FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION MARCH 16, 2010 COUNCIL CHAMBERS

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

ABSENT: Urbanski

President Schuck 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 March 2, 2010 City Council meeting. Mr. Ward seconded the motion. Motion carried. Filed.

ADD-ONS:

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

(place in RECOGNITION/RETIREMENT RESOLUTIONS section):

1. A RESOLUTION COMMENDING POSTHUMOUSLY CALVIN "CAL" R. THATCHER, FORMER MAYOR OF THE CITY OF FINDLAY, OHIO FOR HIS LONG AND LOYAL COMMITMENT TO THE CITY OF FINDLAY.

(place in REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section after Mayor Pete Sehnert – Downtown Findlay Improvement District – Special Improvement District (SID) letter*):*

2. Revised Traffic Commission minutes – February 16, 2010 (filed at the 3/2/2010 City Council meeting).

3. Planning & Zoning Committee report – rezoning from B-Residential to University District for 312 Defiance Avenue.

4. Planning & Zoning Committee report – rezoning from C-Residential to University District for 233 Davis Street, and from B2-General Business to University District for 1015 North Main Street.

REPLACEMENTS:

none.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 011-2010 First reading Adopted
A RESOLUTION COMMENDING CAPTAIN DAVID HOVER FOR THE EXCELLENCE OF HIS SERVICES FOR THE CITY OF FINDLAY, OHIO

Mr. J Slough moved to adopt the Resolution, seconded by Mr. Van Dyne. Ayes: Collette, Monday, Nichols, Schedel, J. Slough, M. Slough, Van Dyne, Ward. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

RESOLUTION NO. 014-2010 First reading Adopted
A RESOLUTION COMMENDING POSTHUMOUSLY CALVIN "CAL" R. THATCHER, FORMER MAYOR OF THE CITY OF FINDLAY, OHIO FOR HIS LONG AND LOYAL COMMITMENT TO THE CITY OF FINDLAY.

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

Discussion:
Mr. Monday noted that Mr. Thatcher appointed him to the Findlay Police Department and swore him in as a Police Officer in December 1971. Mr. Hackenberg added that he began working for the City on January 1972 and has been to almost every City Council meeting since then and knows that Mr. Thatcher did not receive a retirement resolution. Mr. Collette appreciates how City Council honors individuals who have provided a foundation for the City.

Ayes: Monday, Nichols, Schedel, J. Slough, M. Slough, Van Dyne, Ward, Collette. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

WRITTEN COMMUNICATIONS:

none.

ORAL COMMUNICATIONS:
none.

PETITIONS:
none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:
Treasurer's Reconciliation Report – January 31, 2010. Filed.

Director, Hancock County Office of Economic Development Aggie Dahar – CDBG Economic Development Program Application for Chucky E Cheese
The City wishes to apply to the State of Ohio's Department of Development for assistance through the Small Cities Community Development Block Grant Economic Development Program to assist Smiles, Food & Fun of Findlay LLC doing business as Chucky E Cheese's to construct a new family entertainment and food establishment at 912 Interstate Drive in Findlay, Ohio. The City is requesting a loan in the amount of $460,000 of which $10,000 is being estimated for administration purposes. A 12,000 square foot facility located on 1.77 acres will be a state of the art family fund center and will represent an estimated $3.5 million dollar investment into our community to employ an estimated 50 full and part time employees. Funding will be split between the SBA 504, private lending, and the City of Findlay RLF Program. Legislation is requested to apply for the grant. Resolution No. 013-2010 was created.

Discussion:
Mr. Schedel thanked Aggie Dahar for her work on bringing Chucky E Cheese, as well as Home Depot to Findlay. Filed.

Budget Summary of Year-To-Date Information as of February 28, 2010. Filed.

Findlay Police Department activities – February 2010. Filed.

Parks and Recreation Board Minutes – February 16, 2010. Filed.

SWAC Minutes – February 16, 2010. Filed.

City Planning Commission Minutes – February 11, 2010. Filed.

Fire Chief Thomas Lonyo – Fire Inspection Software
The Findlay Fire Department established the Long Term Operations and Planning Committee (LTOPC) in 2009 in an effort to continue to streamline the future operations of the department. Code enforcement inspections fell went from 462 in 2008 to 576 in 2009, so LTOPC would like to increase code inspections for the City of Findlay. One way would be to invest in technology with a software product called MobileEyes. MobileEyes is a fire inspection program that utilizes computer tablets that allow fire inspectors to enter data on-site, complete fire inspections, issue permits and allow inspectors to spend 20%-30% more time in the field. Inspections are then downloaded at the end of each day on the internet for storage. Reports would be emailed to the business at the end of the day. Cost is $17,125 which includes computer hardware and software, then each subsequent year, the City would pay MobileEyes $4,136 for licensing and royalty fees. Referred to Appropriations Committee. Filed.

City Planning Commission Minutes – March 11, 2010. Filed.

Treasurer's Reconciliation Report – February 28, 2010. Filed.

Mayor Pete Sehnert – Downtown Findlay Improvement District – Special Improvement District (SID)
The Downtown Findlay Improvement District formed a Special Improvement District (SID) to secure funds to provide maintenance services and improvements projects for downtown Findlay in which the City of Findlay promised to contribute $25,000. An appropriations request of $25,000 from the Estate Tax funds is requested. Referred to the Appropriations Committee. Filed.

Revised Traffic Commission minutes – February 16, 2010 *(filed at the 3/2/2010 City Council meeting).*

COMMITTEE REPORTS:
none.

LEGISLATION:

RESOLUTIONS:
RESOLUTION NO. 011-2010
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RESOLUTION NO. 012-2010 First reading Adopted
A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS ($3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

Mr. J Slough moved to adopt the Resolution, seconded by Mr. Collette. Ayes: Nichols, Schedel, J. Slough, M. Slough, Van Dyne, Ward, Collette, Monday. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

RESOLUTION NO. 013-2010 First reading Adopted
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, HANCOCK COUNTY, STATE OF OHIO TO APPLY FOR A STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT PROGRAM AND SIGN THE NECESSARY AGREEMENT OR AGREEMENTS TO ASSIST IN THE CONSTRUCTION OF CHUCKY E CHEESE AT 912 INTERSTATE DRIVE IN FINDLAY, OHIO.

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

Discussion:
Mr. M. Slough asked if this is within the City of Findlay. Mayor Sehnert replied that it is. It is on the east side of Interstate 75 next to the movie theater.

Ayes: Schedel, J. Slough, M. Slough, Van Dyne, Ward, Collette, Monday, Nichols. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

RESOLUTION NO. 014-2010
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ORDINANCES:
ORDINANCE NO. 2010-021 First reading
AN ORDINANCE REPEALING CHAPTER 133.05 ET SEQ. OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND IN ITS PLACE, ENACTING A NEW CHAPTER 133.05 TO BE KNOWN AS NEIGHBORHOOD ENHANCEMENT AND ABATEMENT TEAM (N.E.A.T.) PROGRAM.

First reading of the ordinance.

ORDINANCE NO. 2010-022 First reading Adopted
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT FOR CALENDAR YEAR 2010 WITH THE HANCOCK COUNTY PUBLIC DEFENDER COMMISSION FOR A TOTAL OF EIGHTY THOUSAND DOLLARS ($80,000.00) FOR SAID CALENDAR YEAR, AND DECLARING AN EMERGENCY.

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

The Ordinance received its second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. J Slough. Ayes: J. Slough, M Slough, Van Dyne, Ward, Collette, Monday, Nichols, Schedel. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2010-022 and is hereby made a part of the record.

ORDINANCE NO. 2010-023 First reading Adopted
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO, TO NEGOTIATE AN AGREEMENT (CONTRACT) WITH THE YMCA FOR THE OPERATION OF RIVERSIDE SWIMMING POOL AND DAY CAMP OPERATIONS FOR THE CITY OF FINDLAY FOR THE 2010 SEASON, AND DECLARING AN EMERGENCY.

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

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

Discussion:
Mr. M. Slough asked if anyone will be hired for maintenance work at Riverside Park due to the passing of this ordinance. He noted that nothing is budgeted for neither the swimming pool nor the Day Camp and wanted to know if a budget will need to be established for the pool. Mr. Hardy replied that a budget for the swimming pool will need to be created. Mr. J Slough thanked the rest of the Councilmembers, City Administration, and the YMCA for working together for the benefit of this community and the youth and their families. Mr. Nichols wished Russ from the YMCA the best of luck with this project.

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 2010-023 and is hereby made a part of the record.

UNFINISHED BUSINESS:

Old Business

Mr. Collette asked if something showing what has been changed could be provided when we modify a City Ordinance (i.e. Ordinance 2010-021). Mr. Hackenberg replied that this will be done from here on. Mr. Collette then asked for the status of the Brandman site the City acquired. Mr. Hackenberg replied that City Council will be named Defendants if he files a motion with the Court. Mr. Hackenberg has researched the situation and has had discussions with an Attorney in Columbus to see how the case can be dissolved. City Council will have to be named as a party in the case because this falls under the City's jurisdiction. The simple way would be to repeal it and it will be dissolved. This would be Mr. Hackenberg's recommendation. He is under the impression that a flood wall will be running through middle of it. Mr. Schedel requested the Law Direction create the necessary paperwork for the repeal. Mr. Nichols seconded the motion.

Mr. Schedel mentioned that Brian Hurt and Meghan Clement are creating a map for the Street & Sidewalk Committee of recommended sidewalks in need of repair. Once the map is ready, an Ordinance will be created.

Mr. Schedel mentioned that he has received inquiries about the City's noise ordinance. Mr. Schedel asked Mr. Hackenberg to explain the noise ordinance and what residents can do to elevate problems. Mr. Hackenberg replied that the City's Police Department has had success in going to the complaints and resolving them with a simple discussion with the accused. If an Officer going to the accused location does not rectify the problem, the neighbors do have the option to bring an action themselves under a private nuisance action.

New Business

The **PLANNING & ZONING COMMITTEE** to whom was referred a request for rezoning of 233 David Street (Lot 5856 and part alley of Howard Addition of the Snyder W E Subdivision) from C-Residential to University District, and also 1015 N Main St (Lot 17422 N. 17.2' and Lot 17423-4 also of the Snyder SW Subdivision) from B-2 General Business to University District so that the University may continue to grow and expand.

We recommend the approval of the rezoning of 233 Davis Street from C-Residential to University District and 1015 N Main Street From B-2 General Business to University District.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request for rezoning of 312 Defiance Avenue (Lot 1059 in the A.F. & D.M. Vance Addition) from B-Residential to University District so that the University may continue to grow and expand.

We recommend the approval of the rezoning of 312 Defiance Avenue, Lot 1059 from B-Residential to University District.

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

Mr. Schedel moved to excuse the absence of Mr. Urbanski, seconded by Mr. J. Slough. All were in favor.

Mr. Van Dyne noted that the Flood Mitigation public entity study group went well last night (3/15/10). Minutes were drawn up by Leigh Esper and published in The Courier. He is appreciative of how well the minutes captured everything at the meeting. The next meeting will be next week either on Tuesday or Thursday night, depending when they can get the Maumee Conservancy District in. The objective is to name a short term entity as early as next week to help move this forward. Mr. Collette asked Mr. Van Dyne to explain what was meant by keeping continuity going forward. Mr. Van Dyne replied that County Commission Ed Ingold explained that the Flood Partnership is not going away and being replaced by a short term entity, which would completely go away and then be replaced by a long term entity. The continuity would be full time staff that is already in place, but additional staff (i.e. Engineers) will need to be added. They would like to develop a technical committee and also a finance committee similar to what is out in California which would allow the committee structure to stand as a support function or advisory board through the short term entity and then develop into a long term entity. So, the continuity would be of the employees working full time and advisory boards moving on. Outside Public involvement will be limited as the advisory boards will handle flood mitigation procedures. The Flood Mitigation group will develop a public entity that will allow them to implement and maintain flood control. It will not be anyone from outside controlling this. It will be handled internally.

Mr. Nichols mentioned he is the Council Representative for the Shade Tree Committee and there was some concern that the City might loose their Adopt-A-Tree Program. The City must meet four (4) standards (1=Tree Commission, 2=Tree Care Ordinance, 3=Forestry Program, 4=Arbor Day observance) to maintain their status. We might be lacking in funds for additional trees to be planted. A request to the Appropriations Committee to review the budget to see if any funding is available at a minimum standard so that we can keep our status with the Shade Tree Program for 2011. A lot of trees were removed due to the Ash Borer problems, so replacement program would be appreciated. Mr. Hardy replied that he estimates that $8,000-$9,000 was spent on trees in 2009. There will only be thirty-three (33) trees available for the Adopt-A-Tree Program next month.

Mr. Nichols mentioned that he has received several complaints on the road conditions of 18th and 19th Streets. Last summer, the City replaced water lines and the laterals going into the meter sets which the residents were pleased with the improvements to their water service, but the street conditions there were left in poor condition with temporary patches that left the street very rough and lots of potholes. With no funds available for street resurfacing this year, Mr. Nichols asked if could there be a grinding process to grind down some of the rough edges and touch up the potholes in that area. Mr. Hardy replied that his requests will be looked at.

President Schuck adjourned Council at 8:06 PM.

Denise DeVore
CLERK OF COUNCIL

Robert Schuck
PRESIDENT OF COUNCIL