

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION JULY 07, 2009 COUNCIL CHAMBERS

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

ABSENT: Urbanski

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT PRAYER

MINUTES: Mr. Ward moved to accept the minutes, as circulated, of the June 16, 2009, Council meeting. Mr. J. Slough seconded the motion. Motion carried. Filed.

RESOLUTION NO. 35-2009 First reading Adopted

A RESOLUTION COMMENDING BALL CORPORATION ON THE SUPPLIER EXCELLENCE AWARD RECEIVED ON JUNE 1, 2009, FROM ABBOTT FOR THEIR PLANT LOCATED ON COUNTY ROAD 99, FINDLAY, HANCOCK COUNTY, OHIO.

Mr. J. Slough moved to adopt the Resolution, seconded by Mr. M. Slough. Ayes: Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Van Dyne, Ward. The Resolution was adopted and is recorded in Resolution Volume XXXI, Page 35-2009, and is hereby made a part of the record. Mr. Ward presented a copy of the Resolution to Mr. Jed Osborn, Controller for Ball Corporation, in Mayor Sehnert's absence.

WRITTEN COMMUNICATIONS:

Jeff Wobser, Member of the Equalization Board – DownTown Business District SID - FYI

On June 10, 2009, members of the Equalization Board held an open hearing for those citizens affected by and concerned about the proposed SID. Four people submitted letters prior to the meeting and were in attendance. The four objectors deferred their time to Mr. Brett Spayth, legal counsel for the concerned citizens. At no time during his presentation did Mr. Spayth question the fairness of the assessments proposed by the SID. His concerns were centered on the legality of the formation of the SID and the properties that were either included or excluded from the assessment. Therefore, according to the Ohio Revised Code concerning the conduct of an Equalization Bard, there were no issues for the Board to consider; no recommendations to present to Council. It is the Board's belief that Council should consider the concerns of the citizens represented by Mr. Spayth and ask that the City Attorney address or cause to be addressed, their concerns

and fully answer their questions. Mr. J. Slough asked what is the next step for Council. Mr. Hackenberg stated that the City and attorneys should work this out. The next step would be legislation to continue with the project. You do not have an Equalization Board report equalizing the assessments. Some properties were not included. The Board had the power to include those properties. Ed Hartman should talk with Brett Spayth and work out the differences. Filed.

Jamie S. Miller – 310 1/2 North Main Street, Apartment No. 2, P.O. Box 822, Findlay – Permit for Open-Air Bands (Number per year, limited hours until Midnight – FYI

Letter was not read into the minutes – Council Rules and Procedures

Time Warner Cable – 205 Crystal Avenue – New Digital Lineup

Letter was not read into the minutes – Council Rules and Procedures

ORAL COMMUNICATIONS:

Jamie S. Miller, 310 ½ N. Main Street – New Ordinance or Additions to Existing Ordinance.

Mr. Miller refers to the DJ's playing outside in the N. Main Street area. The police have been called, citations issued and paid, but no one takes this seriously. He would like the City to create an ordinance, which would require permits for open-air bands, and to limit the amount per year and limit the hours to midnight. Mr. Hackenberg said the present ordinances, loud amplification, noise, and disturbing the peace, are the most arbitrary to enforce. We will keep at it. Filed.

PETITIONS:

Theodore Eidt, 350 East Foulke, Findlay – Alley Vacation

Part of Lot Number 3309 in the Scott Addition. Referred to the City Planning Commission and the Planning & Zoning Committee. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

ESTIMATE OF REVENUES – For Submission to the Budget Commission, Budget Year 2010

Mr. J. Slough moved to adopt the Estimate of Revenues for 2010, seconded by Mr. Mr. Ward. Motion carried. Filed.

Mayor Pete Sehnert – Appointment to City Planning Commission

Mayor Sehnert has appointed Jennifer Criblez to the City Planning Commission. This appointment will be effective through July 6, 2015. It does not require Council confirmation. Filed.

Mayor Pete Sehnert – Appointment to Blanchard Valley Port Authority

Mayor Sehnert requests Council's confirmation of his appointment of Craig Anderson to the Blanchard Valley Port Authority. He has served as a City of Findlay appointment to the Port Authority since its inception in 2007. His re-appointment will be effective through June 30, 2013. Mr. Collette moved to confirm the appointment, seconded by Mr. Ward. Motion carried. Filed.

Mayor Pete Sehnert – Estimate Declarations & Payments; Resolution No. 36-2009

During the June 24th Income Tax Board meeting, members approved an amendment to Article VII of the Income Tax Rules and Regulations regarding estimate payment requirements for businesses. Business taxpayers that operate on a calendar year are required to make estimate payment installments in April, June, September and December. Many businesses submit six-month extension requests to extend the tax return filing deadline from April of the following year to October. As many as 18 months and no fewer than 10 months will have passed before a business can compare the estimate payments they issued to the actual tax due. During the latter ten-month period, the business will have already been required to issue three additional estimate payments for the subsequent tax year. This forces some businesses to base estimate payments on prior estimates as opposed to basing estimate payments on prior tax liabilities. The amendment will authorize the Tax Administrator to permit a business to pay the entire amount of tax due when the income tax return is filed. This will eliminate some overpayments, and the City will experience less volatile and more predictable collections in the Business category. The approved change to Article VII does not require an act of Council. It will be considered adopted if Council takes no action through August 31, 2009, which is sixty days after the approved amendment was delivered to the Clerk of Council. The Law Director has submitted a resolution for City Council to approve the amended Article and requests that Council pass said resolution so that the change will be effective August 1, 2009. Filed.

Andrew Thomas, Income Tax Administrator, Appropriation for Income Tax Refunds

Due to extraordinary refund requests this year, the City will be required to issue additional refunds, which will exceed the amount that is currently available in the funds budget. He requests \$150,000 from City Income Tax Fund be appropriated to City Income Tax (27047000-other) and asks that his request be referred to the Appropriations Committee. Mr. Ward moved that this transfer of money take place so that these refunds can be made; it does not need to be referred to the Appropriations Committee. He asked for legislation at the July 21, 2009, Council meeting. Mr. J. Slough seconded the motion. Motion carried. Referred for legislation. Filed.

Chief Engineer Brian C. Hurt – WPCLF Loan for Sanitary Sewer Lining And WSRLA Loan for Clearwell Repairs

Pre-applications were submitted to the Ohio Environmental Protection Agency (OEPA) for funding assistance for the above-referenced projects. This is pursuant to Resolution No. 19-2009. Legislation specific to the loans is required in order to finalize the application and loan process. The loans are offered and administered by OEPA and will be 0% interest. The Director of Law has prepared legislation to authorize applying for the loans and signing the loan documents. Filed.

Chief Engineer Brian C. Hurt – Resurfacing Program, Project No. 328901

Dr. Martin Luther King Jr. Parkway Bridge Rehab Project is currently under construction, and thought has been given to resurface the approaches to the bridge between East Street and Clinton Court. These areas are not included in the 2009 Resurfacing Program or the DMLKJ Bridge Project. Mr. Hurt requests that this project be referred to the Appropriations Committee. Mr. Collette asked why this was not included in last year's budget, and Mr. Hurt stated they were not aware that the approaches were in such bad shape. It is completely resurfaced; it is the gateway to the downtown. In addition, there is new signalization at Blanchard and Center. Mr. Collette said the time may not be right. We may have to wait. Mr. M. Slough asked if the bid was in-house. Mr. Hurt stated they may have to bid it out or put it on as a change order. Referred to the Appropriations Committee. Filed.

Bruce Hardy, Service Director – Appropriation to Riverside Pool

Charles Morgan died on May 12, 2009. His wife asked that memorials be made for Riverside Pool. The City received a grant from the Community Foundation in memory of Charles Morgan in the amount of \$2,275.00. The money will be used to buy new umbrellas and umbrella stands for the lifeguard chairs at the pool. The following appropriation is requested:

From:	Community Foundation Grant	\$2,275.00	
To:	Swimming Pool (25076000-other)		\$2,275.00

This was requested to go to the Appropriations Committee.

Mr. Ward moved, seconded by Mr. M. Slough that this did not need to go to the Appropriations Committee. This money has been donated. Mr. Van Dyne thought they should use it as a savings. Mr. Ward said he understands it could be used to reduce the debt, but this was donated as a memorial, and a plaque is in order. Mr. Collette stated it was donated for the pool. "What kind of a signal are we sending to our employees?" Mrs. Seng stated this money was put into the Community Fund; could that money be used for other things—salaries, etc. Mr. Hardy stated that Bette Morgan wants it to be used for the pool. Lu Draper stated that umbrellas and stands and a plaque would be in order. Referred for legislation. Filed

Bruce Hardy, Service Director – Ordinance No. 2009-66

Ordinance No. 2009-66 authorizes an amendment to the existing contract with Coca-Cola Enterprises for a beverage and scoreboard agreement that involves certain City facilities. It more clearly identifies which City-owned

facilities Coca-Cola Enterprises is permitted to sell their products. The original agreement (Ordinance No. 2007-49) included most all City buildings and facilities, not just the CUBE and the 5-Plex Sport Facility. In addition, the original Ordinance specified that the new scoreboard furnished by Coca-Cola enterprises would be placed at the CUBE. The new Ordinance recognizes that two scoreboards were placed at Rawson and Riverside ball diamonds. We now have an agreement in principal on an amendment to the original agreement that will conform to Ordinance No. 2009-66. Mr. J. Slough asked if other companies were given the opportunity to bid. Mr. Hardy: This is an amendment to the contract so that the Ordinance will match the agreement. Filed.

Acting Chief Gregory R. Horne – Hancock Park District Grant

Requests that funds in the amount of \$9,000, received from the Hancock Park District Grant, be appropriated to the Police Department's personal service budget. It will be used to pay the over-time costs to the Patrol Officers who will be providing park security throughout the week during designated times. Mr. Ward moved, seconded by Mr. J. Slough to have legislation prepared for the July 21 meeting—not necessary to send to Appropriations. Referred for legislation. Filed.

Safety Director Jim Barker – Repair – Laser and Radar Units

I have been advised by acting Chief Horne that there are several laser and radar units in desperate need of repair. They are long overdue for replacement, but it is not possible at this time due to the current budgetary constraints. The Safety Director requests an appropriation as follows and asks that it be referred to the Appropriations Committee.

From:	General Fund	\$2031.00	
To:	R & M Equipment		\$2031.00
	21012000-331300		

\$71.00 of each speeding citation on a 1st offense comes back to the City with more revenue coming from repeat offenders. Repair of these units will allow for a greater number of officers to dedicate more time to traffic control. Referred to the Appropriations Committee. Filed.

Parks and Recreation Board Minutes – June 15, 2009. Filed.

City Planning Commission Minutes – May 14, 2009. Filed.

Hancock Regional Planning Commission Minutes – May 20, 2009. Filed.

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

NEAT Departmental Activity Report – June 2009. Filed.

Findlay Police Department Report – June 2009. Filed.

COMMITTEE REPORTS:

INTER-GOVERNMENT RELATIONS COMMITTEE met on July 23, 2009, to see if we want to proceed with the election of a Charter Commission. We recommend drafting and presentation of legislation for a ballot question of whether or not a City Charter Commission is to be chosen and for the election of fifteen (15) members for that Commission to be placed on the ballot at the General Election in November 2009. Mr. Collette requests legislation for the July 21, 2009, Council meeting. Mr. Collette moved to accept the committee report, seconded by Mrs. Seng. Motion carried. Nay: Ward. Filed.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 36-2009 First reading

A RESOLUTION AMENDING PARAGRAPH E OF ARTICLE VII OF THE INCOME TAX RULES AND REGULATIONS APPROVED BY THE INCOME TAX BOARD.

First reading of the Resolution.

RESOLUTION NO. 37-2009 First reading

A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY.

First reading of the Resolution.

RESOLUTION NO. 38-2009 First reading Adopted

A RESOLUTION AUTHORIZING THE MAYOR AN THE AUDITOR OF THE CITY OF FINDLAY, OHIO, TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCF) ON BEHALF OF THE CITY OF FINDLAY FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

Mr. Ward moved to adopt the Resolution, seconded by Mr. J. Slough. Ayes: Monday, Schedel, Seng, J. Slough, M. Slough, Van Dyne, Ward, Collette. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 38-2009, and is hereby made a part of the record.

RESOLUTION NO. 39-2009 First reading Adopted

A RESOLUTION AUTHORIZING THE MAYOR AND THE AUDITOR OF THE CITY OF FINDLAY, OHIO, TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT (WSRLA) ON BEHALF OF

M. Slough, Van Dyne, Ward, Collette, Monday, Schedel, Seng. The Ordinance was declared adopted and is recorded in Ordinance Volume 34, Page 2009-66, and is hereby made a part of the record.

ORDINANCE NO. 2009-67

First reading

Adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO EXECUTE A QUIT CLAIM DEED ON PROPERTY ACQUIRED BY THE CITY FOR THE EAST MELROSE AVENUE IMPROVEMENT, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

Mr. Collette moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Ayes: M. Slough, Van Dyne, Ward, Collette, Monday, Schedel, Seng, J. Slough. The Ordinance received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. Van Dyne. Ayes: Van Dyne, Ward, Collette, Monday, Schedel, Seng, J. Slough, M. Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume 34, Page 2009-67, and is hereby made a part of the record.

UNFINISHED BUSINESS:

Mr. Schedel: The surveys have been turned in. The most important issues-- *safety, income tax, revenues*. Approaching the 2010 budget, we will have to lay off police and fire or collect more taxes. "I request legislation be put on the ballot raising income tax by ½% for over two years." Mr. Collette seconded the motion.

Mr. Van Dyne: The Flood Mitigation meeting in Ottawa was a good meeting.

Mr. Schedel: Motion to excuse the absence of Mr. Urbanski, seconded by Mr. Van Dyne. Motion carried.

Mr. Barker: Thanked Chief Lonyo for bringing the fire truck down.
Invited Council to "Made in America" meeting at the CUBE.,
Tuesday 14th – 1:30.
The Mayor and I have received phone calls stating good things about City employees. Mr. Lawrence, an outstanding officer, took the time to help the Wal Mart employees.
Time Warner will work on our sound system on a parts only basis.

Mr. M. Slough: Do you have a replacement for the engineer we lost?

Mr. Hurt: We received 30 resumes. We interviewed five candidates. It looks to be promising.

Mr. Barker: Mayor Sehnert is at an Allen Twp. Trustees meeting regarding the Home Depot Project.

President Schuck adjourned Council at 8:45 PM

CLERK OF COUNCIL
Martha Stelzer

PRESIDENT OF COUNCIL
Robert E. Schuck