

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION JANUARY 20, 2009 COUNCIL CHAMBERS

PRESENT: Collette, Monday, Schedel, Seng, J. Slough, M. Slough
Van Dyne, Ward

ABSENT: Urbanski

MINUTES: Mr. J. Slough moved to accept the minutes, as circulated, of the January 6, 2009, Council meeting. Mr. Ward seconded the motion. Motion carried. Filed.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT PRAYER

ADD-ONS: Mr. Ward moved, seconded by Mr. J. Slough, to add the following communications to the agenda: 1. Letter from Superintendent of Schools Dr. Dean Wittwer. There were three replacement ordinances.

WRITTEN COMMUNICATIONS:

Pat McCauley, Government Affairs, Time Warner Cable – Updates

Developments affecting Time Warner Cable subscribers in our community. Not read into minutes – FYI - Rules and Procedures of Council. Filed.

Steve Knox – Crossing Guards

Funding for above.

Not read into minutes. FYI – Rules and Procedures of Council. Filed.

Dr. Dean Wittwer, Superintendent of Schools – Selling Washington intermediate School

State statute requires a Board of Education, when deciding to dispose of real property by sale at public auction or private sale or by exchanging real property, follow some specific steps. The Board is required to offer the property to a start-up community school. That has been done and they are not interested. The next requirement is to attempt to sell to one of the public entities referred to in ORC 3313.41 or by an exchange of property. If there is no interest by these parties, the Board of Education may sell the property at public auction. This letter offers the City the opportunity to discuss the property. If there is any interest, please declare in writing by February 20. Mr. Collette stated that this letter was sent to Council to meet statute requirements. Filed.

ORAL COMMUNICATIONS:

None.

PETITIONS:

None.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

Mayor Pete Sehnert – Franchise Agreement – OHIO POWER COMPANY

The franchise agreement with Ohio Power Company expires March 2009. Mayor Sehnert requests legislation to renew the franchise agreement. Filed.

Chief of Police William H. Spraw – Record Check

A check of the records shows no current criminal record on the following: David A. Crawford - Nita J. Crawford - Steven R. Siferd - Jonna M. Siferd, Crawford & Siferd LLC, dba The Rocking U Restaurant & Sports Bar, 1st floor, 318-322 West Main Cross Street, Findlay. This is in regards to a D1, D2, D3 Liquor Permit. Mr. J. Slough moved to file no objection, seconded by Mr. Van Dyne. Motion carried. Nays: Monday, Ward. Filed.

Chief of Police William H. Spraw – December Report

Findlay Police Department Activities Report – December 2008. Filed.

City Auditor Robert Cole Sprague – RLF Appropriation

Hancock Regional Planning Commission submitted an invoice for their expenses/staff time for RLF administration for November and December 2008. Legislation to authorize a draw from the Revolving Loan Fund Account and appropriate \$1,484.19 from RLF to General Expense #21010000-449400 is requested to pay the invoice. Mr. Ward asked for verification on two items:

1. First section, Page 4, November 6, 2008 – 1 hour - Finished Brochure
2. Page 3, November 6, 2008 – RLF – 2 hours – Completed the brochure and took to printer.

Mr. Hardy will review these items and report to Council. Filed.

Chief Engineer Brian Hurt – HAN-568-0.52, PID 84148, Preliminary Consent Legislation

ODOT has scheduled the above-referenced project for construction in the Fall 2009. Both sides of the Sandusky Street bridge over Eagle Creek will be reconstructed due to severe deterioration of the sidewalks on the bridge. Preliminary legislation is on the agenda for Council's approval. Filed.

City Planning Commission Minutes – December 11, 2008. Filed.

COMMITTEE REPORTS:

PLANNING/ZONING COMMITTEE to whom was referred a request from Travis Starr, 414 Third Street, to vacate the south portion of the N-S alley abutting 414 Third Street, 1119 Washington Avenue, 1123 Washington Avenue, and 1125 Washington Avenue from the Columbia Gas house to 3rd Street. City Planning Commission denied the request on December 11, 2008.

We recommend approval of the alley vacation subject to recording of sewer lateral easement on south portion. Mr. J. Slough moved to accept the committee report, seconded by Mr. Collette. Motion carried. Filed.

PLANNING/ZONING COMMITTEE to whom was referred a request to vacate the east-west alley between Edith Avenue and Lester Avenue. The proposed alley vacation would begin at the first alley west of North Main Street to continue to the west side of 231 Edith Avenue. It would be in the best of interest of the City to vacate this alley and split the property between adjoining property owners. We recommend the approval of the alley vacation and split the property between adjoining property owners. Mr. Collette moved to accept the committee report, seconded by Mr. Ward. Motion carried. Filed.

PLANNING/ZONING COMMITTEE to whom was referred a request to discuss the Zoning Permits and Inspection Fees as submitted by Safety Director Jim Barker at the January 6, 2009, Council meeting. This request was tabled by the City Planning Commission on January 8, 2009. We recommend this be tabled for more information. Mr. J. Slough moved to accept the committee report, seconded by Mr. Collette. Motion carried. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from Kristen Johnson, President, Hancock County Center for Safe and Healthy Children for funding needed for the Center in 2009. A letter on behalf of the Board of Directors for the Center was submitted prior to the Appropriations Committee meeting thanking the committee for allowing them speaking time at the meeting and consideration of their request for funding. They are withdrawing their request at this time as they have secured funding for their rent from the Match Day event through the Community Foundation. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from Chief Spraw to discuss the following appropriation request:

From: Open Arms Grant/Brian's Project	\$10,745	
To: Brian's Project Account		\$10,745
No. 31985600-Other		

We recommend appropriation and transfer of the above-requested funds. Mr. Ward moved to accept the committee report, seconded by Mr. J. Slough. Motion carried. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from Mayor Sehnert to refer to the committee the proposed incentives of Cooper Job Creation and Job Retention Tax Credits for approval. We recommend approval of the tax credits requested above for the next three years. Mr. J. Slough moved to accept the committee report, seconded by Mr. Ward. Motion carried. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from Service Director Bruce Hardy to approve the proposed abatement of water and sewer charges for Cooper Tire & Rubber Company for the next three years. We recommend approval of the above request for abatement of water and sewer. Mr. Ward moved to accept the committee report, seconded by Mr. J. Slough. Motion carried. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from Chief Engineer Brian Hurt to review the proposed 2009 Capital Improvements Plan. We recommend approval of the attached Capital Improvement Plan for 2009 and appropriation as requested along with the authorization to bid and contract as attached. Mr. J. Slough moved to accept the committee report, seconded by Mr. Ward. Motion carried. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request for a Resolution of Transfer for the purchase of influent grinder pumps #3 and #4 for the Bright Road Pumping Station.

From: Water Pollution Control Equipment Fun	\$45,000	
Saratoga Impact Fee Account	\$45,000	
To: Water Pollution Control		\$90,000

We recommend the above requested transfer for the request. Mr. Ward moved to accept the committee report, seconded by Mr. J. Slough. Motion carried. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from Chief Thomas R. Lonyo to appropriate \$334,900 for a mobile two-story propane-fueled fire simulator.

To: FY-08 FEMA AFG Grant Program	\$343,910	
From: Department of Homeland Security		\$301,410
Findlay Fire Department Grant		\$ 42,500

We recommend appropriation of the above request. Mr. J. Slough moved to accept the committee report, seconded by Mr. Ward. Motion carried. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from Jim Slough to investigate the crossing guard issue and present the findings to City Council. Safety Director Jim Barker submitted the attached letter outlining the cost factors to fund the three crossing guards for Lincoln School through the balance of the 2009 school year. We recommend funding of four crossing guards for the remainder of the 08-09 school year, ending May 28, 2009, and the school may use the guards where they deem the necessity to be. Negotiation for the funding for the 2009-2010 year will take place over the summer. Mr. J. Slough moved to accept the committee report, seconded by Mr. M. Slough. Motion carried. Filed.

J. Slough, M. Slough, VanDyne, Ward, Collette, Monday, Schedel, Seng. The Ordinance received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. M. Slough. Ayes: M. Slough, VanDyne, Ward, Collette, Monday, Schedel, Seng, J. Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-8, and is hereby made a part of the record.

ORDINANCE NO. 2009-9

First reading

Adopted

AN ORDINANCE COOPERATING WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION PROJECT OF THE EXISTING SIDEWALKS ON STATE ROUTE 568 BRIDGE OVER EAGLE CREEK BY REMOVING AND REPLACING BOTH SIDES OF THE DECK ALONG SAID BRIDGE WITH SUPPORTED SIDEWALKS BEING REMOVED AND REPLACED, AND DECLARING AN EMERGENCY.

Mr. Collette moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. J. Slough seconded the motion. Ayes: VanDyne, Ward, Collette, Monday, Schedel, Seng, J. Slough, M. Slough. The Ordinance received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. J. Slough. Ayes: Ward, Collette, Monday, Schedel, Seng, J. Slough, M. Slough, VanDyne. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-9, and is hereby made a part of the record.

ORDINANCE NO. 2009-10

First reading

Adopted

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS, WHERE REQUIRED, AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE PURCHASE OR LEASE OF EQUIPMENT FOR THE VARIOUS CITY DEPARTMENTS IN ACCORDANCE WITH THE 2009 DEPARTMENT EQUIPMENT LIST, WHICH IS INCORPORATED HEREIN BY REFERENCE AS EXHIBIT A, AND FOR CONSTRUCTION OF VARIOUS PROJECTS, APPROPRIATING FUNDS FOR SAID EQUIPMENT AND OTHER CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

Mr. Ward moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. J. Slough seconded the motion. Ayes: Collette, Monday, Schedel, Seng, J. Slough, M. Slough, VanDyne, Ward. The Ordinance received the second and third reading. Mr. Ward moved to adopt the Ordinance, seconded by Mr. J. Slough. Ayes: Monday, Schedel, Seng, J. Slough, M. Slough, VanDyne, Ward, Collette. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-10, and is hereby made a part of the record.

ORDINANCE NO. 2009-11

First reading

AN ORDINANCE VACATING A CERTAIN ALLEY IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2009-12

First reading

AN ORDINANCE AMENDING CHAPTERS 925.06 AND 925.07 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2009-13

First reading

AN ORDINANCE GRANTING TO OHIO POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES, AND PUBLIC PLACES OF THE CITY OF FINDLAY, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE (TRANSMISSION AND) DISTRIBUTION OF ELECTRIC ENERGY TO THE CITY OF FINDLAY AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES, AND FOR THE TRANSMISSION (AND DISTRIBUTION) OF THE SAME WITHIN, THROUGH, OR ACROSS SAID CITY OF FINDLAY, STATE OF OHIO.

UNFINISHED BUSINESS:

Mr. VanDyne: The Blanchard Watershed Conservancy District Meeting is scheduled for January 29, 2009, at 6:30 PM at the Corey Rawson High School.

Mr. Collette: Inquired about an article in the Courier regarding a Federal law suit. Constituents ask how we pay for attorney fees when we cannot have crossing guards. Mr. Hackenberg stated that it is still pending.

Mr. M. Slough: City workers did a good job with the streets. What are the rules to cars parking on Main Street during snow times when they need to be removed for plowing? Do we have snow emergencies? Mr. Hackenberg stated we cannot enforce it until we post it. It is in the Code. We have the ordinance—parked over twenty-four hours, we can tow it. Mr. Ward asked the Administration to look into the cost of posting the streets that we have designated as snow emergencies. Mr. Hardy will check on the cost.

Mr. Monday: **WATER AND SEWER COMMITTEE MEETING – JANUARY 29, 2009, AT 4:15 PM – THIRD FLOOR CONFERENCE ROOM.**

Agenda: 1. Water & Sewer Funds 2. W/S extension – Hoy property

Mr. J. Slough moved to excuse the absence of Mr. Urbanski. Mr. Collette seconded the motion. Motion carried.

President Schuck adjourned the Council meeting at 8:06 PM.

CLERK OF COUNCIL
Martha Stelzer

PRESIDENT OF COUNCIL
Robert E. Schuck