakubec seconded the motion to approve the minutes as amended. All ayes. Motion carried.

APPROVAL OF AGENDA: Agenda for regular council meeting of October 10, 2005 was presented to council. Executive session to discuss pending and imminent litigation with Perrysburg Township added. Mr. Richards moved and Mr. Oberdorf seconded the motion to approve the agenda as amended. All ayes. Motion carried.

COMMITTEE REPORTS

No committee reports

REPORT OF MAYOR AND/OR ADMINISTRATOR

Mr. Ciecka explained that the city offices will be closing at 4:00 on certain posted days in order for the staff to be cross-trained in other duties. He also said the storm water management plan has been forwarded to the EPA, and that the fire chief reports that all departments have completed the NIMS training has required. Mayor Verbosky thanked the Public Works department for their efforts in a successful brush cleanup week and thanked Mr. Ciecka for his efforts in obtaining the grant that made this possible. He also notified the public of a review of the new voting machines to be held on October 11th at the RCRC.

CORRESPONDENCE

No correspondence

INTRODUCTION OF ORDINANCES

ORDINANCE #2005-29 – AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE ROSSFORD MUNICIPAL CODE AND DECLARING AN EMERGENCY. THIRD READING.

Mr. Richards moved and Mrs. Jakubec seconded the motion to read by title only. All ayes. Motion carried. Mayor Verbosky asked if the items to be reviewed were completed. Mr. Ciecka said yes and all questions were answered and/or clarified. He did state that the Rossford code on collection dates for income tax as not yet been amended to match the Ohio Revised Code. Mr. Hermes said this will have to be updated. Mr. Richards moved and Mrs. Jakubec seconded the motion to adopt. All ayes. Motion carried.

ORDINANCE #2005-32 – AN ORDINANCE AUTHORIZING THE ADMINISTRATION TO DISPOSE OF CERTAIN SURPLUS PROPERTY NOT NEEDED FOR ANY MUNICIPAL PURPOSE AND DECLARING AN EMERGENCY.

Mr. Richards moved and Mrs. Jakubec seconded the motion to read by title only. All ayes. Motion carried. Mr. Hermes questioned the disposal of two police cars without plans for replacement. Police chief Foy said that the two cars in question are not being used and are unsafe for police operation. Mr. Kovach asked what will replace the Cadillac being disposed of and was told by Chief Foy nothing. This was given a first reading only.

ORDINANCE #2005-33 – AN ORDINANCE APPROVING AND CONFIRMING THE AGREEMENT WITH PERRYSBURG TOWNSHIP RELATING TO THE ROSSFORD/PERRYSBURG TOWNSHIP JOINT ECONOMIC DEVELOPMENT AUTHORITY/PORT AUTHORITY; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

Mr. Hermes moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Rex Huffman from the Port Authority said they are involved in the issuance of bonds for the OI project and were told by bond counsel that a formalized written agreement is needed from both parties to fulfill the commitment to OI. Mr. Oberdorf asked what the \$7500 the city pays to the Port Authority is for and was told it help pays the city's share of administrative, legal, insurance, and other expenses and that the township pays this same share. Mr. Marquette asked how the Port Authority doing bonds for OI in Perrysburg benefits Rossford. Mr. Huffman said the fees generated by the Port Authority will help both the city and township. Mr. Hermes asked if the \$7500 will ever be reimbursed if the Port Authority has money in their account and Mr. Huffman responded this would be a decision of the Port Authority board with input from the city and township. Mr. Ciecka said this housecleaning agreement is needed prior to the Port Authority issuing revenue bonds and formalizes the 1998 agreement already in place. Mr. Richards said he favors the Port Authority concept, thinks they are off to a good beginning, and will benefit the community. He did question the use of the word perpetual in the agreement and was told that language is from statute but there are ways to dissolve the Port Authority. Mr. Richards is concerned that if more members were added it could take maybe 7 units of government to dissolve. Mr. Huffman stated that the city and township have to both agree to adding new members. Mr. Oberdorf asked if the Port Authority has attempted to get financial aid from the entity that will benefit even though not a member and was told no, as per the practice of other Port Authority's in the state. Mr. Hermes said the original ordinance from 1998 authorized the mayor to sign the written agreement, did it not happen? Mr. Huffman said he didn't know but that it would be better to do now with a new council and mayor. Mr. Hermes asked about the finances of the Port Authority and was told the \$7500 contribution from both entities is just enough to cover expenses, there is no big surplus, and if short would look to city and township to split shortfall. Mayor Verbosky said this has been a great effort by Mr. Huffman to keep the Port Authority together, often without being reimbursed. Mr. Kovach asked if this ordinance is a negotiated agreement between the township and city or just following statute. Mr. Huffman said it is both, most of the language comes from the Ohio Revised Code but payments and appointments of board members are negotiated. Mr. Richards moved and Mrs. Eckel seconded the motion to suspend the second and third reading. Audience comments were requested and none received. 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.

ORDINANCE #2005-34 – AN ORDINANCE AMENDING THE TEXT OF THE ROSSFORD MUNICIPAL CODE SECTIONS 1323.04 AND 1171.03 ON FENCE REQUIREMENTS FOR SWIMMING POOLS; AND DECLARING AN EMERGENCY.

Mrs. Eckel moved and Mrs. Jakubec seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka said this ordinance is the result of discussions with the planning commission and zoning inspector concerning the inflatable pools (blue pools" and 42 inch fences not being

sufficient under the current ordinance. The planning commission thought that 42 inches is sufficient and recommends this ordinance to council. Mayor Verbosky stated that the 42 inch fence is more popular with fence companies and is an acceptable height for insurance liability purposes. Mr. Richards wondered if there were any statistics regarding the safety of 42 vs. 48 inch fences, he thinks there was a reason the ordinance stated 48 inches. Mayor Verbosky said this ordinance came about because of the number of conflicts of people who already had a 42 inch fence and the acceptance by the insurance companies. Mrs. Eckel asked how many conflicts and was told over a dozen. Mr. Ciecka said the affordability of these blue pools has increased the number being seen. Mr. Oberdorf is not against lowering the standards if done for the right reasons but not if just to make easier for someone. He says the issue is the safety of children and that if our standards are good we should maintain them. Mr. Hermes is waiting to see further information before making a decision. Mrs. Jakubec asked are there pools without fencing and was told by Mr. Ciecka a few. Mrs. Eckel asked of the flimsy edge of a wire fence attached to split rail meet the code and was told by Mr. Ciecka yes. This was given a first reading only.

ORDINANCE #2005-35 – AN ORDINANCE AUTHORIZING A PERFORMANCE AUDIT BY THE AUDITOR OF STATE, PERFORMANCE AUDITS SECTION; 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 at the request of council he had sought the cost of having a performance audit done and that this ordinance identifies the various parts of the audit and cost. Mayor Verbosky said the cost is not to exceed \$40,000 which included a review of the administration/finance, public works, and police departments and an analysis of all labor contracts. Mr. Hermes says he doesn't know how the city can do this now without knowing about the budget for next year and wondered if this could be deferred until the budget is completed. Mr. Ciecka said any delay pushes the window for having this done farther back. Mayor Verbosky said council could approve only certain parts and add others later. Mr. Richards believes there are some economies in contracting for the whole package and that delaying pushes back any fiscal benefits we may see. Mr. Oberdorf feels this has been delayed long enough. Mayor Verbosky understands the reluctance to delay but we need to know where to cut to find the money to pay for this audit. Mr. Marquette agrees that paying for the audit is a problem if it means cutting departments further and/or keeping the refuse fee. He believes that departments have cut enough and would agree to the labor contract analysis but not the rest until the money is found to pay for. Mrs. Eckel agrees with Mr. Marquette and feels that departments have been cut to the bare bones and she can't see cutting them further to fund this \$40,000. Mr. Hermes said he had printed off previous performance audits and asked if any department heads had looked at and was told no by Mr. Ciecka. Mr. Hermes moved to amend the ordinance to strike the departments and include only the audit of labor contracts at a price not to exceed \$7,000. Mr. Kovach said he understands the concern over cost but said a year ago it was apparent that the city was in financial trouble and needed help. He doesn't understand the reluctance to spend \$40,000 to save \$50,000 or more when the city spent \$310,000 on legal fees and no one seemed to have a problem with that. He says that the logical progression is to see where the city is doing good and where need to do better and get recommendation from auditor before going to the citizens for more money. Mr. Kovach said he could see deleting the public works department in interest of saving money. Mrs. Eckel said she is not against spending the \$40,000 but just wants to know what gets cut to fund it and said there is no guarantee that auditor will find and recommend ways to save money. Mr. Hermes said that if we had exhausted every effort internally and were at wits end he would agree with Mr. Kovach but since the city hasn't looked at all the free audits already done the cost of this is an issue. Mrs. Jakubec said she would like to see this happen but right now can't afford to and there is no real guarantee that the audit will find cost-saving measures. She would like to test the water by just doing the labor contracts audit for \$7,000. Mr. Richards agrees with most of what Mr. Kovach said with exception that regardless of recommendation that could be made the city knows what the checkbook says and was correct in placing a tax levy on the ballot while making plans to go

forward and take a closer look at things. Mayor Verbosky would like to propose a compromise of doing the labor contracts and one department at a cost of \$18,000. Mr. Marquette doesn't think anybody is against the audit but wants to know where the money to pay for comes from regardless of what cost is decided. Mrs. Eckel seconded Mr. Hermes motion to amend to only audit labor contracts at a cost of \$7,000. Vote on the motion was Richards no, Oberdorf no, Eckel aye, Marquette no, Hermes aye, Jakubec aye, Kovach no. Motion fails 4-3. Mr. Richards then moved that the ordinance be amended to audit the labor contracts and one department to be decided by the city administrator and the auditor at a cost not to exceed \$18,000. Mr. Kovach seconded the motion. Vote on the motion was Richards aye, Oberdorf no, Eckel no, Marquette no, Hermes no, Jakubec no, Kovach aye. Motion fails 5-2. This was given a first reading only.

INTRODUCTION OF RESOLUTIONS

RESOLUTION #2005-10 – A RESOLUTION IN SUPPORT OF AMENDING THE OHIO CONSTITUTION TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATIONS OF THE STATE TO FINANCE LOCAL GOVERNMENT PUBLIC INFRASTRUCTURE CAPITAL IMPROVEMENTS, RESEARCH AND DEVELOPMENT, AND THE DEVELOPMENT OF CERTAIN SITES AND FACILITIES IN OHIO, AND TO EXPAND STATE AND LOCAL GOVERNMENT AUTHORITY REGARDING ECONOMIC DEVELOPMENT. SECOND READING.

Mr. Richards moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mayor Verbosky explained that this resolution came from the Ohio Municipal League and that council has been given the background information explaining this issue. Mr. Hermes thanked Mr. Ciecka for getting that information to council and asked to abstain from voting as his employer has applied in the past and may in the future apply for some of these funds. Mr. Richards moved and Mr. Marquette seconded the motion to allow Mr. Hermes to abstain. All ayes with Mr. Hermes abstaining. Motion carried. Mr. Richards said Rossford has benefited previously from funds like these and this resolution endorses the community's need for these funds. Mr. Richards moved and Mr. Oberdorf seconded the motion to suspend with the second and third readings. Audience comments were asked for and none received. Vote on the motion all ayes with Mr. Hermes abstaining. Motion carried. Mr. Richards moved and Mr. Oberdorf seconded the motion to declare an emergency. All ayes with Mr. Hermes abstaining. Motion carried. Mr. Richards moved and Mr. Oberdorf seconded the motion to adopt. All ayes with Mr. Hermes abstaining. Motion carried.

RESOLUTION #2005-12 – A RESOLUTION TO APPROVE A SPECIAL MEETING OF ROSSFORD CITY COUNCIL ON OCTOBER 11, 2005 AND TO APPOINT A TEMPORARY CLERK; AND DECLARING AN EMERGENCY.

Mrs. Jakubec moved and Mrs. Eckel seconded the motion to read by title only. Mrs. Jakubec asked why this resolution was necessary and was told by Mayor Verbosky it was due to the clerk's unavailability and special meeting tomorrow. Mr. Heban said a resolution was needed to have the special meeting and the language regarding the temporary clerk was just added to allow Mr. Ciecka to act as the temporary clerk. Mr. Richards moved and Mrs. Jakubec seconded the motion to suspend with the second and third readings. Audience comments were asked for and none received. Vote on the motion all ayes. Motion carried. Mr. Richards moved and Mrs. Jakubec seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Richards moved and Mrs. Jakubec seconded the motion to adopt. All ayes. Motion carried.

COUNCIL REMARKS

Mr. Hermes thanked the Fire Department and Chief for hosting tonight's open house at the fire station and the firefighters association for sponsoring the rock wall and moonwalk.

Mrs. Jakubec said she had received a few letters from Indian Hills students expressing concern about skunks in their yards and what the city can do about it. She questioned what the city can do about it since we don't have an animal control officer. Mayor Verbosky said at this time the city has no one to handle this and neither does the county. Another question from the students was regarding the forest behind Indian Hills School and whether there was any speculation about this land being used for anything else. The mayor said not at this time.

Mr. Marquette asked if there is a committee for supporting the city tax levy as he would like to help. Mayor Verbosky said a committee has been formed and they are looking for contributions to fund at least one mass mailing. Mr. Hermes said there is a flier out which is being distributed at the fire dept. open house.

Mrs. Eckel asked if the city's share of gasoline tax increased as price per gallon goes up and was told by Mr. Ciecka no, the rate is fixed at \$.03 per gallon not 3% per gallon. She would also like information about helping on the levy committee.

Mr. Oberdorf said the letters he received from the fourth graders at Indian Hills are a great sign of citizenship.

Mr. Richards said that Alton "Bud" Gladieux has agreed to be the point man for the levy and act as treasurer. He also said he had received a citizen inquiry regarding an inground pool and temporary fencing. He checked on and found it was built with all the required permits and the temporary safety fence is only up until the project is completed. He said he had visited several people with inflatable pools and most weren't aware of the fencing requirement. He feels that the vendor is partly to blame by not informing customers of fencing requirements and said this is a problem in other communities as well.

AUDIENCE REMARKS

Glenn Goss, Dixie Highway, Rossford, is concerned that the performance audit doesn't address part-time departments and says maybe it should include all or none. He said one part-time department has had a 300% increase in their budget in the last 6 years. He doesn't think the audit should be done if it creates another financial burden.

Pam Simenski, 171 Maple St., Rossford, said the fencing standards for pools shouldn't be lowered at the cost of a child's life. She questioned Mr. Richards regarding the temporary safety fence and said it won't protect anyone and is not sufficient. Mr. Richards responded that it doesn't meet fencing standards but is temporary until contractor finishes the work. She agrees with Mr. Hermes that the performance audit should review union contracts and thinks if any department is reviewed it should be finance. She thinks Chief Verbosky has done a terrific job in applying for grants for the fire department and wondered why other departments aren't as aggressive in applying for grants. Mayor Verbosky said he has challenged all department heads to go after grants but there is a lot more grant money for fire departments through the Department of Homeland Security. She also asked where the money came from for the Maple St. road repairs and was told it was in the street budget.

Jeff Applehans, Hannum Ave., Rossford, asked if the levy money will be specifically earmarked for street repair in town, not roads related to new Penta building. Mayor Verbosky said the development is south of Buck and should be worked out between Penta, the township, and the state. Mr. Hermes said the levy language does not specifically how levy money will be spent, that it is a general operating levy.

Mr. Richards moved and Mr. Marquette seconded the motion to go into executive session. All ayes. Motion carried.

Mr. Marquette moved and Mr. Kovach seconded the motion to return to regular session. All ayes. Motion carried.

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

William Verbosky Jr.
Mayor

Robert P. Watrol
Clerk of Council