

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION MAY 19, 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 minutes of the May 5, 2009, Council Meeting, as circulated. Mr. Collette seconded the motion. Motion carried. Filed.

ADD-ONS: 1. Safety Director Barker's letter regarding Motorola contract and MARCS agreement
2. Safety Director Barker's letter regarding legislation for MARCS agreement
3. Service Director Hardy's letter regarding transfer legislation to purchase a pool vacuum
4. Traffic Commission Minutes
5. Resolution No. 28-2009
6. Ordinance No. 2009-55, 2009-56, 2009-57 and 2009-58

Mr. Ward moved to add the above communications, seconded by Mr. Collette. Motion carried. Mr. J. Slough asked they not be given so many add-ons because they do not have time to read them all before the meeting. Mr. Hackenberg explained that they needed to be adopted at tonight's meeting.

WRITTEN COMMUNICATIONS:

Brian Young, Time Warner Cable, - Programming Update

This letter was not read according to the Rules and Procedures of Council. Filed.

ORAL COMMUNICATIONS:

None.

PETITIONS:

None.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

Chief Engineer Brian Hurt – E. Lincoln Street Rehab (CDBG-FY2008)

Bids were opened on May 7, 2009, for the above-referenced project. The seven bids are currently being evaluated. The 2009 Capital Improvements

Plan includes budgeted amounts for project construction using Capital Improvement, Highway, Water, Sewer, Stormwater, and CDBG Funds. This appropriation request is based on actual bid amounts, which vary slightly from the budgeted amounts. Mr. Hurt requests legislation with the revised appropriations. Funds were appropriated in 2005 from Capital Improvements (CIT) for the Blanchard/Lincoln Traffic Signal Upgrade. This project will now be included in the E. Lincoln Street Project, and the funds need to be transferred. The appropriations are as follows:

From: Cap. Imp. – CIT	\$105,000	
SCM&R Highways	\$225,000	
Water Fund	\$160,000	
Sewer Fund	\$185,000	
Stormwater Fund	\$155,000	
To: E. Lincoln Street Rehab (CDBG-FY2008) #35783200		\$830,000

The following transfer of funds is needed:

From: Blanchard/Lincoln Intersection #32848900 E. Lincoln St. Rehab (CDBG-FY2008) #35783200	\$ 93,000	
		\$ 93,000

Mr. Hurt explained that the improvement will run from Beech Street to the Blanchard and Lincoln intersection. Filed.

Chief Spraw – Tasers

The Police Department was able to purchase Tasers through donations from the community. The funds are depleted, and the project is closed. On May 13, 2009, the Department received another donation in the amount of \$2,000 for Tasers from a private citizen. Chief Spraw requests that the following appropriation be added to the next Appropriations Committee agenda:

From: Private contribution for Taser Purchase	\$2,000	
To: Police Department 21012000-other		\$2,000

Mr. Ward and Mr. Hackenberg stated this item did not need to go to the Appropriations Committee. Legislation is needed. Referred for legislation June 2, 2009. Filed.

Chief Engineer Hurt – E. Melrose Improvements Project

Bids will be opened on Tuesday, May 19, 2009, for the above-referenced project. It is included in the 2009 Capital Improvements Plan using Capital Improvement, Water, Sewer, Stormwater and ODOT Funds. The actual breakdown for the appropriation of funds will not be known until after the bids are opened. Add-on legislation is requested for the May 19 Council meeting to continue meeting the project schedule. Filed.

City Auditor Sprague – Reparation Payments

Ordinances 2007-78 and 2005-81 annexed property into the City of Findlay from Allen Township. The City owes the Township outstanding reparation payments in the following amounts:

TY 2005	\$438.35
TY 2006	\$588.29
TY 2007	\$639.84

Mr. Hackenberg said this is the first time for this kind of payment. The City is obligated to pay this amount by statute. Referred for legislation June 2, 2009. Filed.

City Auditor Sprague – City Budget

The City budget will be reviewed on a quarterly basis to reflect new, known information. The Auditor presents information regarding the MARCS radio system, 2009 GF Budget Cuts, City Projections, Projected 2010 Budget Cuts needed and Frequently Asked Questions. Filed.

City Auditor Sprague – HRPC Bill for Revolving Loan Fund

Legislation is requested to draw from the Revolving Loan Fund account and appropriate \$2,029.79 from the RLF to General Expense #21010000-449400 to pay the attached invoice for April 2009. Filed.

Summary of Year-to-Date Information as of April 30, 2009.
Investments at April 30, 2009. Filed.

City of Findlay Board of Zoning Appeals Minutes – February 12, 2009. Filed.

City Planning Commission Minutes – April 9, 2009. Filed.

Safety Director Barker – Motorola Contract and MARCS Agreement

Mr. Barker requests that the radio project be discussed with the Appropriations Committee. Referred to the Appropriations Committee. Filed.

Safety Director Barker – MARCS Agreement

The City has been in negotiations with Multi-Agency Radio Communications System Program Office (MARCS) for an Agreement regarding state-wide radio coverage for Police, Fire, EMS services and public works. Legislation is requested to enter into an agreement with the office of Information Technology (MARCS). Filed.

Service Director Hardy – Pool Vacuums

Riverside Pool does not have either of the two pool vacuums in operable condition. One is beyond repairs and needs to be replaced. The Swimming Pool Drains Update project has a balance remaining in its account. Legislation is requested to transfer a portion of that amount into the Swimming Pool budget for the purchase of the above-mentioned capital equipment purchase. A resolution of transfer is needed as follows:

From: Swimming Pool Drains Update (35492000) \$5,500
To: Swimming Pool (2507t000-other) \$5,500
Filed.

Traffic Commission Minutes – May 18 2009. Filed.

COMMITTEE REPORTS:

APPROPRIATIONS COMMITTEE to whom was referred a request from Lydia Mihalik for the following appropriation for the Hazard Mitigation Grant Program:

From: Flood Mitigation – CIT	\$	84,872.25
Cap. Imp. – CIT	\$	168,240.75
HMGP (Federal)	\$	1,277,571.00
HMGP (State)	\$	534,826.00
To: Hazard Mitigation Grant Program – App. #2		\$2,065,510.00

We recommend appropriation of the above 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 Service Director Bruce Hardy for the following appropriation for the purchase of a dump truck for hauling biosolids to the Hancock County landfill:

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

We recommend approval 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 Chief William Spraw for the following appropriation:

From: Open Arms Grant/Brian' Project	\$6,108.00	
To: Brian's Project Account 3195600-Other		\$6,108.00

We recommend approval of the above appropriation. 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 fire Chief Lonyo for the following appropriation for Captain Cooper's retirement settlement:

From: General Fund	\$29,701.82	
To: Fire Department Personal Services		\$29,701.82

We recommend approval 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 Mayor Sehnert for the following appropriation:

From: General Fund \$192.00
To: Fund No. 21002000-321501 \$192.00

The Barry D. Lord Post 5645 VFW Ladies Auxiliary, 315 Walnut Street, donated \$192.00 to the City for the purchase of flags for Broadway. The request is for this donation to be appropriated to the Mayor's office budget. We recommend approval of the above request. Mr. Ward moved to accept the committee report, seconded by Mr. Van Dyne. Motion carried. Filed.

COMMITTEE OF THE WHOLE was scheduled by Findlay City Council on Tuesday, May 13, 2009, at 5:45 PM in the Third Floor Conference Room regarding the following items:

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

Mr. Collette moved to accept the committee report, seconded by Mr. J. Slough. Motion carried. Filed.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 26-2009 First reading Adopted

A RESOLUTION AUTHORIZING THE GRANT ADMINISTRATOR, LYDIA MIHALIK OF HANCOCK REGIONAL PLANNING COMMISSION, TO EXECUTE ON BEHALF OF THE CITY OF FINDLAY, OHIO, AN OHIO MUNICIPAL CORPORATION, AN APPLICATION AND TO FILE IT WITH THE APPROPRIATE STATE OFFICE FOR THE PURPOSE OF OBTAINING CERTAIN FEDERAL FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF ACT (PUBLIC LAW 288, 23RD CONGRESS) OR OTHERWISE AVAILABLE FROM THE PRESIDENT'S DISASTER RELIEF FUND.

Mr. Collette moved to adopt the Resolution, seconded by Mr. Urbanski. 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 26-2009, and is hereby made a part of the record.

RESOLUTION NO. 27-2009 First reading Adopted

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS AND DECLARING AN EMERGENCY. (Blanchard/Lincoln)

Mr. Monday moved to suspend the Statutory Rules and give the Resolution the second and third reading. Mr. J. Slough seconded the motion. Ayes: Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette. The Resolution received the second and third reading. Mr.

J. Slough, M. Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-44, and is hereby made a part of the record.

ORDINANCE NO. 2009-45

Third reading

Adopted

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. (First Lutheran Church Rezone)

Mr. J. Slough moved to adopt the Ordinance, seconded by Mr. Collette. 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 2009-45, and is hereby made a part of the record.

ORDINANCE NO. 2009-46

Third reading

Adopted

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF HE 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". (Eastern Woods Rezone)

Mr. Urbanski moved to adopt the Ordinance, seconded by Mr. J. Slough. Ayes: Ward, Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-46, and is hereby made a part of the record.

ORDINANCE NO. 2009-51, Second reading (See Unfinished Business)
AS AMENDED

AN ORDINANCE DE-APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Mr. Ward moved to suspend the Statutory Rules and give the Ordinance the third reading. Motion died for lack of a second.

ORDINANCE NO. 2009-52, Second reading (See Unfinished Business)
AS AMENDED

AN ORDINANCE AMENDING ORDINANCE NO. 2007-106, AS AMENDED, AND ORDINANCE NO. 2007-107, AS AMENDED, OF THE CODIFIED

ORDINANCE OF THE CITY OF FINDLAY, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2009-54

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. Van Dyne seconded the motion. Ayes: Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward. The Ordinance received the second and third reading. Mr. J. Slough moved to adopt the Ordinance, seconded by Mr. Ward. Ayes: Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-54, and is hereby made a part of the record.

ORDINANCE NO. 2009-55

First reading

Adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO OFFICE OF INFORMATION TECHNOLOGY, STATE OF OHIO , FOR A RADIO USE AGREEMENT WITH THE MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM PROGRAM OFFICE (MARCS), 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: Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday. The Ordinance received the second and third reading. Mr. J. Slough moved to adopt the Ordinance, seconded by Mr. Van Dyne. Ayes: Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Schedel. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-55, and is hereby made a part of the record.

ORDINANCE NO. 2009-56

First reading

Adopted

AN ORDINANCE AMENDING ORDINANCE CHAPTER 303.99 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, BY ADDING A NEW PARAGRAPH DESIGNATED AS ©, AND AMENDING CHAPTER 351 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY BY ADDING A NEW SECTION DESIGNATED AS 351.21, AND DECLARING AN EMERGENCY.

Mr. J. Slough moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. Ward seconded the motion. Ayes: J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Schedel, Seng. The Ordinance received the second and third reading. Mr. J. Slough

moved to adopt the Ordinance, seconded by Mr. Ward. Ayes: M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Schedel, Seng, J. Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-56, and is hereby made a part of the record.

ORDINANCE NO. 2009-57

First reading

Adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY. (E. Melrose Improvements)

Mr. Ward moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. M. Slough seconded the motion. Ayes: Urbanski, Van Dyne, Ward, Collette, Monday, Schedel, Seng, J. Slough, Mr. Slough. The Ordinance received the second and third reading. Mr. Ward 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 2009-57, and is hereby made a part of the record. Mr. Ward asked for a visual picture of the improvement when completed. Brian Hurt stated there would be continuous sidewalks, curbs, new signal at Melrose and Main, turning lane at Crystal and Melrose, new sewers, new water lines, 4' reduction of the hills on both sides of the railroad tracks for better sight distance, and the railroad will rebuild the crossing—new track and new asphalt base. The utility work is started, and construction will probably start around the end of June with a November 15 completion date. The railroad will be closed—one lane of the road will be open.

ORDINANCE NO. 2009-58

First reading

Adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO EXECUTE MEMORANDUMS OF UNDERSTANDING WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION FOR THE PATROLMEN SERGEANTS, DISPATCHERS, AND LIEUTENANTS, AND WITH IAFF, LOCAL 381, AN 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: Ward, Collette, Monday, Schedel, Seng J. Slough, M. Slough, Urbanski, Van Dyne. The Ordinance received the second and third reading. Mr. J. Slough moved to adopt the Ordinance, seconded by Mr. Collette. Ayes: Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-58, and is hereby made a part of the record.

Mr. Barker: Thursday, May 21, 2:00 – 4:00 PM - retirement party at Fire Station #1 for Tom Jorgenson. Friday, May 29, 1:00 – 3:00 PM - retirement party, Third Floor Conference Room for Chief Spraw.

Mr. Barker: Friday, May 22 – 10:00 AM, Council Chambers - we will have a land mark event—the signing of the agreement with MARCS. We are the first community in the state to have a MARCS agreement for public workers to use the radios along with safety forces.

Mr. J. Slough: **PLANNING & ZONING COMMITTEE MEETING – TUESDAY, JUNE 9, 2009 AT 4:00 PM – COUNCIL OFFICE.**

Agenda: 1414 Tiffin Avenue – rezone from A-Res to C-Res

Mr. Urbanski: AGENCY ON AGING RIBBON CUTTING AND GRAND OPENING AT 339 E. MELROSE – THURSDAY, JUNE 4 – 11:00 – 6:00 PM Ribbon Cutting – 12:00 NOON.

Mr. Sprague: On April 30, the City decided it would join the state-wide MARCS radio system. Radio project monies will fund between \$712,000 to \$1,072,000 of the \$1,275,000 set aside in the 2009 capital improvements budget for the radio project. Combining the conservative estimate of \$712,000 of Sprint-Nextel/grant money, along with the personnel-related cost savings, (Uniforms, cell phones, training, Council and Treasurer health insurance, and furlough days, allows the City to nearly close the \$1,448,000 gap created by a shortfall in withholding income taxes in 2009. This revised plan should allow the City to maintain its 2009 budgeted operations, i.e., retaining all employees through the remainder of 2009 and keeping the City pool operational in 2009. This temporary band-aid does not solve the fundamental problem with the City budget. The City has budgeted expenses which are \$2.4M more than budgeted revenues in 2009. This deficit can be expected to continue or increase in 2010. Unless revenues increase, layoffs similar to those scheduled to occur May 9, will be required at the end of 2009 for the 2010 budget year, possibly along with closing the City pool or other recreation programs. “I am encouraging you (Council) to participate by using the Appropriations Committee, Ad Hoc Committee or discussion with the Administration”, stated Mr. Sprague. January 1, Council will pass the new budget—what do we do until we get there? Mr. Barker stated all requisitions are scrutinized. Mr. M. Slough asked about a public forum or outside individual with economic interest for input before January 1. We need to get input (sounding board), and there will be fewer services. Mr. Schedel noted Cincinnati, the largest city in Ohio, and they have a \$40M deficit to deal with—it is happening everywhere. Mr. Urbanski: Discussed the possibility of doing an audit. Mr. Van Dyne: There are a lot of things we can look at regarding privatizing. I will be happy to help with that.

Chief Engineer Hurt: the Assistant Chief Engineer has left. I encourage you to wish him well.

Mr. Schedel: Asked for a performance audit, seconded by Mr. J. Slough.

President Schuck adjourned Council at 8:45 PM.

CLERK OF COUNCIL
Martha Stelzer

PRESIDENT OF COUNCIL
Robert E. Schuck