

## FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION    APRIL 07, 2009    COUNCIL CHAMBERS**

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

**MINUTES:** Mr. Ward moved to accept the minutes, as circulated, of the March 17, 2009, Council meeting. Mr. J. Slough seconded the motion. Motion carried. Filed.

**ADD TO AGENDA:** Mr. Ward moved to add a letter from Mayor Sehnert regarding the Blanchard Valley Port Authority. Mr. J. Slough seconded the motion. Motion carried. Filed.

### **WRITTEN COMMUNICATIONS:**

#### **Dale Brougher, Board President, Habitat for Humanity Findlay/Hancock County**

Requests that Council waive a total of \$6,000 in fees for 2009 for Habitat for Humanity. This includes sidewalk permit fees and water and sewer tap fees in the estimated amount of \$6,000 (\$1,500 per house) within the 1800 block of Payne Avenue in the West Park Community. Referred to the Appropriations Committee. Filed.

#### **Tom Heimann – Request for Exemption of Storm Water Assessment of \$20.00/Month**

Mr. Heimann's property maintains its own storm water drains and does not use the City system. Their drains empty into the ditch running through the property and into the river. They maintain the ditch and use only one unit of water per month, which is one-tenth of residential users. The last water bill was \$98.15. \$40.00 of this is storm water assessment. Mr. Heimann requests to be exempted from this assessment. Referred to the Water and Sewer Committee and Administration. Filed.

### **ORAL COMMUNICATIONS:**

#### **Tom Heimann, 6719 TR 212 – Storm Water Assessment**

Mr. Collette asked if the City can do storm water fees on a sliding scale based on what is used. Brian Hurt stated they have been working on this and modified the scale for \$2.00 per parcel, fees based on different uses of property and size of property. "We need to look at the storm water fees just as that", he said. "We (City) are going to be accountable for the storm water". Mr. Collette asked if there is any appeal process for small business. Brian Hurt stated we could do equivalent residential units; there is going to be unfairness somewhere. Mr. Ward said we have regulations from EPA and

may be treating all storm water in the future, and treating the storm water in the future will be a big step for the City.

**Rod Warnimont, 2210 Brookside Drive – Storm Water Assessment Fee**

Mr. Warnimont's business address is 600 Olive Street and contains 20 acres. He pays \$100 in storm assessment fees. He does not receive police or fire protection. He stated that no one is addressing flooding along Lye Creek. His business contains four parcels and uses one. "You need an appeals process", he said. Mr. Monday, Chairman of Water and Sewer Committee, asked Mr. Warnimont to send Council a letter stating his concerns. He will call a committee meeting and invite Mr. Heimann and Mr. Warnimont after he has had time to meet with the Administration to discuss storm water fees. Referred to the Water and Sewer Committee and Administration. Filed.

**Dole Brougher, 818 Abbey Lane – Fees – Habitat Houses**

Mr. Brougher addressed Council asking that they look at this as an investment in Findlay's tax base. They are building four houses this year. Filed.

**PETITIONS:**

None.

**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:**

**City Auditor Robert Sprague – Retro-pay for Back Wages for New Fire Contract**

The retro-pay for back wages for the new fire contract was paid earlier this year and covered back wages over the period January through December 2008. The retro-pay was paid out of the normal salary object codes from the 2009 Fire Department operating budget. If no appropriation is made for the retro-pay, the Fire department salary line items will be short the amount of the retro-pay by the end of the year. \$200,000 is reserved off the General Fund balance at the beginning of this year in anticipation of the retro-pay. The auditor requests that the Appropriations Committee consider the following appropriation:

From: General Fund	\$223,087.85	
To: Fire Department – Personal Services		\$223,087.85

Referred to the Appropriations Committee. Filed.

**Mayor Sehnert – Chapter 351 - Parking**

The Parking Authority met regarding changes to Chapter 351 relating to parking violations, parking limit change on Broadway, and City-owned parking lot lease fee structure. It is requested that Chapter 315.20 Downtown Business District Zone A Parking; Fines, be repealed and Chapter 315.19 be amended, making the parking violation fine structure the same throughout the City. Mayor Sehnert requests legislation incorporating the changes to the Ordinance to be effective June 1, 2009, and declaring an emergency.

Suspension of the rules is not necessary. Mr. J. Slough asked what kind of input came from the downtown property owners. Mayor Sehnert stated that everybody on the Parking Authority Committee was in agreement. Reason for some of the changes—software problem. The process starts over each day. It is not carried over. The Downtown Business Association is trying to make the business owners responsible for their parking spots. Mr. M. Slough asked about signage for “No Parking – Snow Removal”. The City has an ordinance, but it has never been posted. Filed.

**Chief of Police William Spraw – Request for legislation**

Due to reduced budgeted amounts in the Dispatch overtime and call-in line items, Chief Spraw requests the following be appropriated:

From: Police Dispatch	\$20,184.00
Fund No. 21015000-331300	
To: Police Dispatch	
Fund No. 21015000-111101	\$15,184.00
Police Dispatch	
Fund No. 21015000-111102	5,000.00

The funds being appropriated are from funds budgeted for E911 maintenance fees that will not be needed due to them being paid from E911 wireless funds. Referred to the Appropriations Committee. Filed.

**Stephen Mills D.O. Health Commissioner – Project #31992400 MRC (Medical Reserve Corps) Grant**

The Findlay City Health Department has received a grant award from the National Association of City and County Health Organizations for \$10,000. This grant award will enable the Findlay City Health Department to develop an official Medical Reserve Corps in Hancock County. The MRC is a nationally recognized program under the leadership of the Surgeon General and is dedicated to establishing teams of local expertise during times of community need. This grant will be used to recruit, train and maintain a database of medical volunteers who can be called upon to respond to emergency situations in Findlay and Hancock County. Dr. Mills asks for emergency legislation to appropriate this grant money to the project. Filed.

**Chief Engineer Brian Hurt – Traffic Lights Equipment**

There is a need for equipment utilized for testing and analyzing traffic signalization controls by the Traffic Lights Department. In order to avoid affecting the Capital Improvements Fund balance, the funds could be transferred from a previously appropriated balance available in the US 224 Safety Study Project and an appropriation from the SCM&R Highways Fund. The Chief Engineer asks that the following transfer and appropriation request be referred to the Appropriations Committee:

From: US 224 Safety Study	
Project No. 32870600	\$4,800
SCM&R-Highways	\$5,000
To: Traffic Lights	
#22043200-5513	\$9,800

Referred to the Appropriations Committee. Filed.

**Chief Engineer Hurt – Manhole Repair on Country Creek Drive, Project No. 35692500**

During a recent routine inspection, a sanitary sewer manhole located at the above address was found to have a significant amount of ground water leaking into it. Repairs need to be made to the manhole. The project qualifies for funding from tap permit fees, which are collected and deposited for maintenance purposes.

From: Southeast Interceptor Impact Fees	\$20,000	
Country Creek Dr. Manhole Repair		\$20,000
Project No. 35692500		

Referred to the Appropriations Committee. Filed.

**Chief Engineer Hurt – Fire Station #1 Drive Approach Replacement – Project No. 319909**

The above-referenced project is included in the 2009 Capital Improvements Plan. The Public Works personnel are ready to begin the project. Legislation is requested to appropriate the funds as follows:

From: Cap. Imp. – CIT	\$50,000	
To: Fire Station #1 Drive Approach		\$50,000
Replacement, project No. 319909		

Filed.

**Scott Shellhammer, Superintendent, Water Treatment Plant**

The Findlay Water Department would like to purchase a new zero-turn radium lawnmower for use at the reservoirs. This mower will replace a similar mower purchased in 2002. It is in need of major repairs. The funding for the mower is not currently included in the 2009 Capital Improvements Plan. Mr. Shellhammer requests that the following appropriation request be referred to the Appropriations Committee:

From: Water Fund	\$10,000	
To: Supply Reservoir		\$10,000
#25073000-551300		

Referred to the Appropriations Committee. Filed.

**Lydia Mihalik, Grant Administrator – Edward Byrne Memorial Justice Assistance Grant Program**

The City of Findlay is eligible to apply for a grant to receive \$55,776 from the above grant program to improve criminal justice-related equipment. There is no match requirement. The Police Department is in need of new radio equipment. The existing communications system is no longer being supported. The grant will cover the cost of 17 portable radios and accessories. The manufacturer is Motorola. Each radio is approximately \$2,900. The remaining funds will be used to administer this program, which is funded by the Recovery Act, thus requiring more administration. Several requirements must be satisfied to submit the application:

1. Request the Director of Law to prepare legislation authorizing the City of Findlay to apply for the Byrne Memorial Justice Assistance Grant in the sum of \$55,776.
2. Pass a resolution of support for the plan to spend the grant as stated in this memorandum.
3. Designate Hancock Regional Planning commission as the applicant entity and administrator of the JAG Grant.

**Service Director Bruce Hardy – Sewer Use Ordinance – Ordinance No. 2009-41**

Chapter 925 of the Codified Ordinances of the City of Findlay pertains to Sewer Use. As part of our NPDES permit renewal requirements, the OEPA required that we incorporate into our Sewer Use Ordinance a set of Pretreatment Streamlining Rule Changes. They have approved the proposed changes to the Ordinance. These changes center around the addition of four new definitions, limitations on wastewater strength, accidental discharges by significant industrial users, and the appropriate administration and enforcement changes that relate to these new policies. Filed.

Findlay City Board of Health Minutes – December 17, 2009. Filed.  
Findlay City Board of Health Minutes – January 21, 2009. Filed.  
Findlay City Board of Health Minutes – February 28, 2009. Filed.

City Income Tax Monthly Collection Report to Findlay Council – March 2009. Filed.

N.E.A.T. Departmental Activity Report – March 2009. Filed.

Summary Of Year-to-Date Information - March 31, 2009  
Investments At March 31, 2009. Filed.

City of Findlay Debt Issues Outstanding at 12/31/2008. Filed.

Hancock Regional Planning Commission Agenda – March 18, 2009.  
Hancock Regional Planning Commission Minutes – February 18, 2009. Filed.

**Mayor Sehnert – Blanchard Valley Port Authority**

A request has been made by Jerry Arkebauer, Blanchard Valley Port Authority, to enter into a Cooperative Agreement with them for bond financing services. Mayor Sehnert requests that a copy of said agreement be referred to the Appropriations Committee. Referred to the Appropriations Committee. Filed.

**COMMITTEE REPORTS:**

None.

**LEGISLATION:**

**RESOLUTIONS:**

RESOLUTION NO. 20-2009

First reading

Adopted

A RESOLUTION AUTHORIZING THE CITY OF FINDLAY TO APPLY FOR FUNDS FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM TO IMPROVE CRIMINAL JUSTICE-RELATED EQUIPMENT.

Mr. J. Slough moved to adopt the Resolution, seconded by Mr. Ward.  
Ayes: Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 20-2009, and is hereby made a part of the record.

**ORDINANCES:**

ORDINANCE NO. 2009-31

Second reading

AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF MARION, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE NW ¼ OF SECTION 4, T1N, R11E, A TRACT OF LAND CONTAINING 49.086 ACRES OF LAND, MORE OR LESS AND FURTHER DESCRIBED HEREIN, AND TO PETITION THE COUNTY COMMISSIONERS TO ALTER THE BOUNDARIES IN ACCORDANCE WITH SECTION 503.07.

Second reading of the Ordinance.

ORDINANCE NO. 2009-38

Second reading

AN ORDINANCE AUTHORIZING A MASTER LEASE-PURCHASE AND SUBLEASE-PURCHASE AGREEMENT WITH FIFTH THIRD BANK AND BLANCHARD VALLEY REGIONAL HEALTH CENTER FOR THE FINANCING OF THE CONSTRUCTION, EQUIPPING, IMPROVING, INSTALLING ADDITIONAL HOSPITAL FACILITIES; AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX REGULATORY AGREEMENT; AUTHORIZING OTHER DOCUMENTS IN CONNECTION WITH SUCH TRANSACTION; AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2009-39

First reading

Adopted

AN ORDINANCE GRANTING THE ADMINISTRATION THE AUTHORITY TO WAIVE ALL FEES FOR FLOOD DEVELOPMENT PERMIT REQUESTS, WHICH COME AS A RESULT OF A MAJOR FLOOD, AND DECLARING AN EMERGENCY.

Mr. Collette moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. Ward seconded the motion. Ayes: Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette. The Ordinance received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. Van Dyne. Ayes: Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-39, and is hereby made a part of the record.

ORDINANCE NO. 2009-40

First reading

Adopted

AN ORDINANCE APPROPRIATING FUNDS 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: Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Schedel. The Ordinance received the second and third reading. Mr. J. Slough moved to adopt the Ordinance, seconded by Mr. Ward. Ayes: J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Schedel, Seng. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, page 2009-40, and is hereby made a part of the record.

ORDINANCE NO. 2009-41

First reading

AN ORDINANCE AMENDING SECTIONS 925.02, 925.07, 925.08, 925.09, AND 925.10 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2009-42

First reading

AN ORDINANCE AMENDING SECTION 351.19 (c), (d), (e) and (g) OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

## **UNFINISHED BUSINESS:**

Mr. Van Dyne: Regarding a potential meeting with Ottawa City Council to discuss flood mitigation, a time will probably be set next week.

Mr. M. Slough: Asked the status of the East Melrose project. Chief Engineer Hurt stated it is at ODOT for final approval. He hopes to have a contractor on site some time in June. The work will take place from June to November. One lane will be open, one way between Melrose and Crystal except at the railroad which will be shut down. The dip will be graded back.

Mr. Van Dyne: I distributed a flyer for "Creating a Green Network". They have scheduled a meeting for Tuesday, April 14 from 7:00 – 8:30 pm in the Davis Building Room 102, 300 Davis Street. It is co-sponsored by the Blanchard Valley Green Coalition and Findlay Green Campus Initiative.

Mr. J. Slough: Will there be a commendation resolution for the Findlay Oilers? Mr. Hackenberg stated there will be a resolution at the April 21 meeting. Mayor Sehnert congratulated the Oilers and said an Open House will be conducted at 6:30 PM on Thursday, April 16 at the University in the Croy Gymnasium. There will be an opportunity for autographs.

Mr. Ward: **APPROPRIATIONS COMMITTEE MEETING – APRIL 14 – 4:30 PM – THIRD FLOOR CONFERENCE ROOM.** Jim Slough will be running the meeting. Please give any additional requests to him.

Mr. J. Slough: **PLANNING & ZONING COMMITTEE MEETING – APRIL 16 – 4:00 PM – COUNCIL OFFICE.** Agenda: 1. BVHS Annexation Zoning Request 2. Schulman Invision Inc. Annexation Zoning Request 3. Lutheran Church Rezoning Request 4. Eastern Woods Rezoning Request.

Mr. Barker: City Auction – May 2 – 11:00 AM – Cube.  
Wednesday, April 8, 10:00 AM – Findlay's Ladder 1 Aerial Fire Truck will be posted on GovDeal.

Mr. Ward: Requested an update on the opening of the Justice Rehabilitation Center. Mr. Barker stated the drawings are with Rooney, Clinger and Murray. After the appropriate permits are secured, there will be ten days of work.

Mr. Ward: Moved to adjourn Council into Executive Session regarding property acquisition at 8:35 PM. Mr. J. Slough seconded the motion. Ayes: Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward. Mr. Ward moved to reconvene Council into Regular Session, seconded by Mr. J. Slough at 9:40 PM. Ayes: Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward.  
Council reconvened into Regular Session and adjourned at 9:40 PM.

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CLERK OF COUNCIL  
Martha Stelzer

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PRESIDENT OF COUNCIL  
Robert E. Schuck