

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION      NOVEMBER 3, 2009      COUNCIL CHAMBERS**

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

**ABSENT:** Schedel

## **MINUTES:**

1. Mr. J Slough moved to accept the minutes, as circulated, of the Public Hearing of October 20, 2009 at 7:20pm for Hunter's Creek Third Addition rezone. Ms. Seng seconded the motion. Motion carried. Filed.
2. Mr. J Slough moved to accept the minutes, as circulated, of the Public Hearing of October 20, 2009 at 7:25pm for Findlay Commerce Park rezone. Mr. Ward seconded the motion. Motion carried. Filed.
3. Mr. J Slough moved to accept the minutes, as circulated, of the October 20, 2009 Council Meeting. Mr. Collette seconded the motion. Motion carried. Filed.

**REMOVALS/ADD-ONS:** Mr. Ward moved to add the following items to the agenda. Mr. M. Slough seconded the motion. Motion carried.

1. ***Request to be tabled by HRPC until 11/17/09 meeting:***  
~~Letter from Director, Hancock County Office of Economic Development Aggie Dahar – CDBG Economic Development Program Application~~  
The City of Findlay would like to apply to the State or Ohio's Department of Development for assistance through the Small Cities Community Development Block Grant Economic Development Program which funds to Cities who in turn loan these monies out to companies who are in need of financial assistance. Monies are then paid back to the Revolving Loan Fund to be used for future projects. Monies are to assist Arby's Tiffin to purchase land, build a commercial building and purchase the necessary furniture, fixtures and equipment for the operations of an Arby's Fast Food Restaurant on Tiffin Avenue in Findlay.
2. ***Table until 11/17/09 meeting:***  
~~RESOLUTION NO. 065-2009 \_\_\_\_\_ First reading (generated from letter from Aggie Dahar (see above)).~~
3. ***Add-on (place after Acting Chief of Police GovDeals.com letter in REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section):***  
Letter from Utilities Billing Supervisor Holly Perkins – water refunds and sewer refunds appropriation request.
4. ***Add-on (place after item #3 above):***  
Letter from Safety/Administrative Services Director Jim Barker – Bureau of Worker's Compensation changes for 2010.
5. ***Add-on (place after item #4 above):***  
City Income Tax Monthly Collection Report – October 2009. Filed.
6. ***Add-on (place after item #5 above):***  
NEAT Departmental Activity Report – October 2009
7. ***Add-on (place after item #6 above):***  
Findlay Police Department activities for October 2009.
8. ***Add-on (to be voted on after the Moment of Prayer):***
  - Public Hearing minutes from October 20, 2009 for Lots 1 through 6 in replat of a portion of lot 349 (Hunter's Creek Third Addition rezone)
  - Public Hearing minutes from October 20, 2009 for 31.4 acres of land (Findlay Commerce Park rezone)

**WRITTEN COMMUNICATIONS:**

None.

**ORAL COMMUNICATIONS:**

None.

**PETITIONS:**

None.

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

**Request to be tabled by HRPC until 11/17/09 meeting:**

**~~Director, Hancock County Office of Economic Development Aggie Dahar — CDBG Economic Development Program Application~~**

~~The City of Findlay would like to apply to the State or Ohio's Department of Development for assistance through the Small Cities Community Development Block Grant Economic Development Program which funds to Cities who in turn loan those monies out to companies who are in need of financial assistance. Monies are then paid back to the Revolving Loan Fund to be used for future projects. Monies are to assist Arby's Tiffin to purchase land, build a commercial building and purchase the necessary furniture, fixtures and equipment for the operations of an Arby's Fast Food Restaurant on Tiffin Avenue in Findlay. Mr. Ward made a motion to table this letter until the November 17, 2009 City Council meeting. Mr. Van Dyne seconded the motion. This request requires a public hearing before legislation can be created.~~

**Director, Hancock County Office of Economic Development Aggie Dahar – Loan from City Revolving Loan Fund for purchase of restaurant equipment and commercial building for Cedar Valley Café.**

The City of Findlay Revolving Loan Fund recently awarded a \$150,243 loan to Cedar Valley Café to assist in the purchase of restaurant equipment and the acquisition of a commercial building located at 1135 Fostoria Avenue. Legislation is requested to appropriate funds. Referred to the Law Director. Filed.

FROM:	City Revolving Loan Fund	\$ 150,243.00	
TO:	Cedar Valley Café – RLF #31994300		\$ 150,243.00

Discussion:

J Slough asked Aggie Dahar how the City will get its money back if Cedar Valley Café is unable to continue business at this location. Ms. Dahar replied that we are in second position on the building, the equipment, and both of their home real estate properties, and they also own an apartment complex that we are in the collateral position on. Between all of these, the bank and the City will be fully collateralized for the loan. Mr. Shuck asked what other businesses had been in this property. Ms. Dahar replied that Three Sisters restaurant, an Hawaiian restaurant, Long John Silvers restaurant, and Sky Line Chili.

Mr. Ward asked the Law Director that since appropriation requests from the Revolving Loan Fund do not come out of the general fund and are already approved by the HRPC Director and the State has already placed in the Revolving Loan Fund for these types of projects, can they just go to legislation instead of the Appropriations Committee. Once funds are gone, HRPC will not be able to appropriate any monies until the loans are paid back. This would save time by creating legislation instead of going to the Appropriations Committee and allow businesses to get started earlier. Mr. Hackenberg replied that he is in agreement with going straight to legislation. Mr. Ward noted that if a request for a zoning change came in, it would still to go to a committee. Mr. Collette seconded the motion. Motion carried. Filed.

**Acting Chief of Police Gregory R. Horne – Community Foundation Grant**

Grant money was received from the Community Foundation in August of this year for the purchase of video surveillance equipment. Legislation is requested to appropriate \$750 from the grant match received from the community Foundation in August 2009 to the small equipment account #21012000-332100 for the purchase of video surveillance equipment. Mr. Ward made a motion to refer this to the Law Director. Mr. Slough seconded the motion. Filed.

FROM:	Community Foundation Grant	\$ 750.00	
TO:	Police Department – other #21012000		\$ 750.00

**Service Director Bruce Hardy – Hancock Soccer Association donation**

The Hancock Soccer Association donated funds to the City to be used for purchasing grass seed for use at Emory Adams Park. Legislation is requested to appropriation \$1,700 from the General Fund to the Parks Department fund number #21034000-321500.

From:	General Fund	\$ 1,700.00	
To:	Parks Department Fund Number #21034000-321500		\$ 1,700.00

**Discussion:**

Mr. J Slough asked if we received these monies from the Hancock Soccer Association and placed in the general fund. Mr. Sprague replied that when we receive monies that are donated, they are placed in a clearing account or received in the general fund. When it is put in either of these accounts, we then know it will eventually need appropriated to the correct object code. Mr. Ward then confirmed that monies received from donations need to go this route instead of going into a particular fund directly even if the monies are donated for a particular use. Mr. Sprague confirmed that this is the route that needs to be taken. Referred to the Appropriations Committee. Filed.

**Safety/Administrative Services Director Jim Barker**

Requesting changes to the City of Findlay Flood Damage Reduction Ordinance to allow Floodplain Administrators from other communities to assist Findlay in administering the NFIP regulations in the event of a future disaster. Filed.

Hancock Regional Planning Commission Agenda – October 21, 2009; Hancock Regional Planning Commission Minutes – September 16, 2009. Filed.

**Acting Chief of Police Gregory R. Horne – funds received from GovDeals.com**

The City of Findlay received \$3,607 from the sale of two (2) old Police cruisers on GovDeals.com. Appropriation of funds is requested to allow replacement winter coats, a heat gun, a boosting transformer box for the alarm system at VNU, and sixteen (16) new shotguns to replace the current ones purchased in 1993 may be purchased. Referred to the Appropriations Committee. Filed.

**Utilities Billing Supervisor Holly Perkins – Water Refunds and Sewer Refunds appropriation request**

A request for an appropriation of water and sewer refunds. Council approved an abatement for Cooper Corporation for \$192,311.00 in water charges and \$115,255.00 in sewer charges for 2009. The approval was not finalized until after Cooper Corporation had submitted payment for their January 2009 bills. Cooper Corporation paid \$10,662.79 for water and \$6,546.95 for sewer in January 2009. Cooper will not be using the full abatement amounts for 2009, so they have requested a refund of the January payment they made in the amounts of \$10,662.79 for water and \$6,546.95 for sewer. Appropriations for these refunds are requested. Referred to Appropriations Committee. Filed.

**Safety/Administrative Services Director Jim Barker – BWC changes for 2010**

A request to explore the process for changes in Bureau of Worker's Compensation for 2010. Filed.

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

NEAT Departmental Activity Report – October 2009. Filed.

Findlay Police Department activities for October 2009. Filed.

**COMMITTEE REPORTS:**

None.



## **ORDINANCES:**

ORDINANCE NO. 2009-097

Third reading

Adopted

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.

Mr. J Slough moved to adopt the Ordinance, seconded by Mr. Collette. Ayes: M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday, Seng, J. Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-97, and is hereby made a part of the record.

ORDINANCE NO. 2009-098

Third reading

Adopted

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".

Mr. J Slough moved to adopt the Ordinance, seconded by Mr. Ward. 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 2009-98, and is hereby made a part of the record.

ORDINANCE NO. 2009-099

Third reading

Adopted

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".

Mr. J Slough moved to adopt the Ordinance, seconded by Mr. Collette. Ayes: Van Dyne, Ward, Collette, Monday, Seng, J. Slough, M. Slough, Urbanski. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-99, and is hereby made a part of the record.

ORDINANCE NO. 2009-105

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. Nay: Ward

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

Discussion:

Mr. Ward mentioned that we cannot adopt this ordinance because of the appropriation request from HRPC that has not gone to the Appropriation's Committee. Mr. Shuck replied that this is the appropriation that was previously discussed that could go directly to legislation instead of the Appropriation's Committee. Mr. Ward responded that it was put on legislation before it was discussed. Mr. Hackenberg replied that it was a communication error. In this case, it is acceptable because it had already been discussed earlier tonight and was decided that this can go to legislation. Future appropriation requests do need to be discussed before going right to legislation.

Ayes: Collette, Monday, Seng J. Sough, M. Slough, Urbanski, Van Dyne, Ward. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-105, and is hereby made a part of the record.

ORDINANCE NO. 2009-106

First reading

AN ORDINANCE AMENDING CHAPTER 1351 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2009-107

First reading

Adopted

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A FREQUENCY RECONFIGURATION AGREEMENT WITH NEXTEL WEST CORP. FOR THE RECONFIGURATION OF THE CITY'S CURRENT FIVE (5) RADIO FREQUENCIES TO FIVE (5) REPLACEMENT FREQUENCIES, AND DECLARING AN EMERGENCY.

Discussion:

Mr. Sprague asked if this ordinance could be passed tonight because there are payments tied for us upon passage of this ordinance.

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

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

Ayes: Seng J. Sough, M. Slough, Urbanski, Van Dyne, Ward, Collette, Monday. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2009-107, and is hereby made a part of the record.

## **UNFINISHED BUSINESS:**

### **Old Business:**

Mr. Collette: **BUDGET HEARING – 4:00PM – DECEMBER 14, 2009, THIRD FLOOR CONFERENCE ROOM**

### **New Business:**

Mr. Ward moved to excuse Mr. Schedel. Mr. Slough seconded the motion. Motion carried.

Mr. Barker mentioned that final copies of the contracts for Police Officers, Dispatchers, Lieutenants, and Sergeants have been received and the Mayor will be signing them and will be presented to City Council for the next meeting on November 17, 2009 for their approval. These contracts are a two (2) year agreement.

President Schuck adjourned Council at 8:00PM.

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ACTING CLERK OF COUNCIL

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PRESIDENT OF COUNCIL