

# FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

FEBRUARY 16, 2010

COUNCIL CHAMBERS

**PRESENT:** Collette, Monday, Nichols, Schedel, J. Slough, M. Slough, VanDyne, Ward

**ABSENT:** Urbanski

President Pro Tem Ward moved to dispense with the Pledge of Allegiance and a moment of silent prayer.

**MINUTES:** Mr. J Slough moved to accept the minutes, as circulated, of the February 2, 2010. Mr. Van Dyne seconded the motion. Motion carried. Filed.

## ADD-ONS:

Mr. J Slough moved to add the following items to the agenda. Mr. Nichols seconded the motion. Motion carried. Filed.

*(place in the PETITIONS section):*

1. Petition for Zoning Amendment Petition – Peterman Associates, Inc. for 312 Defiance Avenue, lot 1059

*(place in REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section after HRPC Director William Homka – appointments for HRPC):*

2. Treasurer's Report for December 31, 2009.

*(place after Item #2 above):*

3. Board of Zoning Appeals Minutes for September 10, 2009.

*(place after Item #3 above):*

4. City Planning Commission Minutes for January 14, 2010.

*(place after Item #4 above):*

5. Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Logans Irish Pub Ltd to apply for a liquor permit.

## REPLACEMENTS:

1. Resolution No. 010-2010

Removed:

FROM:	Sewer Fund – Restricted WPC Equipment Replacement Account	\$ 12,000.00
TO:	WPCC – Other #25061000	\$ 12,000.00

2. Ordinance No. 2010-014

Added:

FROM:	Sewer Fund – Restricted WPC Equipment Replacement Account	\$ 12,000.00
TO:	WPCC – Other #25061000	\$ 12,000.00

## REMOVAL:

**Service Director Bruce Hardy – replacement polymer feeding unit for WPCC**

A request for a replacement polymer feeding unit for the Water Pollution Control Solids Processing Building. The City started this replacement program in 2008. This is the third feeding unit to be replaced. An appropriation of funds is requested.

FROM:	Sewer Fund – Restricted WPC Equipment Replacement Account	\$ 12,000.00
TO:	WPCC – Other #25061000	\$ 12,000.00

*This was already read at the 2/2/10 City Council meeting.*

## RECOGNITION/RETIREMENT RESOLUTIONS

none.

## WRITTEN COMMUNICATIONS:

none.

## ORAL COMMUNICATIONS:

### **Morgan Cole, Findlay, Ohio – Condition of City sidewalks**

Mr. Cole is a legally-blind citizen of the City of Findlay and as he has walked the sidewalks in town, he has noticed that some of our sidewalks are in need of repair. Some are uneven, some have chips and cracks that cause him to trip when he walks. He would like to see sidewalks repaired. Mr. Schedel thanked Mr. Cole for coming to City Council and addressing this issue. Mr. Schedel is the Chairman of the Sidewalk Committee and he, along with Councilman Monday have received some complaints. These complaints have been forwarded to the Engineering Department as they are going to look at all the sidewalks in Findlay so that when the next Sidewalk Committee meets, they can discuss any that need repair.

### **Tony Iriti, Findlay, Ohio – Flood Mitigation**

Mr. Iriti explained that the Flood Mitigation Partnership, Inc. is working on collecting data for the benefit side of the benefit/cost analysis. The data is being collected by paid volunteers led by Judy Reist who worked on the survey from the "Lessons Learned" after the flood of 2007. Working in conjunction with the Army Corps of Engineers, the volunteers will interview approximately 700-800 business owners within the City to determine the extent of damages that would occur based on certain levels of flooding. Each interview takes about 45 minutes. It is very important that business owners provide the Flood Mitigation Partnership, Inc. with the best information they have available. Mr. Iriti provided Council Members and Administration with a copy of a report that was prepared by Baker Daniels, LLP for the elected officials and the communities within the Blanchard Watershed. A lot of time was spent last year trying to educate citizens on the conservancy district as a possible public entity moving forward. We heard that the citizens felt the elected officials should determine the type of public entity. In an effort to provide these officials and others with sufficient information to make this decision, Baker Daniels, LLP was engaged to prepare a compare/contrast report of the various types of flood control governance authority that exists in the Ohio Revised Code.

By June 1<sup>st</sup>, a date that was negotiated with the Army Corp of Engineers, the three current studies will be combined into the Blanchard River General Investigation including the entire watershed. The separate Ottawa and Findlay studies were authorized the Continuing Authority Program (CAP). CAP has limitations that we talked about in the past of a \$7 million Federal participation. Since the early cost estimate of the watershed project exceed those limitations, conversion to a General Investigation Study is necessary. On June 1, 2010, the Army Corps of Engineers will be presenting a new Federal Cost Share agreement for the General Investigation Study moving forward. If the public entity is formed by then, that entity could become the local sponsor for the project. How we administer the project moving forward can be determined once the entity is formed. We have a meeting scheduled on March 9, 2010 at Owens Community College beginning at 6:30pm. Scott Chinn, author of the governance report will be available to answer questions. All elected officials within the watershed are invited to attend. The room will be set up as a round table for elected officials, and seating for the general public. Once the meeting on March 9, 2010 takes place, it is his hope that a smaller group of elected officials would then meet to discuss how to move forward.

Mr. Schedel asked if there will be State and Federal elected officials invited or just local officials. Mr. Iriti replied that it will only be local. Mr. Schedel mentioned that he is under the impression that there is only one way to move forward to make it an effective entity with one exception – the Special Legislation section. Mr. Schedel then asked if when Mr. Iriti traveled around to discuss the conservancy district, if the main issue against this was the fact that it was named or appointed individuals vs. elected individuals. Mr. Iriti replied that mostly the fact that the Board of Directors were appointed by the Judges instead of other elected officials. Statutorily, there are only 3 Board Members. Concerns were raised that the powers of the district should not be vested in non-elected types. The Conservancy District formed by petitioning Common Pleas Court. It is a court proceeding, making it susceptible to appeal. Even if a Conservancy District were chosen as the public entity, an interim entity would need to be formed until a final decision is made by the Court.

I asked the Assistant County Prosecutor if the political subdivisions could enter into a Memorandum of Agreement with each other to govern this plan to move forward. Her opinion was that although a Memorandum of Understanding could work, it would not have the necessary statutory authority to avoid litigation. Mr. Schedel then asked if we could approach our State Representatives for special legislation. Mr. Iriti replied that is a possibility too.

Mr. Van Dyne commented that it has been easy to let the Flood Mitigation Partnership handle things like this, but since they are planning on going out of business by the end of this year, he wants to make sure the elected officials are aware of their responsibilities so the meeting on March 9, 2010 is very critical. He asked Mr. Iriti if he has had any feedback from elected officials in Bluffton, Putnam County, Hardin County, or other counties on their ability to attend the March 9<sup>th</sup> meeting. Mr. Iriti replied that all have been invited. It is still early to know who will be attending. We will be calling them.

## PETITIONS:

### **Petition for Zoning Amendment Petition – Peterman Associates, Inc.**

A zoning amendment petition for 312 Defiance Avenue, lot 1059 of the A.F. and D.M. Vance Addition from B-Residential to be zoned University. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

### Gregory R. Horne, Acting Chief of Police – Hiring of one (1) Dispatcher

Council passed an ordinance in February of 2009 to employ up to twelve (12) Radio Dispatchers. The Communications Center has operated with only nine (9) Dispatchers including the Lead Communications Officer due to two (2) resignations and budget cuts. Having only minimal staffing has hindered the Lead Communications Officer's ability to manipulate schedules to cover shortages. There have been several occasions in which there were only six (6) Dispatchers to cover the nine (9) shifts for extended periods of time due to vacation requests or sick leave, often resulting in time off requests being cancelled and forced overtime scheduled. The Lead communications Officer has also put aside her normal supervisory responsibilities to cover these shortages. Due to the retirement of Officer Paul Lawrence in January and part of Officer Kevin Spieker's wages being moved into the grant project. Available funds are requested to be transferred to cover the hiring of one (1) Dispatcher for the remainder of this year.

FROM:	Police-Personal Services #21012000	\$ 42,500.00	
TO:	Dispatch-Personnel Services #21015000		\$ 42,500.00
FROM:	Police-Personal Services #21012000	\$ 210.00	
TO:	Dispatch-Other #21015000		\$ 210.00

#### Discussion:

Mr. Ward asked if the funds requested are for the remainder of this year only. Mr. Horne replied that he would need to budget for the new Dispatcher next year and that he will have the available funds. Mr. Ward then asked if hiring of the additional Dispatcher is over the amount the Police Department had at the time of the tax increase. Mr. Horne replied that it was and that since the tax passing, we lost complement through attrition. Resolution 010-2010 was created. Filed.

**Findlay Police Department activities – January 2010.** Filed.

**Budget Summary of Year-To-Date Information as of January 31, 2010.** Filed.

### Mayor Pete Sehnert – Appointment to Park and Recreation Board

Request for confirmation of the appointment of Hugh McClintock to the Park and Recreation Board for the City of Findlay, effective through December 31, 2012.

#### Discussion:

Mr. Monday commented that he knows Mr. McClintock well and that he is a good choice for this. Filed.

### Service Director Bruce Hardy

The City has decided not to operate the Riverside Pool by itself this summer. Electrical service is still needed for vending machines and security lights in the park. The electric service for January 2010 is \$238 and it is expected to be an average of \$250 per month for the balance of the year, bringing the request to \$3,000 for the year. Telephone services are approximately \$13 a month, bringing the request to \$175 for the year. Disconnection charges would be between \$70-\$100, so it is preferred to wait to disconnect until after the outcome of a meeting with the YMCA on whether they may or may not be running the swimming pool this season. Neither Parks nor Recreation Departments have budgeted for these expenses, so funds will need to be appropriated to the Swimming Pool budget. An appropriation of funds is requested.

FROM:	Swimming Pool Fund	\$ 3,175.00	
TO:	Riverside Pool #25060000-other		\$ 3,175.00

Ordinance 2010-014 was created. Filed.

### Service Director Bruce Hardy – City of Findlay Airport employee overtime pay

Due to inclement weather and the reduction of the limit of accrued compensatory time allowed, a Findlay Airport employee went over the compensatory time limit allowed and, therefore, is owed overtime pay. The Findlay Airport did not budget for overtime in its 2010 budget. A resolution of transfer of funds is requested.

FROM:	Airport Department #25010000-other	\$ 60.00	
TO:	Airport Department #25010000-personal services		\$ 60.00

Resolution 010-2010 was created. Filed.

### City Engineer Brian Hurt – US 224 Resurfacing (SR 235 to CR 300) HAN-224/235/613-5.25/21.74/4.36/13.11, PID25268

Preliminary legislation has been received from the Ohio Department of Transportation (ODOT) regarding this project. This legislation verifies the City's consent to proceed with the project and proposes a commitment to pay 20% of the resurfacing costs for the area of US Route 224 that is within the City limits. Work is planned for the summer of 2010 and will be contracted by ODOT. The City's estimated share for the resurfacing and pavement marking is \$1,400. The project is not included in the 2010 Capital Improvements Plan.

Discussion:

Mr. M Slough asked Mr. Hurt if the US 224 area is from the High School through town to Walgreens. Mr. Hurt replied that ODOT's limits are from SR 235 to CR 300. ODOT does a maintenance project and a resurfacing project every year. We are requested to provide preliminary legislation and contribute a certain percentage of funds (usually 20%). This particular project, they are going to maintain the west side of town with our cost being \$1,400. Most of the work will be outside the City limits. Referred to the Appropriations Committee. Referred to the Law Director for legislation. Filed.

**City Engineer Brian Hurt – Zebra Mussel Control – Sodium Permanganate Feed Facility, Project #3577570**

Funds were appropriated in January 2010 for this project for construction. Diving work and construction administrative services were inadvertently not included in the estimate for construction. An appropriation of funds is requested.

FROM:	Water Fund	\$ 50,000.00	
TO:	Zebra Mussel Control – Sodium Permanganate Feed Facility, Project #35775700		\$ 50,000.00

Referred to Appropriations Committee. Filed.

**City Auditor Robert Cole Sprague – Tier I Individual Retro rating from the Ohio Bureau of Worker's Compensation**

The City has qualified for Tier I Individual Retro rating from the Ohio Bureau of Worker's Compensation. The City will pay a minimum premium plus actual expenses from worker comp claims. The City has received \$9,339.00 from the State Emergency Management Agency for reimbursement for radios in the Radio Project. An appropriation of funds is requested.

FROM:	State of Ohio EMA	\$ 9,339.00	
TO:	Radio System Upgrade, Project #31991000		\$ 9,339.00
FROM:	Radio System Upgrade, Project #31991000	\$ 9,339.00	
TO:	General Fund		\$ 9,339.00

As a result of the 2008 decline in business income taxes, Council created a windfall amount defined as business income tax collections in excess of the Auditor's revenue estimate, to be split 50% to the Rainy Day Fund and 50% to the Capital Improvements. The Auditor's estimate was \$891,325, and 2009 actual collections were \$949,912.69 for a windfall amount of \$58,586.69. An appropriation of funds is requested.

FROM:	City Income Tax Fund	\$ 58,586.69	
TO:	General Fund, Rainy Day Account		\$ 29,293.35
TO:	CIT Fund Capital Improvement Account		\$ 29,293.34

Ordinance 2010-014 was created. Filed.

**HRPC Director William Homka – appointments for HRPC**

The appointment terms for Sharon Rooney and Bob Nichols expired last month. Bob Nichols is replacing K.C. Collette as the City Council representative. Dean Wittwer, Superintendent of Findlay City Schools and Kathy Kreuchauff, Executive Director of the Community Foundation both have expressed their interest in serving on HRPC. Dean would fill Bob's seat and Kathy would replace Sharon. I recommend both individuals as your appointments. Mr. J Slough moved to confirmation of Kathy Kreuchauff and Dean Wittwer to fill the positions of Sharon Rooney and Bob Nichols. Mr. Collette seconded the motion. Motion carried. Filed.

**Treasurer's Reconciliation Report – December 31, 2009. Filed.**

**City of Findlay Board of Zoning Appeals Minutes – September 10, 2009. Filed**

**City Planning Commission Minutes – January 14, 2010. Filed.**

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Logans Irish Pub Ltd to apply for a liquor permit. This requires a vote of Council. Mr. J Slough moved for a no rejections be filed. Seconded by Mr. Van Dyne. 7 Council members in favor, 1 opposed. Filed.**



ORDINANCE NO. 2010-015

First reading

Adopted

AN ORDINANCE COOPERATING WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE REPAVEMENT OF US 224 FROM STATE ROUTE 235 TO A POINT JUST WEST OF COUNTY ROAD 300, A PORTION OF WHICH IS IN THE CITY OF FINDLAY, WHICH NECESSITATES THE COOPERATION OF THE CITY OF FINDLAY FOR CERTAIN WORK TO BE PERFORMED BY THE CITY ON THE PORTION LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

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

Discussion:

Mr. Hurt clarified that the City is not committing any funds to this project. This is just a consent that we will partner with them. There are no funds to appropriate to spend at this time. That request will come at a later time. This is just preliminary legislation. We won't be spending any money before we go to the Appropriations Committee. Mr. Ward asked where the estimate of \$1,400 came from. Mr. Hurt replied that it was an estimate provided by ODOT.

The Ordinance received its second and third reading. Mr. J Slough moved to adopt the Ordinance, seconded by Mr. M Slough. Ayes: Van Dyne, Ward, Collette, Monday, Nichols, Schedel, J. Slough, M Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2010-015, and is hereby made a part of the record.

ORDINANCE NO. 2010-016

First reading

Adopted

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF FINDLAY, OHIO TO ADVERTISE FOR REQUESTS FOR QUALIFICATIONS (RFQ) FOR ALTERNATIVE ENERGY PROGRAMS AND COST SAVINGS FOR CITY-OWNED BUILDINGS & PROPERTIES, AND DECLARING AN EMERGENCY.

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

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

Discussion:

Mr. M Slough commented that it is his hopes that this ordinance will give the City an opportunity to investigate possibilities for alternative energy needs that could supplement electricity and costs of operations for the City of Findlay.

Ayes: Collette, Monday, Nichols, Schedel, J. Slough, M Slough, Ward. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2010-016, and is hereby made a part of the record.

## UNFINISHED BUSINESS:

### Old Business

Mr. J Slough reminded everyone of the Appropriations Committee meeting at 4:30pm and also the Committee of the Whole meeting at 5:00pm on Tuesday, February 23, 2010 to discuss the Findlay YMCA working with the City of Findlay for the Riverside Pool and Day Camp program.

Mr. Ward: **APPROPRIATIONS COMMITTEE MEETING – 4:30 PM – FEBRUARY 23, 2010 (rescheduled from FEBRUARY 9, 2010), THIRD FLOOR CONFERENCE ROOM**

- Agenda:
1. FAA grant for Airport front end loader
  2. Coca-Cola Enterprises agreement for beverages and scoreboard
  3. Zebra Mussel Control – Sodium Permanganate Feed Facility, Project #3577570
  4. Continuing Professional Training for PD

Mr. J Slough: **COMMITTEE OF THE WHOLE MEETING – 5:00 PM – FEBRUARY 23, 2010 (rescheduled from FEBRUARY 9, 2010 immediately following the Appropriations Committee meeting), THIRD FLOOR CONFERENCE ROOM.** City Administration, Lu Draper, Russ Gardner, and Jim Rhodes are requested to attend.

- Agenda:
1. Swimming Pool with YMCA possibly operating it
  2. Day Camp with YMCA possibly operating it

Mr. Monday mentioned that after the two (2) recent snowstorms that were only a couple of days apart. Our Street Department were understaffed but did an excellent job on clearing the roads. He cannot recall a time during those snowstorms that the main roads were not clear enough to allow traffic through and how quickly the side roads were cleared. It was less than twenty-four (24) to thirty (30) hours after each storm that he couldn't go anywhere he wanted to go in Findlay. He feels they did a remarkable job and should be commended for it.

Mr. Nichols added that he has noticed lately that children walking to school are having to climb over snow banks and having to walk in the streets because some sidewalks are not shoveled, particularly in the Glenwood School area. Mr. Barker replied that this complaint needs to be filed with the City's N.E.A.T. Department who will give them an opportunity to clear their sidewalks within a specific period of time. If the sidewalk(s) is not cleared by the designated time, a citation will then be issued. Since the two (2) snowstorms, there has been adequate time to clear sidewalks and we have been lenient with property owners. With school in session, children are walking and riding bicycles to school. We've had over one hundred (100) complaints on unshoveled sidewalks that she is following up on. The City understands that plows pile snow back onto sidewalks, but it cannot be helped with the way our plows are designed. It is the property owners' responsibility to keep their sidewalks clear of snow. Mr. Nichols noted that Trenton Avenue has large amounts of snow on the sidewalks that would be difficult for property owners to remove unless they have equipment such as a backhoe to do so. Mr. Barker replied that Service Director Mr. Hardy will address this with the Street Department. Some of the properties are very close to Trenton Avenue, so those sidewalks do receive a large amount of snow from the street.

**New Business**

President Pro Tem Ward adjourned Council at 8:20 PM.

  
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CLERK OF COUNCIL

  
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PRESIDENT OF COUNCIL