

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION MAY 05, 2009 COUNCIL CHAMBERS

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

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT PRAYER

MINUTES: Mr. J. Slough moved to accept the April 21, 2009, Council minutes, as circulated. Mr. Ward seconded the motion. Motion carried. Filed.

Mr. Ward moved to adjourn into Executive Session regarding personnel and benefits. Mr. J. Slough seconded the motion. Ayes: Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette. Council adjourned into Executive Session at 7:32 PM. Council reconvened into Regular Session at 8:08 PM upon motion from Mr. Ward, seconded by Mr. J. Slough. Ayes: Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday.

ADD ONS: Mr. Ward moved to add the following items to the agenda: Mr. J. Slough seconded the motion.

1. Record check – Wine Merchant LLC
2. Service Director's letter – WPC Vehicle
3. Findlay Police Department Activities Report
4. City Auditor's letter regarding RLFA

Motion carried.

WRITTEN COMMUNICATIONS:

Phil Cook, 1015 Fishlock Avenue, Findlay – Sidewalk Variance

Owner of 400 E. Hobart Avenue and 203 Park Street. Mr. Cook also has a sidewalk permit #10699. There are no sidewalks on Park Street or E. Hobart Avenue at this location. He agrees that sidewalks should be put at this address when the other sidewalks go along these streets. Until that time he requests a variance. Referred to the Streets and Sidewalks Committee. Filed.

Jennifer A. Frommer, Vice President – W. E. Stilson Consulting Group 355 Campus View Blvd., Columbus, OH 43235

Pilot Travel Center, LLC, owns and operates the facility at the southwest corner of the I-75 /State Route 613 interchange. The facility does not have access to public water or sanitary sewer facilities. Pilot Travel Center requests your approval to extend Village of Van Buren water and sewer lines

from the east side of I-75 to its facility. Referred to the Water and Sewer Committee. Filed.

Barbara Deerwester, Findlay-Hancock County National Day of Prayer Committee

Letter was not read per Rules of Council.

Brian Young, Government Affairs, Time Warner Cable– Developments Affecting Time Warner Cable Subscribers in Findlay Area

Letter was not read per Rules of Council.

Richard E. Marra, D.C. and John R. Coleman, D.C. – Objection to Downtown Business District

Letter was not read per Rules of Council.

ORAL COMMUNICATIONS:

Douglas McCracken, 19001 State Route 613, Bloomdale – Downtown Findlay Improvement District

Mr. McCracken cited his expenses as a property owner for the update and rehabilitation work after the flood of his properties in the 100 block of Main Street and the upkeep of his parking lots. His assessment is \$1,620.94 a year, and he cannot handle that expense at this time. He asked that the Downtown Association readdress this issue in the future when the economy has improved. Filed.

PETITIONS:

None.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

Mayor Sehnert – District 13 Integrating Committee Appointment

Brian Hurt, Chief Engineer for the City of Findlay was reappointed to the District 13 Integrating Committee by Mayor Sehnert. Mr. Hurt's term will expire on April 30, 2012. This appointment does not require Council's confirmation. Filed.

Mayor Sehnert – Acting City Treasurer

Pursuant to ORC Section 733.31(G), Mayor Sehnert appointed Jim Staschiak II as an acting officer to perform the duties of City Treasurer effective May 1, 2009. This appointment is until such time as the person appointed by the Central Committee qualifies and takes the office. Filed.

Chief of Police William Spraw – Open Arms Grant/Brian's Project

Open Arms Domestic Violence and Rape Crisis Services Agency received grant funds to implement Brian's Project in Hancock County/City of Findlay. A portion of the funds are available to reimburse the Police Department for

overtime paid to officers investigating internet sexual predators. The City has been given a check for \$10,745 from Open Arms to be used over the next three years of the grant period, and these funds are already appropriated. The Police Department has received the remainder of the funds (\$6,108.00).

Chief Spraw requests the following amount be appropriated:

From: Open Arms Grant/Brian's Project	\$6,108.00	
To: Brian's Project Account		\$6,108.00
31985600-Other		

Referred to the Appropriations Committee. Filed.

Chief Thomas R. Lonyo – Captain Robin Cooper Retirement Settlement

Captain Cooper retired from the Findlay Fire Department effective April 4, 2009. His retirement settlement was not included in the 2009 budget. The department only budgets retirement settlements for members who have provided an actual date of retirement, and since no actual date was provided to the Department at budget time, Captain Cooper's wages and benefits were budgeted for the entire year. \$29,701.82 needs to be transferred to the Fire Department line item number 111103. Referred to the Appropriations Committee. Filed.

Chief Engineer Hurt – Sewer Rotary Fund Reimbursements

Sewer rotary fees for 15271 US 224 East have been received. The City is required to reimburse the developer or individual (Acadia Point Development) who extended the sewer main to which the aforementioned use will be connecting. The following appropriation is needed to enable the refund process:

From: Sewer Rotary Fund	\$4,316.66	
To: Sewer Refund Account		\$4,316.66
(25061000-448600)		

The Director is requested to prepare the necessary legislation. Filed.

Chief Engineer Hurt – 2009 Resurfacing Program

Bids were received from Bluffton Paving and The Shelly Company for the above referenced project on April 21, 2009. The Director of Law is requested to prepare legislation to appropriate the following:

From: CIT-Cap. Imp. Fund	\$410,000	
To: 2009 Resurfacing Program		\$410,000
Project No. 32890100		

Filed.

Lydia L. Mihalik, Grant Administrator – Hazard Mitigation Grant Program, Additional Applications

A grant agreement with the Ohio Emergency Management Agency and FEMA regarding the Hazard Mitigation Grant Program – Additional Applications has been signed by the City of Findlay. It is requested that City Council consider several matters regarding this grant:

1. Adopt legislation designating Lydia Mihalik, Grant Administrator
2. Request a Committee of the Whole to discuss future property maintenance plans for the 40 plus lots and future acquisition plans
3. City Director of Law draft legislation to appropriate the necessary funds to carry out the Hazard Mitigation Grant Program

Referred for legislation. Filed.

Hancock Regional Planning Commission Agenda – April 15, 2009.

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

Treasurer's Reconciliation – March 31, 2009. Filed.

NEAT Departmental Activity Report – April 2009. Filed.

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

Chief of Police Spraw – Record Check – Wine Merchant LLC

A check of the records shows no criminal record on the following:

Daniel Matheny Douglas Huffman Roger Berger

This is in regards to a D2, D2X, D3, D3A liquor permit. Mr. J. Slough moved to file no objection, seconded by Mr. Van Dyne. Motion carried.

Nays: Ward, Monday. Filed.

Service Director Hardy – Water Pollution Control Center Vehicle Request

The WPCC has a 1988 GMC Brigadier tractor, which was converted into a tandem dump truck in the 1990's for hauling biosolids to the Hancock County landfill. The tailgate is not functioning, the chassis frame is in very poor shape, making it unsafe to operate in its present condition, and it does not make sense to pour money into this vehicle. The purchase of a new vehicle would be best as this vehicle is critical to the biosolids process of the WPCC facility. Mr. Hardy requests an appropriation as follows and asks that it be referred to the Appropriations Committee.

From: Sewer Fund	\$95,000.00	
To: Water Pollution control Center		\$95,000
2500061000-551300		

Referred to the Appropriations Committee. Filed.

Findlay Police Department Activities Report – April 2009. Mr. Schedel requested an explanation of the decrease in the number of Traffic Stops from last year. April 2008 – 316 and April 2009 – 137. Filed.

City Auditor Sprague – Revolving Loan Fund Administration

HRPC has submitted an invoice for their expenses/staff time for RLF administration for March 2009. Mr. Sprague requests legislation to authorize

Mr. Ward moved to adopt the Ordinance, AS AMENDED, seconded by Mr. M. Slough. Ayes: M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Schedel, Seng, J. Slough. The Ordinance was declared adopted, AS AMENDED, and is recorded in Ordinance Volume SS, page 2009-42, AS AMENDED, and is hereby made a part of the record.

ORDINANCE NO. 2009-43

Second reading

AN ORDINANCE AMENDING CHAPTER 1100 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY IDENTIFIED IN EXHIBIT A, "B-1 LOCAL BUSINESS", AS HEREINAFTER DESIGNATED. (Zone BVHS Annexation)

Second reading of the Ordinance.

ORDINANCE NO. 2009-44

Second reading

AN ORDINANCE AMENDING CHAPTER 1100 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY IDENTIFIED IN EXHIBIT A, "I-1 LIGHT INDUSTRIAL", AS HEREINAFTER DESIGNATED. (Zone Schulman Annexation)

Second reading of the Ordinance.

ORDINANCE NO. 2009-45

Second reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY WHICH PREVIOUSLY WAS ZONED "B-2 GENERAL BUSINESS DISTRICT" TO "B-3 CENTRAL BUSINESS DISTRICT". (Rezone First Lutheran Church).

Second reading of the Ordinance.

ORDINANCE NO. 2009-46

Second reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY WHICH PREVIOUSLY WAS ZONED "B-1 LOCAL BUSINESS DISTRICT" TO "C RESIDENTIAL DISTRICT". (Rezone Eastern Woods Subdivision, Lot 2)

Second reading of the Ordinance.

ORDINANCE NO. 2009-50

First reading

Adopted

AN ORDINANCE APPROPRIATING FUNDS 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: Urbanski, Van Dyne, 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: Van Dyne, Ward, Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-50, and is hereby made a part of the record.

ORDINANCE NO. 2009-51

First reading

AN ORDINANCE DE-APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2009-52

First reading

AN ORDINANCE AMENDING ORDINANCE NO. 2007-106, AS AMENDED, AND ORDINANCE NO. 2007-107, AS AMENDED, OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2009-53

First reading

Adopted

AN ORDINANCE AMENDING ORDINANCE 2007-85, AS AMENDED, ORDINANCE NO. 2007-106, AS AMENDED, AND ORDINANCE 2007-107, AS AMENDED, OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, DE-APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Mr. Ward moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. Schedel seconded the motion. Ayes: Ward, Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Van Dyne, Urbanski. The Ordinance received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. Urbanski. Ayes: Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Van Dyne, Urbanski, Ward. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-53, and is hereby made a part of the record.

UNFINISHED BUSINESS:

Mr. Schedel: On behalf of the Administration and City Council, NOT adopting Ordinance No. 2009-51 elects for additional discussion.

Mr. J. Slough: Asked what is going on at the pool. Mr. Russ Gartner, YMCA, requested to bring to Administration, the operations of the pool. You have a copy and Robert Sprague has a copy. Mr. Gartner is not sure how to proceed. What do we need to do to move forward with this? Memorial Day is approaching. I request Administration to come up with something to pass on to him. Mayor Sehnert, Russ Gartner and Bruce Hardy have updates. The community wished for the opening of the pool in Findlay in the YMCA. The City could loose the money for running the pool. The Recreation Department has never been against running the pool. The people are ready to act but are concerned about the YMCA being injected into this. Mr. M. Slough: I am amazed with the number of individuals that came forward to cooperate and work for the kids in this community. Are we on the right track with the Y. Mrs. Draper (from the audience) stated "I think so". Mayor Sehnert: We can have a meeting to go over the Y's proposal. Some things concern us, he said. Another group is interested in operating the pool if the City is not going to operate it. Mr. J. Slough: Recommended that Council and the Administration have a meeting with the Y and address this. If there is another entity, we can make the decision now and not wait. Mr. Ward: **COMMITTEE OF THE WHOLE MEETING – WEDNESDAY MAY 13 – 5:45 PM.**

Agenda: 1. Meeting with YMCA regarding the pool.
2. Hazard mitigation Grant Program – Additional Applications

Mr. Ward: **APPROPRIATIONS COMMITTEE MEETING – TUESDAY, MAY 12 – 4:30 PM.**

Mr. Collette: NATIONAL DAY OF PRAYER – THURSDAY, MAY 7, 2009.

President Schuck adjourned Council at 8:50 PM

CLERK OF COUNCIL
Martha Stelzer

PRESIDENT OF COUNCIL
Robert E. Schuck