

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION JUNE 16, 2009 COUNCIL CHAMBERS

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

ABSENT: Ward

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT PRAYER

MINUTES: Mr. J. Slough moved to accept the minutes, as circulated, of the June 2, 2009, Council meeting. Mr. Collette seconded the motion. Motion carried. Filed.

ADD-ON'S: Mr. J. Slough moved to add to the agenda a letter from City Auditor Robert Cole Sprague regarding Estimated Revenues for fiscal year 2010. Mr. Collette seconded the motion. Resolutions 30-2009, 34-2009 and Ordinances 2009-62 and 2009-64 were replaced. Motion carried.

WRITTEN COMMUNICATIONS:

Daniel R. Stone, Van Horn, Hoover & Associates, Inc. – Villas at Hunter's Creek PUD Amendment

On behalf of Best Construction, this letter and exhibits are a formal request to modify an existing P.U.D., which was passed in 1998. It created single-family residential lots as well as a multi-family parcel. The multi-family parcel is known as Lot 349 of Hunter's Creek 3rd Addition. In late 2006, Best Construction modified the original PUD to reduce the number of multi-family units to be constructed on this particular lot. Since that time, four (4) single-family condominiums have been constructed of which three (3) have been sold. At this time, the fourth unit has a potential buyer; however, the banks are not financing condominiums. Best Construction requests the removal of a portion of the PUD and convert it to A-Residential. The portion to be removed from the PUD is the area along the public right-of-way of Tarra Oaks Drive. The remaining portion of the property will remain as the PUD and multi-family. The zoning change will be consistent with the surrounding zoning. By removing this portion and creating single-family lots, the units will be able to be sold a single family and not condominiums. The banks will finance the purchase of the existing and future homes along Tara Oaks Drive. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

ORAL COMMUNICATIONS:

Robert Greer, 201 Elm Street – Made in America Rally in Flag City USA

The steel workers have taken on this project, and the rally in Findlay is scheduled for July 25, 2009. Classic cars and perhaps a float, will be in the

parade. American manufacturers will speak to get the word out to the public. Filed.

Mark Hochstettler, 428 West Main Cross Street – Downtown Findlay Improvement

He stated that this is a considerable commitment; it has discrepancies. He is discouraged and has a mistrust about how this has been handled. He asked Council to rescind their approval of this District. Mr. Schedel asked if he had talked to the group who is the Board of Directors. Mr. Hochstettler said there are a lot of issues that have come up—properties that were excluded—and he lost trust and is really disappointed. Filed.

Bret A Spaeth, 301 E. Main Cross Street – Downtown Findlay Improvement District

Mr. Spaeth represents a group of Downtown business owners who are in the Downtown Business District. The group is against the assessments on properties within the district. We are finding more and more properties that have been overlooked. It must be a contiguous district. Two lists were created. The second list created went to the state. There are problems with both of them. Some properties within the district were left out and some in the district were not included. This is not fair to your constituents. All properties within the district are part of the SID, excluding churches and government. We do not believe this was set up correctly from the start. We have requested the signatures of the petitioners, but we have not received them. We ask Council to rescind the resolution to authorize assessments. Mr. J. Slough: We have not received anything from the Equalization Board, is that correct? Mr. Hackenberg: You are correct. It is still with the Equalization Board. No action can be taken. The YMCA is not within the district. Mr. Spaeth: The Development Center is within the district. Mr. Hackenberg: I do not think this is a dead soldier. The Equalization Board told them everyone is assessed the same. The Board has power. If there are properties not contiguous, they should be excluded. First Federal, Drake's Law Office—the Board can include them. Council cannot accept any equalization Board recommendations and not pass the ordinance to proceed. Mr. Collette: It would not be wise at this time to rescind our resolution. This was affirmed by several of the Councilmen. Mr. Spaeth: I do not think this can be amended. If it was created unfairly, and the whole process must start over; it is illegally created and should be dissolved. Filed.

Dr. Richard Marra, 419 Colorado Avenue – Downtown Special Improvement District

Dr. Marra owns the property at 228 W. Hardin. His office has never been considered in the downtown area. He received an assessment in the mail with no explanation. Some properties were included in the area, some were not. I was never approached about it. Did they get 75% of the signatures? Mr. Schedel: Who did you talk to get your answers? President Schuck stated we had a conference call with Dr. Marra, Ed Hartman and I. Mr. Hackenberg: The statute does not require that everybody in the district be notified. Notices

were sent through the mail. The Equalization Board's report is not back yet. There is nothing that Council can do. Filed.

PETITIONS:

Zoning Amendment Petition – University of Findlay

Lots 6114 & 6117 – Howard Addition

Lots 1922 & 1923 – Carrothers Addition

Lot 1302 E1/2 – Taylor & Halls Addition

The present zoning district of the above lots is B-2 General Business and B-Residential. The proposed zoning district is the University District.

Referred to the City Planning Commission and the Planning & Zoning Committee. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Mayor Sehnert, Safety Director Barker, and Service Director Hardy – Performance Audit

At the request of Council, the Administration has discussed the need for a performance audit through the State of Ohio Auditor's Office. After reviewing other performance audits, the Administration feels that an audit similar to the city of Greenville would best suit Findlay at this time. The overall objective of the performance audit would be to review and analyze selected administrative and operational areas and develop recommendations for improvement, where appropriate. The audit should be based on leading practices, industry standards, and comparisons to City operations in similar-sized cities, as well as local governments and agencies that exhibit best practices in the areas examined. Filed.

Acting Chief Gregory R. Horne – Appropriation for money received for FPD ORC Training

The Department received a check for \$9,120.00 from the State for Continuing Professional Training that was completed in 2008. Acting Chief Horne requests an appropriation (\$9,120.00) to be used for training for the Findlay Police Department. Referred to the Appropriations Committee. See committee report dated June 9. Filed.

Brian C. Hurt, Chief Engineer – SR 568/CR 236 Intersection Improvements, Project No. 32890700, ODOT PID #80412

ODOT (Ohio Department of Transportation) is finalizing the details for the above-referenced project. Preliminary Legislation from ODOT was adopted by Council on January 6, 2009. The City will be sharing in the cost of construction and is included in the 2009 Capital Improvements Plan. The funds were appropriated on January 20, 2009. The Final Resolution was prepared by ODOT and is a requirement for the project. Filed.

Lydia L. Mihalik – Energy Efficiency and Conservation Block Grants (EECBG) Formula Allocation

The U. S. Department of Energy has received money from the American Recovery and Reinvestment Act (ARRA) to develop Energy Efficiency and Conservation Block Grants (EECBG). The City of Findlay has become eligible to apply for a formula allocation in the amount of \$172,000. The deadline for filing the application is June 25, 2009. It is proposed that the EECBG dollars be used for signal synchronization on Tiffin Avenue between C.R. 236 and Bright Road.

Lydia L. Mihalik – FY 2009 CDBG Formula Program

This year's Community Development Block Grant (CDBG) formula allocation for Findlay is \$162,000. If \$28,300 is set aside for Fair Housing and Application preparation and administration, there will be \$133,700 for this year's project. Installation of a storm sewer line along Logan Avenue between Tappan and Greenwood Streets has been proposed. Legislation authorizing the City to enter into an agreement for services with Hope House of Findlay for FY09 is needed to administer the federally required Fair Housing Program. Filed.

Acting Chief of Police Gregory R. Horne – Record Check, Asian Grill

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

Young K. Park Hey K. Park

Asian Grill LTD, DBA Asian Grill, 1813 Tiffin Avenue

This is in regards to a D2 liquor permit. Mr. J. Slough moved to file no objection, seconded by Mr. Urbanski. Motion carried. Nay: Monday. Filed.

Summary of Year-to-Date Information as of May 31, 2009.
Investments at May 31, 2009. Filed.

Findlay Police Department Activities – May 2009. Filed.

City Auditor Robert Cole Sprague – Estimated Revenues

The Estimated Revenues for fiscal year 2010 must be filed with the County Auditor by July 20. Mr. Sprague requests a **PUBLIC HEARING ON JULY 7, 2009, AT 7:25 PM** to meet the statutory requirements for the distribution of the local government money. Filed.

COMMITTEE REPORTS:

PLANNING & ZONING COMMITTEE to whom was referred a request to rezone Lot No. 31, 1414 Tiffin Avenue, in the Woodside Addition, from A-Residential with Tiffin Avenue Overlay to C-Residential with Tiffin Avenue Overlay. We recommend the approval of the request. **PUBLIC HEARING: JULY 21, 2009 – 7:20 PM.** 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 Mayor Sehnert to appropriate \$18,000 to extend our B & D Consulting contract for six months. The contract is for federal legislative advocacy in regard to seeking funding for flood control. It expires June 30, 2009. We recommend approval of the above request; money to be taken from the General Fund. Mr. J. Slough moved to accept the committee report, seconded by Mr. Collette. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from Chief Engineer Hurt for legislation to transfer and appropriate funds for equipment to be utilized for testing and analyzing traffic signalization controls. The funds could be transferred from a previously appropriated balance available in the US 224 Safety Study Project and an appropriation from SCM&R Highways Fund as follows:

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

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

APPROPRIATIONS COMMITTEE to whom was referred a request from Service Director Bruce Hardy to apply for a FAA grant for the replacement of the PAPI (Precision Approach Path Indicator) lights. The grant is for up to \$176,000 for an airport project this year. The quoted price of the lights is \$114,000. We recommend approval of the above request to apply for the grant. Mr. J. Slough moved to accept the committee report, seconded by Mr. Van Dyne. Motion carried. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from Acting Chief Gregory Horne. The Department received a check in the amount of \$9,120.00 from the State for Continuing Professional Training completed by the Department in 2008. He requests that this money be appropriated to No. 31980800 FPD ORC Training Project 19808. We recommend approval of the above request. Mr. J. Slough moved to accept the committee report, seconded by Mr. Van Dyne. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from City Auditor Robert Cole Sprague regarding de-appropriations from Spring 2009 budget cuts. We recommend approval of the above request as attached. Mr. J. Slough moved to accept the committee report, seconded by Mr. Van Dyne. Filed.

APPROPRIATIONS COMMITTEE to whom was referred a request from Ms. Perkins to appropriate \$1,050 from Water and Sewer fund for \$2,100 for Utility Billing as in attached letter. We recommend approval of the above

Monday. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 30-2009, and is hereby made a part of the record.

RESOLUTION NO. 31-2009 First reading Adopted

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Mr. Collette moved to suspend the Statutory Rules and give the Resolution the second and third reading. Mr. J. Slough seconded the motion. Ayes: Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Collette, Monday, Schedel. The Resolution received the second and third reading. Mr. J. Slough moved to adopt the Resolution, seconded by Mr. Collette. Ayes: J. Slough, M. Slough, Urbanski, Van Dyne, Collette, Monday, Schedel, Seng. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 31-2009, and is hereby made a part of the record.

RESOLUTION 32 -2009 First reading Adopted

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, HANCOCK COUNTY, STATE OF OHIO, TO EXECUTE AN AGREEMENT WITH FINDLAY HOPE HOUSE FOR THE HOMELESS, INC. TO PROVIDE FAIR HOUSING SERVICES FOR RESIDENTS OF THE CITY OF FINDLAY, BEGINNING SEPTEMBER 1, 2009.

Mr. Urbanski moved to adopt the Resolution, seconded by Mr. J. Slough. Ayes: M. Slough, Urbanski, Van Dyne, Collette, Monday, Schedel, Seng, J. Slough. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 32-2009, and is hereby made a part of the record.

RESOLUTION NO. 33-2009 First reading Adopted

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, HANCOCK COUNTY, STATE OF OHIO, TO FILE AN APPLICATION FOR FISCAL YEAR 2009 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Mr. J. Slough moved to adopt the Resolution, seconded by Mr. Van Dyne. Ayes: Urbanski, Van Dyne, Collette, Monday, Schedel, Seng, J. Slough, M. Slough. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 33-2009, and is hereby made a part of the record.

RESOLUTION NO. 34-2009 First reading Adopted

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, HANCOCK COUNTY, STATE OF OHIO, TO FILE AN APPLICATION FOR

AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT
(EECBG) TO USE FOR SIGNAL SYNCHRONIZATION ON TIFFIN AVENUE
BETWEEN COUNTY ROAD 236 AND BRIGHT ROAD.

Mr. J. Slough moved to adopt the Resolution, seconded by Mr. Collette.
Ayes: Van Dyne, Collette, Monday, Schedel, Seng, J. Slough, M. Slough,
Urbanski. The Resolution was declared adopted and is recorded in
Resolution Volume XXXI, Page 34-2009, and is hereby made a part of the
record.

ORDINANCES:

ORDINANCE NO. 2009-60 Second reading

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

Second reading of the Ordinance.

ORDINANCE NO. 2009-62 First reading Adopted

AN ORDINANCE DE-APPROPRIATING FUNDS AND DECLARING AN
EMERGENCY.

Mr. J. Slough moved to suspend the Statutory Rules and give the Ordinance
the second and third reading. Mr. Collette seconded the motion. Ayes:
Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne.
The Ordinance received the second and third reading. Mr. Collette moved to
adopt the Ordinance, seconded by Mr. J. Slough. Ayes: Monday, Schedel,
Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Collette. The Ordinance
was declared adopted and is recorded in Ordinance Volume SS, Page 62-
2009, and is hereby made a part of the record.

ORDINANCE NO. 2009-63 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:
Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Collette, Monday.
The Ordinance received the second and third reading. Mr. J. Slough
moved to adopt the Ordinance, seconded by Mr. Collette. Ayes: Seng,
J. Slough, M. Slough, Urbanski, Van Dyne, Collette, Monday, Schedel.
The Ordinance was declared adopted and is recorded in Ordinance Volume
SS, Page 2009-63, and is hereby made a part of the record.

ORDINANCE NO. 2009-64

First reading

Adopted

AN ORDINANCE EXTENDING THE CURRENT CONTRACT ENDING JUNE 30, 2009 WITH B & D CONSULTING (BDC), FOR AN ADDITIONAL SIX (6) MONTHS, APPROPRIATING FUNDS THEREFORE, AND DECLARING AN EMERGENCY.

Mr. Collette moved to suspend the Statutory Rules and give the Ordinance the second and third reading Mr. Van Dyne seconded the motion. Ayes: J. Slough, M. Slough, Urbanski, Van Dyne, Collette, Monday, Schedel, Seng, The Ordinance received the second and third reading. Mr. J. Slough moved to adopt the Ordinance, seconded by Mr. Van Dyne. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-64, and is hereby made a part of the record.

ORDINANCE NO. 2009-65

First 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 "A-RESIDENTIAL" TO "C-RESIDENTIAL DISTRICT".

First reading of the Ordinance.

UNFINISHED BUSINESS:

Mr. Van Dyne: **FLOOD MITIGATION MEETING - OTTAWA COUNCIL
JULY 29 AT 5 :00 PM.**

Mr. J. Slough: Proposed a resolution commending Ball Metal for excellence of service.

Mr. J. Slough: Moved to excuse the absence of Mr. Ward, seconded by Mr. Collette. Motion carried.

Mr. Collette: June 2000 – Looked at a City Charter.
2004 - Vision Committee

This might be a good time. Mr. Collette scheduled an **INTER-GOVERNMENT RELATIONS & LEGISLATION REVIEW COMMITTEE MEETING – June 23, 2:00 PM – Third Floor Conference Room.** The committee will look to see if we want to proceed with that. "Do you want to have a charter?"

Mr. Barker: The Police contract has been accepted. The fire simulator has arrived and is at Station 4. The ladder truck also has arrived. We have sold Ladder 1. The fire truck will be refurbished and donated to a city in South Carolina.

Mr. Urbanski: Did it leave negotiations for health insurance. Is that included in the contract? Mr. Barker replied in the affirmative.

Mr. Schedel: Moved to adjourn into Executive Session to talk about legal matters with the Director of Law. (8:50 PM). Mr. J. Slough seconded the motion. Ayes: Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne. Council reconvened into Regular Session at 8:55 PM and adjourned upon motion from Mrs. Seng, second from Mr. J. Slough. Ayes: Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Collette.

CLERK OF COUNCIL
Martha Stelzer

PRESIDENT OF COUNCIL
Robert E. Schuck