

RECORD OF PROCEEDINGS
Minutes of Rossford City Council Meeting
Held December 12, 2011

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 28, 2011. Mr. Scott moved and Mr. Duricek seconded the motion to approve the minutes. All ayes. Motion carried.

Motion to approve minutes of organizational council meeting of December 5, 2011. Mr. Duricek moved and Mr. Oberdorf seconded the motion to approve the minutes. All ayes. Motion carried.

Motion to approve minutes of special meeting of council of December 5, 2011. Mr. Scott 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 12, 2011 was presented to council. Public Works committee report was added to the agenda. Mr. Scott moved and Mr. Duricek seconded the motion to approve the agenda as amended. All ayes. Motion carried.

COMMITTEE REPORTS

Public Works committee report was presented by Mrs. Eckel (see written report). Mr. Ruse said the committee is working on developing a priority list of the top five projects involving water, sewer, and roads along with cost and will coordinate this between the city and NWWS.

Mr. Scott moved and Mr. Duricek seconded the motion to accept the committee report as given. All ayes. Motion carried.

REPORT OF MAYOR AND/OR ADMINISTRATOR

Mayor Mackinnon said he has received two applications from Miller Diversified regarding a zoning change for their property in the Crossroads to a community entertainment district which would allow them to request a liquor permit. He will turn this over to council's economic development committee.

Mr. Ciecka said a staff meeting was held today with the mayor and they discussed upcoming projects and events. He reminded everyone of the 5K Reindeer Run on Saturday the 17th. This is the fourth year for this event.

CORRESPONDENCE

Council was informed that the police department had no objection to the liquor permit transfer request reported to council at the last meeting.

Mr. Oberdorf moved and Mr. Duricek seconded the motion that no hearing be requested. All ayes. Motion carried.

ORDINANCES

#2001-54 - AN ORDINANCE MAKING CERTAIN ADDITIONS AND CHANGES TO THE REVENUE ESTIMATE AND EXPENSE APPROPRIATIONS FOR FISCAL YEAR 2011 ENDING DECEMBER 31, 2011 AND AMENDING ORDINANCE 2010-53. THIRD READING.

Mr. Oberdorf moved and Mr. Scott seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka presented council with an amended exhibit 1. Mr. Ruse moved and Mr. Scott seconded the motion to amend Ordinance #2001-54. All ayes. Motion carried. Mr. Scott moved and Mr. Duricek seconded the motion to adopt. All ayes. Motion carried.

#2001-55 - AN ORDINANCE MAKING CERTAIN ADDITIONS AND CHANGES TO THE 2012 REVENUE ESTIMATE AND ESTABLISHING EXPENSE APPROPRIATIONS FOR FISCAL YEAR 2012 BEGINNING JANUARY 1, 2012 AND ENDING DECEMBER 31, 2012. THIRD READING.

Mr. Duricek moved and Mr. Staczek seconded the motion to read by title only. All ayes. Motion carried. Mrs. Eckel moved and Mr. Scott seconded the motion to adopt. All ayes. Motion carried.

#2001-57 – AN ORDINANCE APPROVING A COOPERATION AGREEMENT WITH THE WOOD COUNTY ENGINEER AND PERRYSBURG TOWNSHIP IN THE BUCK ROAD AND LIME CITY ROAD IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY. THIRD READING.

Mr. Scott moved and Mr. Oberdorf seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka said the public works committee had met and discussed this previously and had also asked John Crandall a consultant on this project to attend this evening. Mrs. Eckel said she had summarized this previously in the public works minutes as to how this plan came about. They agreed the timing of this was not done correctly in that it did not start at the beginning of the Penta project. In the interest of moving forward the entities involved have come a long way in putting together a plan they can agree on even though no entity is entirely satisfied. She asked Mr. Crandall what are the consequences if this project is scratched and explained this grant involves pollution issues as well as wait time. She said this will be a big construction project and will bring workers here. Mr. Crandall said he was hired by TMACOG and works for Claude Brown & Associates and explained there is no federal funding for signalized intersections. He said it is unusual that no agreement was in place before this process began. He said signals were considered but ODOT says this fails in twenty years and came up with the two roundabouts. He projects it will still take 2.5 years to acquire the right-of-way with a total cost of \$5.7million of which \$3.6 is federal money and \$2 million is local. This will come by \$485,000 from the RTID, with \$500,000 from the township and Penta together, \$500,000 from the county and also the City of Rossford. He thinks this is the fairest split, said the Wood County Engineer would be the lead agency, and suggested that Rossford take the lead in acquiring the right-of-way. He said the next step after the agreement would be approved would be to review the plans and look at water/sewer adjustments and try to get federal funding for that which is unsure at this time. Mr. Ciecka said the RTID has allocated some additional funding to NWWSD for the utility adjustments which is estimated at \$180,000 with the RTID commitment estimated at \$150,000 as opposed to trying to get federal grants. Mr. Ruse asked if there were any cost savings who would share in that and Mr. Crandall said just the township, county, and city but not Penta and that if it goes over the partners would have to figure out who pays the additional monies. Mayor Mackinnon asked if everybody was contributing cash and was told not necessarily Penta, that their \$150,000 share includes the value of their donated right-of-way with only the difference between that value and the \$150,000 paid in cash if necessary. Mr. Duricek said he has been half opposed to this project from the start, said the finished project will be about 60% in the township with no benefit to Rossford and that we are being asked to fix a problem we did not create. His guess is there was no federal money for signals so they went the air pollution grant avenue which is probably why there are two roundabouts so it qualifies. If we would move more of this project to Penta to pay for they could spread the cost out over 10-15 school districts. He is also afraid this will set a precedent for Rossford Schools to come to the city to pay for improvements at the Glenwood Sports Complex. He said the grant comes with specific items we are required to do and that there is no idea what expensed we will incur down the road. Mr. Marquette said he appreciates the hard work of Mr. Crandall and Mr. Ciecka but that he cannot consciously support this when the majority of this is not in Rossford. Mr. Crandall said about 40% is Rossford and that it is air quality funding but that the second roundabout was per the Wood County Engineer because of backups leaving the school. Mr. Ruse said if 40% is in Rossford how much of the intersection is Rossford and was told 3 of the 4 corners. Mr. Marquette said his biggest issue is the two roundabouts as we are spending Rossford taxpayer money to benefit Penta County and that not one person has ever come to him and complained about the intersection and there is no way he can support with the second roundabout. Mrs. Eckel said she realized that our \$300-500,000 cost may cut down on our own road improvements over the next few years. Mr. Staczek said he agrees we need the roundabout but he does not agree with how the cost is being divided. He said Penta and the township knew this would be an issue and that they need to step up and take more of a share rather than corralling Rossford into this and making it a Rossford problem and affecting our own road projects when Penta caused 100% of the problem. Mr. Scott said that he knows of one business that did not locate on Lime City because of that intersection and that we are looking at spending \$500,000 now or millions later. Mr. Duricek said they dangle these grants but who's to say that in 3-5 years there won't be grant money available. He also said we spent a ton of money on the Buck Rd. overpass and the Buck/Glenwood intersection and who did it benefit- Fed Ex, Toledo, Penta, Owens CC, and the township. He said Penta should have been responsible for the road improvements as the casino assumed responsibility. Don Montague, 106 Rossway said this really involves bus traffic to and from Penta which is in a condensed time period. He said based on 180 school days at 30 minutes a day this amounts to 90 hours a year and thus the cost seems like an awful waste of tax dollars. He also noted there is a fire lane that could be used to alleviate some to the traffic and we could also use a police officer at a cost of \$7200 a year to direct traffic for an hour in the morning and evening or construct a traffic light with universal control to get busses through the intersection. He thinks council should vote no and that Penta is putting the onus on us for something we don't get a benefit for. Bob Densic, 107 Birch Dr. feels this issue is more about federal funding with money the government does not have but is borrowing from our great grandchildren and that we don't need a \$5million roundabout but need to be efficient and effective. Joe Minarcin, 220 Jennings passed out copies of information showing Rossford was instrumental in the creation of

Penta. Ken Szczesniak, 157 Windsor Dr. said this problem was created by Penta and it is unfair to the community of Rossford to ask us to pay for it. As a former police officer he can remember directing traffic at the Buck/Glenwood intersection. He said council should think about this carefully and wonders what the cost will be later on and that maybe in 3-4 years there will be additional avenues of economic solutions to this problem. He feels our local streets need attention and Penta should take care of their own problem. Laurie Pangle-Watrol, 119 Homestead Dr. said in 23 years of being a Rossford resident this is her first time at council. She does not think enough has been done to address the real problem which is just a few minutes a day of students waiting at a stop sign. Meanwhile Rossford residents sit longer waiting for trains. She questioned if we have had a problem with accidents and fatalities at this intersection especially since the flashing stop signs were installed. She noted that the Federal Highway Administration says that roundabouts are effective if you have 20,000 vehicles a day and also questioned the federal funding and whether they can guarantee those funds will not be cut. Her question is whether there is a current traffic problem for Rossford that we need to handle and says the answer is no. Steve Vedra, 170 Hannum Ave. said to put up a traffic light and put an officer out there to run the light at peak times. Mayor Mackinnon said he looks forward to working with the county and township and he is thrilled with both Penta and Ampoint and would be even more so if they were in Rossford. He would like some time to look this over as he has only been mayor for seven days and talk to the involved parties. He doesn't want to undo the good work done on this but he is not comfortable supporting now and would like a delay of four weeks before bringing to a vote.

Mr. Duricek moved and Mr. Staczek seconded the motion to table this ordinance for up to 90 days. Vote on the motion was Staczek, Marquette, Ruse, and Duricek aye; Oberdorf, Eckel, and Scott voted no. Motion carried 4-3.

#2011-58 – AN ORDINANCE TO APPROVE AN ADDENDUM TO THE COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMEN'S BENOVELENT ASSOCIATION (OPBA) PATROL OFFICER'S UNIT AND DECLARING AN EMERGENCY.

Mr. Scott moved and Mr. Duricek seconded the motion to read by title only. All ayes. Motion carried. Mr. Duricek asked who sponsored this ordinance and Mayor Mackinnon said he did. Mr. Duricek said he made some calls today to a couple of attorneys and SERB and that we would be the first city in the state to do something like this. He does not feel this is an agreement we want to do and said he has nothing against Mr. Goss but this is basically a lifetime employment plan for Mr. Goss. The agreement would allow him to accrue union member seniority while serving as chief which SERB has a problem with. The agreement would also allow him to return to the rank and file if no longer chief and an opening is available. He feels it borders on violating ORC 4117 Section 1 but as a charter city we could overstep this if we want. He asked council to read it well and study it well. Mr. Oberdorf asked Mr. Duricek to show him the evidence of what he had said which Mr. Duricek did. Mr. Oberdorf asked Mr. Heban if there was any illegality in this agreement. Mr. Heban said this had been handled by Mr. Murphree from his office who has extensive experience in labor/employment law and that there is some tweaking that still needs to be done to this ordinance and this should be given a first reading only as this will not be the final language of the agreement. He is not aware of any illegality. Mr. Duricek agrees but still thinks that the contract should be reopened in order to do this. Mr. Staczek said he thinks that Mr. Duricek's argument is a bunch of crap and that this ordinance wouldn't be needed if we did not jerk Mr. Goss around by giving him a one year appointment only. As an ex-union representative he thinks this is only to protect Mr. Goss if he is not reappointed in one year. Mr. Duricek said he took the job and he should know the risks. This was given a first reading only.

#2011-59 – AN ORDINANCE AUTHORIZING A CONTRACT WITH THE PUBLIC DEFENDERS COMMISSION OF WOOD COUNTY FOR THE REPRESENTATION OF INDIGENT DEFENDANTS IN "ORDINANCE ONLY" CASES FILED BY THE CITY OF ROSSFORD; AND DECLARING AN EMERGENCY.

Mr. Oberdorf moved and Mr. Eckel seconded the motion to read by title only. All ayes. Motion carried. Mr. Heban said this can go multiple readings and that all Wood County municipalities have received this. This applies only when Rossford police officers cite under the municipal code and it is estimated that this would cost the city about \$1,000 a year. If anyone on council has questions contact his office and he will put them in contact with Mrs. Purpura from his office. This was given a first reading only.

#2011-60 – AN ORDINANCE AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2011 STREET LIGHTING AND SIGNAL IMPROVEMENTS PROJECT UNDER THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM OF THE AMERICAN RECOVERY & REINVESTMENT ACT; AND DECLARING AN EMERGENCY.

Mr. Scott moved and Mr. Duricek seconded the motion to read by title only. All ayes. Motion carried. Mr. Ciecka said this involves Street Lighting Phase II which will place LED lights and 9-11 new poles from Bacon St. to the library. He said the low bidder on the project is currently working on Phase I and after asking for a work schedule from them and the next lowest bidder he was recommending the second lowest bid based on recommendations from other cities and our current experience with the contractor on Phase I. Mr. Scott asked if we will manage this project and was told yes by Mr. Ciecka who said this will also include new traffic signals with LED. Mr. Scott asked if he

knew what the problem was with getting Phase I completed and Mr. Ciecka no. Mr. Ruse asked if the light poles will be the same design as Phase I and was told yes except that the lights will be LED. Mrs. Eckel moved and Mr. Oberdorf seconded the motion to suspend with the second and third readings. Audience comments were requested and Joe Minarcin, 220 Jennings Rd. asked why not the same lights as Phase I and Mr. Ciecka said the second grant requires energy efficient lighting and that the LED lights were not available at the time Phase I was bid. Bob Densic, 107 Birch said that LED lights are supposed to last ten years but are only lasting tow. Mr. Ruse said that his experience in Findlay causes him to strongly support LED traffic signals as the technology has improved, they do last, and the payback is about three years. Vote on the motion all ayes. Motion carried. Mrs. Eckel moved and Mr. Oberdorf seconded the motion to adopt. All ayes. Motion carried.

COUNCIL REMARKS

Mr. Marquette thinks it was a great idea on Mayor Mackinnon's part to have the department heads present at the council meeting.

Mr. Oberdorf said he thought Mayor Mackinnon had done a nice job for his first regular council meeting. He asked if council wanted to suspend with the December 26th regular council meeting and the January committee of the whole meeting.

Mr. Scott moved and Mrs. Eckel seconded the motion to suspend with the December 26th regular council meeting. All ayes. Motion carried.

Mrs. Eckel moved and Mr. Duricek seconded the motion to suspend with the January committee of the whole meeting. All ayes. Motion carried.

Mr. Staczek thanked the choir that participated in the Christmas tree lighting program and admitted it is different being on council than being in the audience.

Mr. Scott said the RCVB had met today and a recap of 2011 will be presented in January. New officers were elected and he will continue as chairman with John Rust being vice-chairman. He will also be scheduling an Economic Development and Planning committee and a TARTA committee meeting.

Mr. Ruse complimented Mayor Mackinnon for doing a good job tonight and noted he does have a lot to say regarding the Buck Rd. /Lime City Rd. project but the Mayor had missed him and he will reserve his comments until it comes back to the table. Mayor Mackinnon apologized for missing him.

Mayor Mackinnon thanked the department heads for being here tonight and feels it is a better way to communicate.

AUDIENCE REMARKS

Joe Minarcin, 220 Jennings Rd. said he loved hearing the interaction of council and felt they did a great job today. He appreciates the hard work on the roundabout and the transparency of council.

Ken Szczesniak, 157 Windsor Dr. wished everyone a great New Year and said the packed audience tonight is what community is about even when we don't agree on everything.

Rick Ruffner introduced himself as a candidate for Wood County Commissioner and described himself as a conservative Republican.

Jeff Appelhans, 177 Hannum Ave. asked who initiated Ordinance #2011-_58 and Mayor Mackinnon responded that he did.

Bob Densic, 107 Birch Dr. welcomed Mr. Staczek, said he is glad to see Mayor Mackinnon up there and thanked Mr. Ruse for everything he has done in serving previously on the Planning Commission. He noted he Ageless Child Christmas display at his home which has over 66,000 lights matched to music and asked for donations in the box designated for the Cedar Creek Beyond Our Walls campaign.

Mr. Scott moved and Mr. Oberdorf seconded the motion to go into executive session for purpose of discussion of contract negotiations with police and fire and purchase of property. All ayes. Motion carried.

Mr. Scott moved and Mr. Duricek seconded the motion to return to regular session. All ayes. Motion carried.

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

William Verbosky Jr.
Mayor

Robert P. Watrol
Clerk of Council

