

RECORD OF PROCEEDINGS
Minutes of Rossford City Council Meeting
Held December 10, 2012

The meeting was called to order by Mayor Neil Mackinnon III, and was opened with the Pledge of Allegiance.

ROLL CALL: Staczek, Oberdorf, Eckel, Marquette, Ruse, Scott, and Duricek all present.

APPROVAL OF MINUTES: Approval of regular council meeting minutes of November 26, 2012. 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 December 10, 2012 was presented to council. Mr. Staczek asked to add a discussion of the property on the corner of Schreier and Glenwood Rd. Mr. Duricek moved and Mr. Oberdorf seconded the motion to approve the agenda as amended. All ayes. Motion carried.

COMMITTEE REPORTS

None

REPORT OF MAYOR AND/OR ADMINISTRATOR

Mr. Ciecka reported on the dedication of the Habitat for Humanity home on Bacon St. which was forfeited property and said we will now try to help secure funding for the second lot. He said it was a great day.

Mayor Mackinnon read a letter from the Roberta Drouard, widow of Rick, who thanked the city for their consideration during this time of loss.

CORRESPONDENCE

Three requests for liquor permits were read to council and no hearing was requested.

ORDINANCES

#2001-67 - AN ORDINANCE TO PROVIDE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR CITY OF ROSSFORD, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2013. THIRD READING

Mr. Oberdorf moved and Mr. Staczek seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka said this was reviewed by the finance committee and expenses remain pretty much in line with our current operation with a few exceptions for paving projects, a new ambulance, and a comprehensive plan for the city. Only one new employee in the recreation department is budgeted. Mr. Scott moved and Mr. Oberdorf seconded the motion to adopt. All ayes. Motion carried.

#2012-69 – AN ORDINANCE ENACTING ROSSFORD MUNICIPAL CODE SECTION 1327.16 DEALING WITH THE ASSESSMENT OF COSTS FOR NUISANCE ABATEMENT. SECOND READING

Mr. Duricek moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. This was given a second reading only.

#2012-70 – AN ORDINANCE PROVIDING COMPENSATION FOR CERTAIN EMPLOYEES (NON BARGAINING) OF THE CITY OF ROSSFORD, REPEALING ANY PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. SECOND READING.

Mr. Oberdorf moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka requested this be approved on this reading so to take effect in this budget year. Mr. Oberdorf moved and Mr. Duricek 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. Oberdorf moved and Mr. Duricek seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Oberdorf moved and Mr. Duricek seconded the motion to adopt. All ayes. Motion carried.

#2012-71 – AN ORDINANCE ESTABLISHING THE COMPENSATION FOR MEMBERS OF COUNCIL FOR THE CITY OF ROSSFORD. SECOND READING.

Mr. Oberdorf moved and Mr. Duricek seconded the motion to read by title only. All ayes. Motion carried. Mr. Duricek said council has not had a raise in twenty years but he does not like the provision for the automatic raise and does not think that will stand up to our own charter and would like that section removed from this ordinance. He does not like the lack of transparency in doing this and would rather come back every couple of years to revisit council pay. Mr. Oberdorf said this issue has been on the table for several weeks and in the paper which is as transparent as we can get short of sending a letter to every citizen. Mr. Heban explained the reason for Section 3 which is the automatic raise was to tie in to OPERS. He said our

charter does not allow members to get the new raise until a new election cycle takes place and will cause some differences in what certain members are paid. Mr. Marquette would rather have the citizens' vote on this. Mr. Ruse agrees with Mr. Marquette due to the substantial increase. Mrs. Eckel asked Mr. Heban about what other communities he talked to are doing and Mr. Heban said this is the only option other law directors could come up with. Mr. Heban basically the new OPERS was set up to eliminate lesser paid officials and make OPERS last longer. Mr. Scott noted that the amount of time needed to obtain the insurance benefit has basically doubled. Mr. Duricek said he has talked to OPERS directly and the medical benefit is a non-issue unless you have a lot of years elsewhere. Mr. Oberdorf said that the pension of \$80-90 a month may not seem like much but may be to someone on a fixed income. Mr. Duricek reiterated that his biggest objection is to the automatic raise and said that it is time for raise. This was given a second reading only.

#2012-72 – AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE PICK UP TRUCK FOR USE BY THE ROSSFORD PUBLIC WORKS DEPARTMENT UNDER PROVISIONS OF THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM; AND DECLARING AN EMERGENCY.

Mrs. Eckel moved and Mr. Staczek seconded the motion to read by title only. All ayes. Motion carried. Mr. Jones said this will replace a 1998 truck with 200,000 miles on it. Mrs. Freeman said this is a budgeted item not to exceed \$80,000. Mrs. Eckel moved and Mr. Scott 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. Mrs. Eckel moved and Mr. Scott seconded the motion to declare an emergency. All ayes. Motion carried. Mrs. Eckel and Mr. Scott seconded the motion to adopt. Mr. Ruse asked if the state still allows us to purchase locally and was told yes. He also said he would be willing to attend a special meeting if the price exceeds the \$80,000. Vote on the motion all ayes. Motion carried.

#2012-73 - AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE DUMP TRUCK FOR USE BY THE ROSSFORD PUBLIC WORKS DEPARTMENT UNDER PROVISIONS OF THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM; AND DECLARING AN EMERGENCY.

Mrs. Eckel moved and Mr. Scott seconded the motion to read by title only. All ayes. Motion carried. Mr. Scott asked what this is replacing and Mr. Jones said it will replace a 1993 one ton dump truck. Mrs. Eckel moved and Mr. Scott 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. Mrs. Eckel moved and Mr. Scott seconded the motion to declare an emergency. All ayes. Motion carried. Mrs. Eckel moved and Mr. Scott seconded the motion to adopt. All ayes. Motion carried.

#2012-74 – AN ORDINANCE AUTHORIZING THE ADMINISTRATOR TO PETITION THE WOOD COUNTY CLERK OF COMMON PLEAS TO FORFEIT CERTAIN REAL ESTATE TO THE CITY OF ROSSFORD; AND DECLARING AN EMERGENCY.

Mr. Duricek moved and Mrs. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka said this involves three properties described as buffer lots went to auction and no bids were received. These would be forfeited to the state unless the school or city claims them. These lots are adjacent to Schreier Rd coming into the dead end at Bruns. The school has no interest due to their location. Mr. Ciecka recommends the city maintain control of these lots rather than the state. Mr. Duricek moved and Mr. Staczek seconded the motion to suspend with the second and third readings. Audience comments were received from Louis Bauer, 271 Margaret Place, Perrysburg who explained how these three 1 x 30foot lots were created forty two years ago and said they have no benefit now. Vote on the motion all ayes. Motion carried. Mr. Duricek moved and Mr. Staczek seconded the motion to declare an emergency. All ayes. Motion carried. Mr. Duricek moved and Mr. Staczek seconded the motion to adopt. All ayes. Motion carried.

RESOLUTIONS

None

DISCUSSION OF 546 GLENWOOD ROAD

Mayor Mackinnon said an application was received last Friday for an existing driveway after work had already begun. It turns out this was for a third driveway and feeling that the application was incomplete the application was not approved but the drive had already been done. The site will be ordered to be restored to its original condition. Mr. Staczek said he ran across this as it was unfolding and found the workers uncooperative and the owner also was uncooperative and could not produce a permit. He then informed the homeowners that any work done could possibly be ordered to be removed. He informed him that the mayor had ordered work to be stopped but the workers continued to operate and even threatened him by swinging the backhoe toward him. Mr. Staczek said the bottom line is this homeowner did not have a permit to do this work and he is glad to see that the work will be ordered to be removed. He would also like the pole barn construction reviewed by the building inspector and the fence appeal be denied by the BZA. He said the fact that the drive was completed even after ordered to be stopped shows a complete disregard for the city administration, the mayor, council, or the community as a whole. In his opinion the property owner is doing the work and saying the hell with the city, let them come after me when it's done. Mr. Ruse said he would like to see the ordinance changed so that accessory structures like on this property are stopped and asked where we stand on this driveway now. Mr. Heban said a stop work order and notice of violation was issued today and seven days is allowed to return the property to its original condition. Mr. Scott said that

when he was on the BZA a similar situation arose and the property owner was ordered to return the property to its original condition and that order did hold up. Mrs. Eckel agrees with Mr. Ruse that we need to look at the accessory structure ordinance to prevent issues like this from arising. Mr. Duricek thinks that all of council is on the same page and also feels that stoning the backyard is a violation of surface water rules and the zoning committee will look at this.

COUNCIL REMARKS

Mr. Duricek wished everyone a Merry Christmas and Happy New Year.

Mr. Scott, Mr. Ruse, and Mr. Marquette echoed Mr. Duricek.

Mrs. Eckel said she attended the Habitat for Humanity dedication and said it may have been one of the neatest things council has been involved in. She is proud of the city for becoming involved in this. She also wished everyone Merry Christmas and Happy Holidays.

Mr. Staczek wished everyone a Merry Christmas.

Mr. Marquette reminded everyone of this weekend's Rudolph 5K Run sponsored by the Recreation Department.

AUDIENCE REMARKS

Cheryl Sharp, 546 Glenwood Rd. read a prepared statement regarding this property saying that everything done has been with the proper permits. She apologizes to those people who are not happy with what they are doing to the property. She said the drainage system is excellent. She said the contractor told them the he had applied and obtained the proper permit and they were in his truck. She feels the harassment on this property is getting out of hand saying she cannot even walk in the neighborhood. She said the hydro seeding did not take but this spring the landscaping will be improved. She also accused Mr. Staczek of screaming and carrying on with everyone. She said she has asked for a list of the people who have complained about the property so they can see what they would like do. She said they are law-abiding citizens and in no way ever intended to harm anyone.

Deborah James, 1010 Schreier Rd. said she has talked to Mrs. Sharp a couple of times and does not recall ever saying anything nasty. She feels a lot of what Mrs. Sharp said about things they asked for are not true. She says she realizes that there is nothing they can do now about the pole barn but hopes in the future other people in the city do not have to face this problem.

Tom Buck, owner of Allied Paving and a resident of 611 Marilyn said he filed for the permit early in the morning on Thursday and said he has filed for hundreds of permits previously and never had a problem or a permit disapproved. He blamed Rossford's zoning for this problem as he said previously he has never been asked for a plot plan or whether it was a third driveway. He feels that what Rossford is doing is wrong.

William May, 7344 Providence St. in Whitehouse said he is a councilman from Whitehouse and a personal friend of the Sharps. He asked the mayor if it is customary for a councilman to go around and directly confront property owners or contractors. Mayor Mackinnon said he has not been in that situation but he could hear some of it over the phone and realizes that this is a polarizing situation. He said our zoning code does not allow three driveways but the permit indicated an existing drive was being replaced. He did have a police officer go out there to stop the work and found that they waited until they left and completed the work anyway.

Mr. Buck disputed the date and description of the permit and the third driveway.

Mrs. Eckel said the proper paperwork should be in place before the work begins and that this time he gambled and lost. She did not like that work proceeded after it was ordered to be stopped.

Mr. Staczek took offense to the Sharp's description of his actions and said he was responding to what was directed at him. He said nothing was done to stop the workers even though it was their responsibility as the homeowner.

Larry Tremsky, 1041 Schreier Rd. said that he has seen hydro-seeding and it looks great.

Bob Densic, Birch Drive, said the Christmas light display is up and running at his property and all donations go to charity and that over seven years they have raised \$3500 for the Beyond Our Walls charity. On the subject of council pay he said the nation and this state have gone over the fiscal cliff already and that if council members are here for OPERS benefits they made the wrong decision. He encouraged council to ignore OPERS when making decisions on pay and talked against defined pension plans. He said council needs to approach this job as public servants and not what they can get out of it.

Lamont Sharp, 546 Glenwood, said when he was approached by Mr. Staczek he did not cuss and did not raise his voice. He said that he left it up to Mr. Buck's employee to deal with the permit problem and that's where he left it.

Mr. Scott moved and Mr. Duricek seconded the motion to adjourn. All ayes. Motion carried.

Neil Mackinnon, III
Mayor

Robert P. Watrol
Clerk of Council