

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION AUGUST 04, 2009 COUNCIL CHAMBERS

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

ABSENT: Schuck, Ward

MINUTES: Mr. Monday moved to accept the Public Hearing Minutes dated July 21 regarding 1414 Tiffin Avenue rezoning. Mr. M. Slough seconded the motion. Motion carried. Filed.

Mr. Monday moved to accept the minutes, as circulated, of the July 21, 2009, Council meeting. Mr. Collette seconded the motion. Motion carried. Filed.

ADD TO AGENDA:

Moved by Mr. Monday and seconded by Mr. Collette, to add the following items to the agenda:

CIT Report – July 2009

NEAT Report – July 2009

Director of Law – 2009-68, AS AMENDED

Municipal Court Monthly Report - July

Director of Law – Revised 2009-68, AS AMENDED

Motion carried. Filed.

WRITTEN COMMUNICATIONS:

Daniel R. Stone, Van Horn, Hoover & Associates, Inc. P.O. Box 612 – Villas at Hunter's Creek PUD Amendment

On behalf of our client, Best Construction, we are requesting that the previously recommended rezoning petition be referred back to Planning and Zoning. The Director of Law, Hancock Regional Planning Commission, and the Findlay Zoning Department have recommended to request B-Residential zoning in lieu of A-Residential zoning. All of the A-Residential zoning requirements cannot be met since four of six lots currently have houses on them. If the A-Residential zoning were to be approved, it would create non-conforming lots. All of the lots would be conforming to the current zoning code with the proposed B-Residential zoning request. Referred to Planning & Zoning. Filed.

ORAL COMMUNICATIONS:

Bill Beach, 330 South Main Street – Findlay Downtown Improvement District, Inc.

Mr. Beach urged Council to pass the legislation to create the District and strike out residential. We are ready to move forward, he said. Government and churches are not in the District. All property is contiguous. Filed.

Bret A. Spaeth – 301 E Main Street – Opposition to Downtown District

A legal issue is present—the amended District did not say that the original District had the right amount of signatures. You cannot amend a district that was not legal. We do not have a valid district. Why were all of the parcel owners not contacted? It was not done right. He cited the sales tax, CIT tax, and possible school levy to be voted on in November—this is not the time, he stated. “I strongly encourage you not to pass the legislation. This is not legal”. Filed.

Soke Nowlhas Caseres Ph.D., 119 South Main Street – Against Downtown District

In April, they did not have 75% of the property owners sign the petition. Something was created illegally. Talked with some of the property owners; they know they have been lied to. They tried to remove themselves from the District. Findlay is a great town. I am paying twice for the same services—snow plowing, police for safety, cleaning sidewalks. Some things are up to the property owner. I want to decide what to do with my building. Mr. Urbanski stated that you all allude to the 75%. You are no longer in this District, but you still want to fight the ones who do want the District. This is not for snow shoveling and flower planting. They are going to work on developing businesses. You are going to benefit from everyone’s money. Mr. Caseres brings in 62-82 people every day—they will benefit from the District. Filed.

Mike Mallett, 921 South Main Street – Downtown Improvement District

Only a small majority does not want this District. We are going to do more than plant flowers. We want to make sure the down town does well. We put this together. Some things were probably done wrong. Mr. Collette said this is commendable. If this goes into litigation, are you prepared to handle this? Filed.

Randal J. Anast, 314 ½ W. Main Cross Street – Special Improvement District. Representing parents, Frank and Mabel Anast, 416 Glessner Avenue, property owners of 314 W. Main Cross Street.

He is concerned if this District is legal. He was told that he received a proxy designating that he could vote at any meeting. He did not receive a proxy. Ed Hartman stated he would get it for him. He never got it. “Why did we not get the proper paper work? We are for the District, but we have asked for the paper work so that we can be a part of this. Talked with Mr. Collette who said it was a done deal, and there was nothing that I could do. We, including the neighbors, are for it; we wanted to find out more about it. Filed.

PETITIONS:

None.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Auditor Robert Cole Sprague – “Making Your Tax Dollars Count”

The City of Findlay has been recognized by the State of Ohio with the “Making Your Tax Dollars Count” Award for excellence in financial reporting. Only 5% of the local governments in Ohio qualify for this award. It is recognition of the high quality of the City’s 2008 Comprehensive Annual Financial Report. Mr. Sprague recognizes Ginger Sampson for her outstanding work and the entire Auditor’s office staff for their diligence and hard work in reporting the City’s finances. Filed.

City Auditor Robert Cole Sprague – Ordinance 2009-76 and Resolution 44-2009

The above legislation reflects the small changes necessary in various personal services budgets, which were discussed during the mid-year review. The only impact to the General Fund is the unplanned retirement expense in the Fire Department, which will be funded by a transfer from the WORC budget. Filed.

Councilman Pro Tem Randy Ward – Ad Hoc Committee

As President Pro-Tem, Randy Ward appointed Randy Van Dyne, Randy Ward, and Tom Lonyo to an Ad Hoc Committee to look into the Emergency Medical Service (EMS) Response by the Fire Department and the Private EMS. Filed.

Director of Law David Hackenberg – Resolution No. 2009-40

A proposed amendment to said Resolution, Section 6, Section 12, Pages 8, 9 and 10, which if enacted, would spread over six (6) years the expenditures of additional revenues collected in calendar years 2010 and 2011. Mr. Hackenberg has prepared a proposed amendment. It is based on the proposal that was presented at the budget meeting on July 21, 2009. It would have no effect on the first one percent of the income tax, but the remaining half percent would be spread over six years with the one percent being allocated as it currently is. Filed.

Director of Law David Hackenberg – Charter Ordinance 2009-68 for Election of Charter Commission

The Board of Elections informs us that it is physically impossible for them to meet the forty (40)-day deadline prior to the November election. Jodi O’Brien informs me that if the Ordinance establishes an August 28, 2009 filing deadline for those who wish to serve on the Charter Commission, the Board can meet all the necessary deadlines to get the ballots prepared. My recommendation is, if you are serious about enacting this Ordinance, consider amending it with the one I have included in tonight’s packet and pass it tonight (August 4, 2009). In the event it would not be passed until August 18, 2009, the August 28, 2009, deadline would have to remain, which would allow Commission candidates ten (10) days to secure twenty-five (25) good signatures. Filed.

Bruce Hardy, Service Director – Storage Shed - CUBE

Cindy Bregel of Gliding Stars of Findlay requests permission to allow them to build a storage shed at the CUBE and lease the property that the building will sit on. This building is necessitated by the loss of Gliding Stars home ice at The University of Findlay after March of 2010. The building would measure 8' x 16' and would be located on an existing 10' X 50' concrete pad. Mr. Hardy requests legislation to authorize entering into a lease agreement with Gliding Stars. Filed.

Bruce Hardy, Service Director- Labor Agreement

For over a year, the City has been negotiating with the International Union of Operating Engineers to draw up a labor agreement for the Sewer Maintenance employees. The agreement is now in final form and ready for signature. The contract is effective from date of signature and covers the 3-year period, January 1, 2008 through December 31, 2010. Ordinance No. 2009-79 authorizes the Mayor to enter into this agreement on behalf of the City. Filed.

Bruce Hardy, Service Director – Health Insurance Committee

The committee is comprised of members of the Administration, Auditor's Office and Police and Fire Departments. One of the committee's goals is to increase the cost effectiveness of our health-care dollars (City and employees). We would like to explain this program to the Appropriations Committee and implement it later this year. It awards fitness stipends to City of Findlay employees who agree to maintain a healthy lifestyle. It is modeled after the one that fire union employees can participate in. Employees who meet all the requirements of the fitness parameters will be eligible for a \$500 stipend annually. Participants will be tested two times each year. The first test sets the base level for the employee. The follow-up test gauges the improvement in cholesterol levels, body fat percentage and cardiovascular health. Referred to the Appropriations Committee. Filed.

Sgt. Mike Martien, Findlay Crime Prevention Bureau – Ohio Department of Public Safety (ODPS)

A check was sent from ODPS on May 27 and cashed by the Auditor's Office on June 2, 2009. The check in the amount of \$2,152.00 was to be sent to the Crime Prevention office as a signed contract was made between the Crime Prevention Bureau and ODPS. The money was sent in lieu of doing "seatbelt" demonstrations to the 3rd grade students within the Findlay/St. Mike's school system. The funds were meant to be the budget for the Crime Prevention Office as no money was budgeted for the next fiscal year. Sgt Martien requests re-appropriating the funds to the Police Department Crime Prevention Office. Filed.

Treasurer's Reconciliation for April 30, 2009, May 31, 2009, and June 30, 2009. Filed.

recommended by the Director of Law David Hackenberg: Section 6, Section 12, Pages 8, 9, and 10, which if enacted, would spread over six (6) years, the expenditures of additional revenues collected in calendar years 2010 and 2011. It is based on the proposal that was presented at the budget meeting on Tuesday, July 21, 2009. It would have no effect on the first one percent (1%) of the income tax, but the remaining half percent (.5%) would be spread over six (6) years with the one percent (1%) being allocated as it currently is. Ayes: Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Collette, Monday, Schedel. Mr. Collette moved to adopt the Resolution as amended, seconded by Mr. Schedel. Ayes: J. Slough, M. Slough, Urbanski, Van Dyne, Collette, Monday, Schedel, Seng. The Resolution was declared adopted, as amended, and is recorded in Resolution Volume XXXI, Page 40, 2009, as amended, and is hereby made a part of the record.

RESOLUTION NO. 42-2009

First reading

Adopted

A RESOLUTION APPROVING THE AMENDMENTS TO THE ARTICLES OF INCORPORATION AND THE AMENDED INITIAL PLAN OF THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

Mr. Schedel moved to adopt the Resolution, seconded by Mr. Collette. Ayes: Urbanski, Van Dyne, Collette, Monday, Schedel, Seng, J. Slough, M. Slough. Mr. M. Slough stated there are arguments on both sides. "I do not want to do something that is illegal, but the State has approved this, right?" Mr. Hackenberg said the ORC says it can be amended. They have 75% now. Statute says you can do the same with 60% of the frontage. "I am comfortable with this. If there is litigation, I will be involved". He stated that the City is collecting the imposed assessment. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 42-2009, and is hereby made a part of the record. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 42-2009, and is hereby made a part of the record.

RESOLUTION NO. 43-2009

First reading

Adopted

A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR CERTAIN ENHANCED PUBLIC SERVICES IN THE DOWNTOWN FINDLAY SPECIAL IMPROVEMENT DISTRICT (SID), AND DECLARING AN EMERGENCY.

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

ORDINANCE NO. 2009-73

First reading

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A LEASE AGREEMENT WITH GLIDING STARS TO ALLOW THE CONSTRUCTION OF A STORAGE SHED AT THE CUBE AND LEASE THE PROPERTY THAT THE BUILDING WILL SIT ON, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2009-74

First Reading

AN ORDINANCE AMENDING CHAPTER 1110 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 AND B-RESIDENTIAL," TO "UNIVERSITY DISTRICT".

First reading of the Ordinance.

ORDINANCE NO. 2009-75

First reading

TABLED

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 "RESIDENTIAL" TO "LOW DENSITY RESIDENTIAL (LDR)", ACCORDING TO THE PUD.

Mr. Van Dyne moved to table Ordinance No. 2009-75, seconded by Mr. M. Slough. Aye: J. Slough, M. Slough, Urbanski, Van Dyne, Collette, Monday, Schedel, Seng. Motion carried.

ORDINANCE NO. 2009-76

First reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2009-77

First reading

AN ORDINANCE REPEALING CHAPTER 137 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND IN ITS PLACE ENACTING A NEW CHAPTER 137 OF THE CODIFIED ORDINANCE OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2009-78

First reading

Adopted

AN ORDINANCE DETERMINING TO PROCEED WITH THE PROVISION OF THE ENHANCED PUBLIC SERVICES IN THE DOWNTOWN FINDLAY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

Mr. Schedel moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. Collette seconded the motion. Ayes: Urbanski, Van Dyne, 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. Van Dyne. Ayes: Van Dyne, Collette, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-78, and is hereby made a part of the record.

ORDINANCE NO. 2009-79

First reading

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A THREE (3)-YEAR CONTRACT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 188 AFL-CIO, EFFECTIVE JANUARY 1, 2008, EXPIRING DECEMBER 31, 2010 AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

Mr. M. Slough: Randy Anast and Tom Fretz have been working on the sound equipment. They did the repair for the price of the parts. Thank you!

Mr. Monday moved to excuse the absence of Mr. Ward, seconded by Mr. Collette. Motion carried.

Mr. J. Slough moved to excuse the absence of President Schuck, seconded by Mr. Collette. Motion carried.

Mr. J. Slough: **APPROPRIATIONS COMMITTEE MEETING – TUESDAY, AUGUST 11, 2009, AT 4:30 PM followed by a COMMITTEE OF THE WHOLE WITH A PRESENTATION BY GFI.**

Mr. J. Slough adjourned Council at 8:45 PM

CLERK OF COUNCIL

PRESIDENT OF COUNCIL