

## FINDLAY CITY COUNCIL MINUTES

### REGULAR SESSION    JULY 21, 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 approve the minutes of the July 7, 2009, Public Hearing, as circulated, regarding Estimate of Revenues. Mr. Ward seconded the motion. Motion carried. Filed.

Mr. J. Slough moved to approve the minutes of the July 7, 2009, Council meeting, as circulated. Mr. Collette seconded the motion. Motion carried. Filed.

**ADD-ONS:** Traffic Commission Minutes – July 20, 2009.  
Zoning Amendment Petition – Findlay Commerce Park  
Ordinance No. 2009-72

Mr. Ward moved to add the above items to the agenda. Mr. J. Slough seconded the motion. Motion carried.

#### **RESOLUTION NO. 41-2009**

A RESOLUTION COMMENDING THOMAS JOSEPH FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

Mr. J. Slough moved to adopt the Resolution, seconded by Mr. Collette. 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 41-2009, and is hereby made a part of the record. Mayor Sehnert presented a copy of Resolution No. 41-2009 to Tom Joseph and commended him for his many years of service devoted to City Planning Commission and the community.

#### **WRITTEN COMMUNICATIONS:**

**Time Warner Cable – Notice of Commencement of Service by Video Service Provider, City of Findlay**

Letter not read – Council Rules – No referral to Committee.

#### **ORAL COMMUNICATIONS:**

**Jim Staschiak II, 1000 Washington Avenue – Income Tax Increase Issue**

Regarding the current proposal for the income tax increase, structural balance is the name to use with our budget. Page 3 of the Auditor's Report

shows that the problem goes back to 2000. A tax increase does not solve the imbalance. It is too early to make suggestions based on the tax increase. We do not know what the revenue amount will be. Council has time to create the budget. You cannot provide all the services that we have in the past. Council must set the priorities for the Administration. It is time to look at the expenses. Mr. Ward stated that Council does not want to add a new tax. "We have discussed the idea many times". There needs to be some changes. We were concerned this time last year as to how things were going. We won't know until we look at October receipts. I am sure we will have a decrease in our income tax. The only way we can maintain our services is to have an increase. "I appreciate your input". Council and Administration have looked very hard. If we don't increase the revenues, there will be more cuts. We have done surveys and prioritized. Mr. Sprague added that he hopes that Council will not wait any longer. We have run out of money, and we need to make difficult decisions now rather than at the last hour. We should end the year with \$500,000 to start the next year. That is a risky amount. Mr. Staschiak said to wait until close to next year and continue with prioritizing. Mr. M. Slough said 80% of our budget is salaries. We need the revenue to pay the employees. We hope to keep our employees until the end of 2009. Mr. Staschiak said we don't need to wait until next year. I am not asking you to make bad decisions. Hold back on increasing the income tax. Filed.

### **Bill Beach, 330 South Main Street – Downtown Findlay Improvement District**

I work in downtown Findlay and my family has interest in downtown Findlay. A tremendous amount of time and money have been invested in this project. Their goal is to advance our community. At Council's August 4 meeting, I ask for two pieces of legislation for Council to pass. A resolution approving the Articles to tighten all districts. We have over 87% of the total footage and approval in 75% of the owners. We have some naysayers, but the vast majority is using the money to enhance the downtown. All four of the objectors have been carved out of the district. This project has been in the works for over a year and a half. Mr. Schedel asked if the activities are legal. According to Mr. Beach, they are quite legal. Mr. Hackenberg agreed. "I am comfortable with it." he stated. Filed.

### **Aggie Dahar, HRPC – Home Depot Update**

Home Depot Rapid Deployment Center & Warehouse will invest \$50 million dollars into our community, create 300 permanent jobs at \$10.88 plus benefits, create an estimated 90+ construction and secondary jobs, and slow Hancock County's rising unemployment rate. This economic growth will have an enduring effect throughout our region. Home Depot will provide road improvements that meet ODOT's 20-year guaranty level. The site' retention pond will be equipped to handle a 100-year flood. Some residents are opposing it, citing considerable truck traffic and noise. A payment of \$100,000 will be contributed to the district; this contribution could offset emergency reductions in funding the school district. Filed.



**COMMITTEE REPORTS:**

**PLANNING & ZONING COMMITTEE** to whom was referred a request from The University of Findlay to rezone the following properties from B-2 General Business, B-Residential to University District:

323 & 329 W. Trenton Ave.	Howard Addition
201 Howard Street	Carrothers Addition
1123 & 1125 N. Main Street	Taylor & Halls Addition
Lot No. (s) 6114, 6117 & 1922, 1923 & 1302 E1/2	

We recommend approval of the rezoning to the University District

PUBLIC HEARING: September 1, 2009 at 7:20 PM

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

**PLANNING & ZONING COMMITTEE** to whom was referred a request from Todd Sopher, 307 Pheasant Run Lane, to rezone from CON to LDR the following property:

Lot No. 29—305 and 307 Pheasant Run Lane

PUBLIC HEARING: September 1, 2009 at 7:23 PM

Mr. J. Slough moved for acceptance, seconded by Mr. Schedel. Motion carried. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Daniel R. Stone, Van Horn, Hoover & Associates to modify an existing PUD. The original PUD 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 3<sup>rd</sup> Addition. 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. We recommend the designated area be rezoned from PUD to A-Residential. Proposed Lots 1-6. See attachment.

PUBLIC HEARING: September 1, 2009 at 7:26 PM.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Safety Director to appropriate the following funds:

From: General Fund	\$2,031.00	
To: R & M Equipment		\$2,031.00
(21012000-3331300)		

The Findlay Police Department has several laser and radar units in desperate need of repair. They have been out of service for several months and are due for replacement. However, replacement is not possible at this time, due to the current budgetary constraints. We recommend approval of the request. Mr. Ward moved to accept the committee report, seconded by Mr. J. Slough. Motion carried. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Director of Law David Hackenberg to appropriate funds in the amount of five thousand dollars (\$5,000.00) from the General Fund to the Law Director Department – Other (21005000). The funds are needed to pay for additional legal counsel services for the City’s contract negotiations. We recommend the approved transferring of funds in the amount of \$5,000.00 to 21005000. Mr. J. Slough moved to accept the committee report, seconded by Mr. Ward. Motion carried. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the possible funding for the resurfacing of the approaches to the bridge between East Street and Clinton Court. We recommend that the Engineer bring this back to the Appropriations Committee for review in 2010. Mr. Ward moved to accept the committee report, seconded by Mr. J. Slough. Motion carried. Filed.

**LEGISLATION:**

**RESOLUTIONS:**

RESOLUTION NO. 36-2009                      Second Reading                      Adopted

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

Mr. Ward moved to suspend the Statutory Rules and give the Resolution the third reading. Mr. J. Slough seconded the motion. Ayes: Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward. The Resolution received the third reading. Mr. Ward moved to adopt the Resolution, seconded by Mr. J. Slough. Ayes: Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 36-2009, and is hereby made a part of the record.

RESOLUTION NO. 37-2009                      Second reading

A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY.

Second reading of the Resolution.

RESOLUTION NO. 40-2009                      First reading

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE ENACTMENT OF AN ORDINANCE TO AMEND SECTIONS 3, 4, 5, 6, 12, AND 16 OF ORDINANCE NO. 1976-106, AS AMENDED, WHICH PROVIDES FOR A ONE PERCENT (1%) MUNICIPAL INCOME TAX BY INCREASING SAID TAX RATE TO ONE AND



J. Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-69, and is hereby made a part of the record.

ORDINANCE NO. 2009-70

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 AMENDING 2009-52, AS AMENDED, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2009-72

First reading

Adopted

AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE, AND DECLARING AN EMERGENCY.

Mr. Schedel moved to suspend the Statutory Rules and give the Ordinance the second and third reading. The motion was seconded by Mr. Van Dyne. Ayes: Urbanski, Van Dyne, Ward, Collette, Monday, Schedel, Seng, J. Slough, M. Slough. The Ordinance received the second and third reading. Mr. Collette, seconded by Mr. J. Slough, moved to adopt the Ordinance. Ayes: Van Dyne, Ward, Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-72, and is hereby made a part of the record.

#### **UNFINISHED BUSINESS:**

Mr. Collette: Regarding the Charter Issue, the Resolution states that it shall be done seventy-five (75) days before the election. That is why the Rules need to be suspended. Auditor asked who will be in charge. Mr. Collette: People will petition. Mr. Van Dyne: I am not opposed to the Charter concept of government. We will need to have help from the people to inform the public about the Charter. Mr. J. Slough: If we are going to sell this, we need town meetings.

Mr. Monday: Requests legislation or amend to eliminate Chief Engineer to City Engineer who will answer directly to the Mayor.

Mr. Ward: Scheduled a **COMMITTEE OF THE WHOLE – AUGUST 11 – 5:30 PM OR IMMEDIATELY FOLLOWING APPROPRIATIONS MEETING, THIRD FLOOR CONFERENCE ROOM.** Agenda: Greater Findlay Inc. Update.

President Schuck adjourned Council at 8:45 PM.

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CLERK OF COUNCIL  
Martha Stelzer

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PRESIDENT OF COUNCIL  
Robert E. Schuck