

## FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION    OCTOBER 6, 2009    COUNCIL CHAMBERS**

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

**ABSENT:** Schedel, Schuck

**MINUTES:** Mr. J. Slough moved to accept the minutes, as circulated, of the September 15, 2009 Council Meeting. Mr. Van Dyne seconded the motion. Motion carried. Filed.

**ADD-ONS:** Mr. J Slough moved, seconded by Mr. Monday to add the following items to the agenda:

1. Planning & Zoning Committee Report for rezone of 701 North Main Street (Washington School) from C-Residential to B2-General Business.
2. Planning & Zoning Committee Report for rezone of 123 Cherry Street (Ben Larbus) from C-Residential to B3-Central Business.
3. Budget Summary of Year-To-Date Information as of September 30, 2009.
4. Traffic Commission meeting minutes from September 21, 2009 meeting.
5. City Planning Commission Staff Report for October 8, 2009.
6. Findlay Fire Department Risk Assessment from Fire Chief.
7. Ordinance No. 2009-102 (Blanchard Valley Dentistry RLF).
8. Findlay Municipal Court Monthly Report for September 2009.
9. Petition to install storm sewer pipes, outlet, and connection for Hunters Creek.
10. Letter from Engineer for traffic signal removal at Main Street (US 224) and Filmore Street to start the removal process of the traffic signal per ODOT recommendations.

RESOLUTION NO. 051-2009

First reading

Adopted

A RESOLUTION COMMENDING ROBIN COOPER FOR THE EXCELLENCE OF HIS SERVICES FOR THE CITY OF FINDLAY, OHIO.

Mr. J. Slough moved to adopt the Resolution, seconded by Mr. Collette. Ayes: Monday, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 51-2009, and is hereby made a part of the record.

Discussion:

Mr. Ward mentioned that he has known Robin Cooper for a number of years, as a Coach and as a Firefighter. Mr. Ward is pleased to see that Mr. Cooper has moved on to the Vanlue program and helping them out. Mr. Ward noted that it has been a pleasure working with you and it is good to see that you are still active in coaching. He noted that Mr. Cooper running the youth football program for years, coaching at the High School and Middle Schools, and now moving into some of the High Schools in the County. Not only your services as a Firefighter are appreciated, but also to the community in sports and athletics is greatly appreciated.

RESOLUTION NO. 052-2009

First reading

Adopted

A RESOLUTION COMMENDING TERRY TERHARK CHIEF EXECUTIVE OFFICER OF THE RIGHTTHING ON BEING RECOGNIZED IN HRO TODAY MAGAZINE AS THE BEST RECRUITMENT PROCESS OUTSOURCING COMPANY ON THEIR BAKER'S DOZEN LIST.

Mr. Urbanski moved to adopt the Resolution, seconded by Mr. Collette. Ayes: J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Seng. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 52-2009, and is hereby made a part of the record.

Discussion:

Mr. Collette mentioned that what Mr. Terhark and his company signifies what we are trying to preserve in our city and our community. These types of businesses make us a special place. He appreciates and congratulates Mr. Terhark for his award and for being here, and his business is something we need to think of when we are trying to keep things going.

RESOLUTION NO. 054-2009

First reading

Adopted

A RESOLUTION COMMENDING OFFICER ROBERT (MILES) GEARING OF THE FINDLAY POLICE DEPARTMENT FOR HIS EXCELLENCE IN PERFORMING HIS DUTIES AS A POLICE OFFICER FOR THE FINDLAY OHIO POLICE DEPARTMENT.

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

Discussion:

Mr. Collette commented that if anyone doubts the public's safety in this community, and if this state and/or country is not an important issue, Mr. Gearing is a living example. Mr. Collette congratulated Mr. Gearing and thanked him.

## **WRITTEN COMMUNICATIONS:**

None.

## **ORAL COMMUNICATIONS:**

None.

## **PETITIONS:**

### **Petition to install storm sewer pipes, outlet, and connection in the Hunters Creek Addition**

Dave Emsweller, filed a Petition for Hunters Creek Addition to install two 48" storm sewer pipes from Hunters Lake #2 to Lye Creek, install two 36" storm sewer pipes from Hunters Lake #1 to Hunters Lake #2, Replace 8" storm sewer outlet for NE detention pond with 18" storm sewer outlet, and install 12" valved storm sewer connection from Colt Drive to Hunters Ridge 10<sup>th</sup> Addition detention pond.

#### Discussion:

Mr. Monday requested a Resolution of necessity to proceed with the assessments. This request for a Resolution was seconded by Mr. Urbanski. Referred to the Engineering Office. Filed.

## **REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:**

### **Director of Law David A. Hackenberg – Appointment of Assistant Director of Law**

Robert A. Beutler, Jr. has retired from the position of Assistant Director of Law in the Law Director's Office and is also assigned to the Findlay Municipal Court System. Zachary J. Beutler is appointed to fill this opening.

#### Discussion:

Mr. Collette asked Mr. Rasmussen, who was serving as Acting Law Director, what Zach Beutler's starting salary will be. Mr. Rasmussen replied that it will be a level IV which is approximately \$35,000. This will be an \$11,000 savings from the retiring Robert Beutler. Mr. Collette asked if Zach Beutler would be a full-time Assistant Director of Law or would be also be working for Hackenberg, Beutler, and Rasmussen Law Firm. Mr. Rasmussen replied that he will be part-time for the City and part-time for the Law Firm, just as the retiring Robert Beutler was. Mr. Collette commented that he believes he is a great fit for the position, but there are Fire and Police employees that are in a freeze situation as is in the County. Mr. Collette asked if it is possible that this appointment could wait until budgets are better. He also asked if the office could cover for awhile, or if his appointment is a necessity. Mr. Rasmussen mentioned that there are two (2) Courtrooms and two (2) Judges operating at the same time. Both of the Judges are in the Courtrooms for prosecuting pre-

trials at the same time, so there is no way you are going to be able to function with less than four (4) Prosecutors. One (1) will be conducting pre-trials, one (1) will be conducting arraignments in each Courtroom. Besides the other tasks done at the office, the Court only has so many days to hear the cases, which right now is all day Tuesdays and Wednesdays of every week. Mr. Rasmussen commented that he doesn't see how these services can be conducted with any less than four (4) Prosecutors. The Courtrooms have to run at the same time in which two(2) Prosecutors are assigned to each Judge. When one (1) is in the Courtroom, the other is in pre-trial for that Judge. Mr. Collette commented that there is a full-time employee for the County Prosecutor's Office who is paid \$31,000, so he wanted to understand why Zach Beutler's appointment is paid \$35,000 as a part-time employee when budgets are tight. Mr. Urbanski suggested that this be looked at since budgets are tight to see if this might be cut back on the short term or if it is not possible. Mr. Urbanski mentioned that every department in the City has been asked to cut back, so they want to be sure that every department is doing so. Mr. Rasmussen mentioned that approximately \$100,000 of our wages are reimbursed by the County because we also prosecute their cases. 40% of all our wages are paid by the County.  
 Filed.

**Director, Hancock County Office of Economic Development Aggie Dahar – RLF Appropriation**

Legislation is requested to appropriate \$142,000 from the City Revolving Loan Fund to the Blanchard Valley Dentistry to assist in the acquisition of a medical suite located at 1816 Chapel Drive in Findlay, Ohio.

From: City Revolving Loan Fund	\$ 142,000	
Blanchard Valley Dentistry		\$142,000

Filed.

**City Engineer Brian Hurt – U.S. Army Corps of Engineers Study, Project No. 31980200**

The City is participating in the flood study that is being conducted by the U.S. Army Corps of Engineers (USACE). USACE is requesting \$100,000 as a portion of the City's share for project costs. \$150,000 has been submitted to the USACE for the study so far. Mr. Hurt asks that it be referred to the Appropriations Committee. If approved, legislation is needed to appropriate funds as follows:

From: Cap. Imp. - CIT	\$ 20,000	
To: USACE Study, Project #31980200		\$ 20,000

Referred to the Appropriations Committee. Filed.

**City Engineer Brian Hurt – Fostoria Avenue Drainage Improvements (Phase II), West Park Stormwater Improvements, Invision Drive Extension to Tall Timbers**

The City is preparing to submit a grant/loan application for funding from the Ohio Public Works Commission (OPWC) for the above-referenced projects that will be included in the 2010 Capital Improvements Plan with construction planned in 2010. Legislation is needed to authorize City representatives to sign the grant/loan application and agreement for funding.

Filed.

**City Safety Director Jim Barker – PropertyRoom.com**

PropertyRoom.com is a website to be used for sale of stolen, seized, found and other surplus of confiscated items owned by the City of Findlay. The Law Director is requested to prepare legislation to authorize the use of PropertyRoom.com for the auction sale of surplus items owned by the City of Findlay Police Department.

Discussion:

Mr. J Slough asked if there is any fee for this. Mr. Barker replied that this is very similar to GovDeals.com whom we utilized to sell the fire truck and three (3) police cruisers. They took a small percentage of that sale. This in no way would replace our City auction for bicycles, etc. The items sold through PropertyRoom.com would be items that the average citizen. Mr. J Slough asked for examples of what type of items would be sold. Mr. Barker replied that a used laser unit, stolen property that didn't get sold at the auction, or items in this nature. By going through these types of websites to sell items, they generally net more for the City. For example, the three (3) police cruisers we sold on GovDeals.com, netted us approximately two thousand dollars (\$2,000) each, but we received two hundred dollars (\$200) each trade in value. Mr. Barker feels websites like these are well worth exploring. Mr. J Slough replied that he wasn't sure if an auctioneer might be able to sell the items, but that now he understands that these types of websites might be able to generate more revenue for the City. Mr. Barker replied that items to be sold by this website will not be the items usually sold at City Auctions, such as bicycles, toaster ovens, etc. Mr. Collette replied that he reviewed the contract with PropertyRoom.com for the Sheriff's Department and that they are a back-up for the City Auctions and that no out-of-pocket money comes from the City. Our property rooms are getting overstocked. Mr. Van Dyne commented that it appears that we want to move fast in utilizing PropertyRoom.com and he wants to know if it is because we are getting full or are we trying to make some money. Mr. Barker replied that with budget concerns, we could stand to make some money and are trying to find ways to do so. Some of the money made can be used to replace some other aging equipment.

Filed.

**Mayor Pete Sehnert – US Department of Justice – Byrne Justice Assistance Grant**

The City of Findlay has been awarded another US Department of Justice – Byrne Justice Assistance Grant for the Radio Interoperability Project in the amount of \$13,556.00 which is not part of the federal stimulus programs. Legislation is requested to authorize the Mayor to sign the grant agreement and appropriate funds.

From: Byrne-JAG program	\$ 13,556.00	
To: Radio System Upgrade #31991000		\$ 13,556.00
From: Radio System Upgrade #31991000	\$ 13,556.00	
To: General Fund		\$ 13,556.00

Filed.

**City Service Director Bruce Hardy – GreaterFindlayInc. (GFI)**

The City of Findlay is approaching its second year of its contract with GreaterFindlayInc. (GFI) to fund the Economic Development Council out of the City’s net proceeds from collection of the hotel/motel tax. Per said contract, \$50,000 is the City’s contribution for 2010.

Referred to the Appropriations Committee. Filed.

City Planning Commission Minutes – August 13, 2009. Filed.

City Planning Commission Staff Report – August 13, 2009. Filed.

Hancock Regional Planning Commission Agenda – September 16, 2009. Filed.

City Income Tax Monthly Collection Report – September 2009. Filed.

N.E.A.T. Departmental Activity Report – September 2009. Filed.

**City Engineer Brian Hurt – Tiffin Avenue Signal Synchronization (EECBG), Project No. 32894000**

The U.S. Department of Energy is awarding the City a grant for the above mentioned project for funds to be used to begin studying and assessing the potential energy savings by reducing automobile idling time and CO<sup>2</sup> emissions. Said grant is funded by the American Recovery and Reinvestment Act (ARRA) in the amount of \$172,600 with no matching funds from the City. Legislation is requested to authorize signing the grant agreement and appropriating funds as follows:

From: EECBG Grant	\$ 172,600.00	
To: Tiffin Avenue Signal Synchronization (EECBG) #32894000		\$ 172,600.00

Discussion:

Mr. Collette commented that this is a great opportunity and he reviewed HRPC's letter. Mr. Hurt replied that this project is a way to get funding and will help congestion on the Tiffin Avenue corridor between the signals is not up to date. This project will allow us to synchronize those lights by using the latest technology to have cameras and radio systems predict how traffic is moving, and give you more green lights than red lights. It will help eliminate getting numerous red lights. This technology will allow us to synchronize these lights. We will be able to piggy back this EECBG grant with safety funding from ODOT allowing these improvements to be done at a low cost. Mr. Collette congratulated Mr. Hurt on getting the grants and bringing money to Findlay.

Filed.

Budget Summary of Year-To-Date Information as of September 30, 2009. Filed.

Traffic Commission Minutes – September 21, 2009. Filed.

City Planning Commission Staff Report – October 8, 2009. Filed.

FFD Risk Assessment from Fire Chief Thomas Lonyo. Filed.

Findlay Municipal Court Monthly Report for September 2009. Filed.

**Engineer Meghan Clement – Traffic Signal Removal at Main Street (US 224) and Filmore Street.**

Traffic signal removal at Main Street and Filmore Street to start the removal process of the traffic signal per ODOT recommendations.

Discussion:

Mr. Hurt clarified that this is the light that is in front of Washington School. The safety study recommended the removal of the light. This public informative letter is the first step in the process to remove the light. Mr. Hurt introduced the new Engineer Meghan Clement who was present in the audience.

Filed.

Findlay Police Department activities for September 2009. Filed.

## **COMMITTEE REPORTS:**

**PLANNING & ZONING COMMITTEE** to whom was referred a request to rezone 701 North Main Street (Washington School) from C-Residential to B2-General Business.

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

### Discussion:

Mr. M Slough asked how quickly this will go through as it is costing a lot of money on a daily basis until it goes through. Mr. Ward asked what the timeline on rezoning usually are and if they need to have three (3) readings or if the rules can be suspended and be granted. Mr. Collette replied that we can suspend the rules, but that a public hearing needs to be done first. The public hearing is scheduled for November 3, 2009 at 7:25pm. Mr. M Slough reiterated that there is an expense that they are having because they cannot close the deal with the banks until this is finalized. He would like to see it go ahead and suspend the rules and receive its second and third reading to help them with costs. Mr. Ward asked how soon it could have a public hearing scheduled. Mr. M Slough replied that rezones have to have three (3) readings. Mr. Ward replied that after the public hearing, an emergency clause could be applied at that time which would be between the second and third reading. Mr. M Slough reiterated that it has to receive three (3) readings with approval within thirty (30) days. Mr. Ward commented that it would be at least six (6) weeks before it would be finalized. The first reading would be next week, so it will be at least the end of November 2009. Mr. Homka from the audience explained the process of what City Planning does for rezones. Mr. Ward asked for all of the Councilmembers who were in favor of accepting the committee report to signify by saying aye and those opposed nay. Council unanimously was in favor of adopting the committee report.

**PLANNING & ZONING COMMITTEE** to whom was referred a request from Benjamin R. Larbus for a zoning amendment for 123 Cherry Street in the North Findlay Addition, Lot No. 963 Ex. W52 Ft., and changing the zoning from C-Residential to B3-Central Business.

Mr. J Slough moved to accept the committee report, seconded by Mr. M Slough. Filed.

## LEGISLATION:

### RESOLUTIONS:

RESOLUTION NO. 050-2009

First reading

Adopted

A RESOLUTION APPROVING AN UPDATED ZONING PERMITS AND INSPECTION FEES SCHEDULE PURSUANT TO 1125.02 (g) OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

Mr. Collette moved to adopt the Resolution, seconded by Mr. Urbanski.

#### Discussion

Mr. M Slough asked for clarification on why there is \$400 fee for adult entertainment approval and home businesses are \$75. Mr. Barker replied that the only changes from when it was adopted last is that in the flood permit column, the grading up to ½ acre and grading over ½ acre in the miscellaneous construction, and a typographical error in the sign permit. All the other fees we discussed with Engineering and got feed back about a year ago when the fees were changed. We did find some fees were duplicated and removed them so that we were not collecting twice. Mr. M Slough what type of pool is the \$30 swimming pool fee for. He asked if it is for inflatables, in-ground, above-ground, or what kind. Mr. Barker replied that it is for permanent pools such as in-ground and above-ground pools that you would put a fence around, so inflatables would be temporary and would not need a permit.

Ayes: Van Dyne, Ward, Collette, Monday, Seng, J. Slough, M. Slough, Urbanski. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 50-2009, and is hereby made a part of the record.

RESOLUTION NO. 051-2009

See page 1 and 2

RESOLUTION NO. 052-2009

See page 2

RESOLUTION NO. 053-2009

First reading

Adopted

A RESOLUTION AUTHORIZING THE CITY OF FINDLAY TO APPLY FOR FUNDS AND SIGN A GRANT AGREEMENT FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM TO IMPROVE CRIMINAL JUSTICE RELATED EQUIPMENT, APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

The Resolution received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. Van Dyne. Ayes: Monday, Seng, J Slough, M Slough, Urbanski, Van Dyne, Ward, Collette. The Resolution was declared adopted and is recorded in Ordinance Volume XXXI, Page 53-2009, and is hereby made a part of the record.

RESOLUTION NO. 054-2009

See page 2

**ORDINANCES:**

ORDINANCE NO. 2009-096

First reading

Adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO FILE AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION (OPWC) GRANT PROGRAM, ALONG WITH THE GRANT AGREEMENT WITH THE OPWC FOR THE FOSTORIA AVENUE DRAINAGE IMPROVEMENTS, PROJECT NO. 32593600, FOR THE WEST PARK STORMWATER IMPROVEMENTS, PROJECT NO. 32593700 AND FOR THE INVISION DRIVE EXTENSION TO TALL TIMBERS, PROJECT NO. 32893800, 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: 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. M Slough. Ayes: J. Sough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Seng. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-096, and is hereby made a part of the record.

ORDINANCE NO. 2009-086

Second reading

AN ORDINANCE AUTHORIZING CITY ADMINISTRATORS TO ISSUE FITNESS STIPENDS TO ELIGIBLE EMPLOYEES AND TO GRANT HEALTH INSURANCE PREMIUM DISCOUNTS FOR NON-TOBACCO USERS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2009-089

Second reading

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

Second reading of the Ordinance.

ORDINANCE NO. 2009-090

Second reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY MODIFYING AN EXISTING PUD ON A PORTION OF LOT 349 IN THE HUNTER'S CREEK THIRD ADDITION BY REMOVING A PORTION FROM THE PUD AS SHOWN ON THE ATTACHED PLAT WHICH WILL BE DESIGNATED LOTS 1 THROUGH 6 IN A REPLAT OF SAID PORTION OF LOT 349, WHICH WILL BE REZONED TO "B-RESIDENTIAL" WITH A PLAT RESTRICTIVE COVENANT IN FAVOR OF THE CITY PROHIBITING MULTI-FAMILY DEVELOPMENT ON ANY OF THE SIX (6) LOTS PLATTED THEREON.

Second reading of the Ordinance.

ORDINANCE NO. 2009-091

Second reading

AN ORDINANCE ACCEPTING THE STREET RIGHT-OF-WAY DEDICATION PLAT FOR INVISION PLACE, FINDLAY, OHIO.

Second reading of the Ordinance.

ORDINANCE NO. 2009-092

Second reading

AN ORDINANCE APPROVING THE FINDLAY COMMERCE PARK PLANNED UNIT DEVELOPMENT (PUD) AMENDED PLAN ATTACHED HERETO AS EXHIBIT "A" TOGETHER WITH THE PLAT MAP AS EXHIBIT "B" SHOWING THE SPECIFIC AREA THAT THE AMENDED PUD PLAN IS TO MODIFY THE USES AVAILABLE TO SAID THIRTY-ONE AND FOUR TENTHS (31.4) ACRES OF LAND.

Second reading of the Ordinance.

ORDINANCE NO. 2009-097

First reading

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF FINDLAY, OHIO TO MAKE USE OF PROPERTYROOM.COM FOR THE AUCTION SALE OF SURPLUS ITEMS IN THE POLICE DEPARTMENT'S PROPERTY ROOM, INCLUDING BUT NOT LIMITED TO STOLEN, SEIZED, FOUND AND OTHER SURPLUS OR CONFISCATED ITEMS THAT HAVE BECOME THE PROPERTY OF THE CITY OF FINDLAY, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2009-098

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 "C-RESIDENTIAL" TO "B2-GENERAL BUSINESS".

First reading of the Ordinance.

ORDINANCE NO. 2009-099

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 "C-RESIDENTIAL" TO "B3-CENTRAL BUSINESS".

First reading of the Ordinance.

ORDINANCE NO. 2009-100

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. Van Dyne seconded the motion. Ayes: Collette, Monday, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward.

The Ordinance received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. M Slough. Ayes: Monday, Seng, J Sough, M. Slough, Urbanski, Van Dyne, Ward, Collette. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-100, and is hereby made a part of the record.

ORDINANCE NO. 2009-101

First reading

Adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, HANCOCK COUNTY, STATE OF OHIO TO SIGN THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) AGREEMENT WITH THE U.S. DEPARTMENT OF ENERGY FOR THE SIGNAL SYNCHRONIZATION ON TIFFIN AVENUE BETWEEN PLAZA STREET/LONDONDERRY DRIVE TO COUNTY ROAD 236, PROJECT NO. 32894000, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

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

The Ordinance received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. Urbanski. Ayes: J Sough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Seng. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-101, and is hereby made a part of the record.

AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO, TO APPROPRIATE ONE HUNDRED FORTY-TWO THOUSAND DOLLARS (\$142,000.00) FROM THE FINDLAY REVOLVING LOAN FUND TO THE BLANCHARD VALLEY DENTISTRY LOAN, PROJECT NO. 31993900, 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: M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Seng, J. Slough.

The Ordinance received the second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. Van Dyne.

Discussion:

Mr. Van Dyne commented that this revolving loan fund project is an excellent project and is glad it has gotten to this stage.

Ayes: Urbanski, Van Dyne, Ward, Collette, Monday, Seng, J. Slough, M. Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-102, and is hereby made a part of the record.

**UNFINISHED BUSINESS:**

**OLD BUSINESS:**

Mr. Collette asked if we could have an agenda for the public for City Council meetings. Maybe these agendas could be published via the internet maybe on the City's website and/or the Courier newspaper's website. Mr. Hardy replied that the City is not publishing them on their website, but the Courier is publishing the legislation agenda. Mr. Collette commented that the Township Trustees publish their agendas online. He would like to see an outline of what is addressed first, second, etc. at City Council meetings. He has talked with individuals who have attended City Council meetings and do not have anything to follow where the meeting is at and what comes next. Mr. Hardy replied that it would be hard to keep an up-to-date agenda when there are so many add-ons given at different times, so the website would have to be updated every time an item is added. Referred to Administration. Administration will bring their solution(s) to City Council.

Mr. M. Slough asked the City Engineer what the timeline for Ordinance 2009-096 (FILE AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION (OPWC) GRANT PROGRAM, ALONG WITH THE GRANT AGREEMENT WITH THE OPWC FOR THE FOSTORIA AVENUE DRAINAGE IMPROVEMENTS, PROJECT NO. 32593600, FOR THE WEST PARK STORMWATER IMPROVEMENTS, PROJECT NO. 32593700 AND FOR THE INVISON DRIVE EXTENSION TO TALL TIMBERS, PROJECT NO. 32893800) would be. Mr. Hurt replied that these are OPWC grants. They are now in the grant application phase. They are putting together three (3) applications for those three (3) projects to obtain OPWC funds. The Public Works District Integrating Committee meets the first week of

November, so we filed our OPWC applications in October. Monies are usually awarded around June or July of the following year. So we will base our projects for next year on the grant funding we will receive.

Mr. Van Dyne gave an update on the tax levies on the ballot this fall. Fire Department has been getting the word out to the public about the passage of the tax levies on the ballot this fall. His intention is to cover the entire city by Election Day. The City Auditor, HRPC Grant Writer, and himself have also been working on this. He wants to encourage everyone's support and ideas on how to promote the tax levy. There are a couple of public meetings coming up and will be announced. One will be at the Senior Center and another will most likely be at Central Middle School that he would like to see everyone there. He wants to encourage the Councilmembers to do anything and everything they can think of to do in their wards for this levy. Voting is only four (4) weeks from today.

### **NEW BUSINESS:**

Mr. J. Slough requested a Resolution to support the City Income Tax initiative on the November ballot. Seconded by Monday. Mr. Rasmussen commented that it will be created for the next City Council meeting. Mr. Collette asked if this would be appropriate in that we might get into an issue of political side that we would be taking if we create this Resolution. Mr. Rasmussen replied that Council has already did so when it was approved to put it on the ballot. Mr. Collette reiterated that he wasn't sure if it Council is in a legal position to create a Resolution. Mr. Rasmussen did not see an issue with creating the issue. Mr. Ward noted that Council voted to put it on the ballot and maybe a clarification of a Resolution that states Council does support it in order to save our City.

Mr. M. Slough noted that he and Mr. Barker have been meeting with a couple of individuals concerning energy savings programs for the City. With our economic state as it is, this might be a way to gain some savings. The company Mr. Barker has been working with has done some audits on the City building, the CUBE, Water Pollution Control Center, and the Water Treatment Plant and have suggested ways of considerable savings. One simple way to utilize savings would be to invest in light bulbs and new electrical technology, and possibly some small windmills that could be installed on top of our buildings. He was surprised by the amount our Water Pollution Control Center spends on electricity bills. He would like to call a Committee of the Whole meeting on Tuesday, October 13, 2009 immediately following the Appropriations Committee meeting at 4:30pm for the company Mr. Barker has been working with on energy savings with to give a presentation and to allow Councilmembers to ask questions. Mr. Slough mentioned that there might be some grants available to help fund these energy savings programs. Mr. Barker replied that there are some reimbursements through AEP, and some grant monies available that they are more than willing make available for the City. Mr. Urbanski asked if there were any objections to having the Committee of the Whole meeting immediately following the Appropriations Committee meeting. It is anticipated that it will be a twenty (20) minute presentation.

Mr. J. Slough: **APPROPRIATIONS COMMITTEE MEETING – 4:30 PM -  
OCTOBER 13, 2009, THIRD FLOOR CONFERENCE ROOM**

- Agenda: 1. RLF Transfer Request for Façade Loan Program  
2. USACE Study Project No. 31980200  
3. US Department of Justice – Byrne Justice Assistance Grant

Mr. M. Slough: Requested a **COMMITTEE OF THE WHOLE MEETING –  
IMMEDIATELY FOLLOWING THE APPROPRIATIONS COMMITTEE  
MEETING – SEPTEMBER 8, 2009, THIRD FLOOR CONFERENCE ROOM**

Agenda: Energy savings program

Mr. Urbanski commented on the creation of the Resolution to support the City's Income Tax levy. A month or so ago, he met with the County Commissioners and the City Schools where they jointly endorsed the City Income Tax, the Sales Tax, and the School Levy. He recommends that the requested Resolution be in favor of all three (3) levies. That would show that we are unified. We've said we are and we should continue to move forward in that direction. Mr. Ward asked if Mr. Slough or Mr. Monday would want to amend theirs to add them together or not as it would be their choice since we already have a resolution requested for this. Mr. Collette requested a second resolution in support of Mr. Urbanski has just said. There are two (2) resolutions requested for the next City Council meeting on October 20, 2009.

Mr. Monday: Moved to excuse the absence of Mr. Schedel. Mr. J Slough seconded the motion. Motion carried.

Mr. Sprague pointed out that the Mayor held a press conference this morning at 10:00am regarding the notification from the County Treasurer that was received on Friday, October 2, 2009 afternoon on the estate tax settlement for September this year in the amount of one million eighty-nine thousand nine hundred sixty-three dollars and thirty-seven (\$1,089,963.37).

Mr. J Slough: Moved to excuse President Schuck. Mr. Ward seconded the motion. Motion carried.

Ms. Seng commented that the East Melrose project looks wonderful. The dip in the railroad crossing is now gone, the curbs are fantastic. Mr. Urbanski added that he works in the area and that the extra hours the contractor put in is making it look great. Mr. Ward asked who the contract was. Mr. Hurt replied that it is Shelly Company. They have been working a lot of hours to complete the project and it is anticipated that they will work ever more hours to get the deadline met of completion.

Mr. Rasmussen mentioned that the Law Director's appointment letter that was read earlier is an action letter requesting the appointment. It needs to have action taken on it. Mr. Ward commented that we generally just voice approval on letters of recommendations. Mr. J Slough moved to accept the appointment of Zach Beutler and Mr. M Slough seconded the motion. Mr.

Collette mentioned that he wasn't sure if this appointment needs more discussion or not. He questioned if this is the appropriate time or not to appoint Mr. Beutler. Mr. J Slough replied that if this new appointment was not utilized, would it create more of a backlog in the Court System than there is right now. Mr. Rasmussen replied that the current schedule system would have to be changed. Mr. J Slough asked who would change it. Mr. Rasmussen replied that the Court already has a Magistrate to work on Thursday nights because they do not have time on Monday, Thursday and Friday to handle the cases they do on Tuesdays and Wednesdays. The cases cannot be bumped to another day unless we hire another Magistrate who would cost more after hours to work than Zach Beutler's appointment. Mr. J Slough asked when it would start to create havoc if Mr. Beutler was not brought onboard. Mr. Rasmussen replied that he prosecuted cases last week and up to today. Mr. Bob Beutler retired on September 30, 2009, so we were without our fourth (4<sup>th</sup>) prosecutor as of that date. We conducted interviews over the last four (4) months in anticipating of hiring a replacement. Mr. Ward commented that the Municipal Court systems returns budgeted monies once the case is complete back to City Council. If we do not allow them to process the cases, the fees and fines that they generate and pay for their own operation, would be hurt by that. In the long run, it would require even more money from our budget because they would not be able to bring those monies back in. Mr. Rasmussen mentioned that the amount of traffic cases are down that the Prosecutors are not really involved in, but OVIs are higher and they are time intensive that require their involvement. These are the same individuals that are either being sent to jail or WORC who are violating the WORC program and having to come back to another hearing and then be sent to jail, then violate their probation, and then go back for more hearings. So more work on our part is being done with less cases filed. Mr. J Slough asked if any of these cases will be sent to the WORC. Mr. Rasmussen said they will. Currently over 240 individuals are presently scheduled for the WORC program. Mr. J Slough asked what revenue the WORC program would bring for the City. Mr. Barker replied that an average daily population multiplied by ten (10). For every ten (10) residents of the WORC program is about an average of two hundred thousand dollar (\$200,000) savings in incarceration costs. Not everyone is going to be eligible for the WORC program or even complete it, but they do have to go to court and opt for the WORC program, go through the Probation Department, and then be interviewed for acceptance to the WORC program. It is a three to four (3-4) step process to get into the WORC program. As of last week, it is two hundred forty (240) individuals for a total of fifteen thousand dollars (\$15,000) for one hundred eleven (111) days of occupancy for that program. Mr. Collette noted that this still falls within our appropriation, and in fact will be a savings. Mr. Sprague replied that there are no issues with this falling within our budget. Mr. Rasmussen responded that this program is budgeted for 2009 and 2010. All were in favor of Zach Beutler's appointment.

Mr. M Slough commented that he attend the WORC open house and it looks very nice and they put in a lot of hours to get it up and running. WORC began accepting residents on Monday, October 5, 2009. Mr. Collette commented that the Councilmembers would like to be informed of the revenue on the WORC program. Mr. Barker replied that they will supply reports however City

Council would like it reported (weekly, monthly, quarterly, etc.). They have the software to track expenses and revenues. They are confident this program will be successful.

Mr. Van Dyne noted that they will be marching the night of Halloween, along with the Commissioners and the School Board personnel. They may ask other to march with them.

Mr. Barker noted that Administration has been invited to participate in the Findlay High School Homecoming activities.

Acting President Ward adjourned Council at 8:54 PM.

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ACTING CLERK OF COUNCIL

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PRESIDENT OF COUNCIL