

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

JUNE 1, 2010

COUNCIL CHAMBERS

PRESENT: Collette, Monday, Nichols, Schedel, J. Slough, M. Slough, Urbanski

ABSENT: VanDyne, Ward

President Schuck moved to open with the Pledge of Allegiance and a moment of silent prayer.

MINUTES:

Mr. J. Slough moved to accept the minutes, as circulated, of the May 18, 2010 City Council meeting. Mr. Nichols seconded the motion. Motion carried. Filed.

ADD-ONS:

Mr. Collette noted that the Charter Ordinance (2010-033) does not need an emergency clause, but should have three (3) readings. Mr. Hackenberg replied that he disagrees in that he would leave the emergency clause on because it will be effective July 6, 2010 if the ordinance is not an emergency, it will be effective thirty (30) days out. Council will want as much time for anyone to circulate their nominated petitions, so that is why the emergency clause is on this. It will still receive three (3) separate readings.

REPLACEMENTS:

none.

RECOGNITION/RETIREMENT RESOLUTIONS:

none.

WRITTEN COMMUNICATIONS:

none.

ORAL COMMUNICATIONS:

Bryan Deshamps – Economic Development Ordinance 2010-032

Mr. Deshamps brought copies of his letter to the editor in the Courier and asked Council if it needs to be incorporated by reference or if it has to be read to be on the record. President Schuck replied that it can be incorporated by reference and doesn't have to be read. Mr. Deshamps finds it inconceivable that this Council could vote for this Ordinance and look any public employee in the face. The taxpayers of this City and County that represent both parties should be appalled at this action. He does not find any merit in it and does not see the urgency in this issue. He feels it is a false urgency orchestrated for the benefit of Aggie Dahar for whatever reason, those promoting her to this position see fit. He feels an increase in her salary by forty percent (40%) is excessive and there is no other candidate for the position. They are going to hire someone for a position that will cost in excess of one hundred thousand dollars (\$100,000) a year to the Hancock County tax payer, and at the same time not have any other candidates interviewing for the position. Mr. Deshamps wants to know why. He reminded Council that recently John Kovach ran against Commissioner Reigie and wanted to know if anyone had talked with Mr. Kovach to see if he would be interested in this position, or if anyone checked Ms. Dahar's qualifications match up to Mr. Kovach. He feels these are things that should be considered seriously by this Council or before committing to this ordinance. Mr. Deshamps feels this program will grow in expense as most programs do. He feels this program's costs will grow between one million two hundred thousand dollars to one million five hundred thousand dollars (\$1,200,000 to \$1,500,000) and he is not sure if Ms. Dahar's salary would not be inclusive of fringe benefits. He asked if that is the full cost. He also asked if the City is prepared to pay fifty percent (50%) of whatever the costs may add up to be. Mr. Deshamps mentioned that Ms. Dahar stated in the newspaper that she has scope and vision. He asked if any of the Councilmen have a copy of her vision and goals and that it should be in the public record. He feels they should have this before passing this ordinance.

Greg Allen – Economic Development Ordinance 2010-032

Mr. Allen thanked Council for letting him speak. He is the President of the First Federal Bank in the southern market area, and also the Treasurer and Chair-elect of Greater Findlay Inc.. He is a resident of Hancock County and lives just outside the City of Findlay in Liberty Township. He is a tax payer to both the City of Findlay and Hancock County as he works in Findlay. He was fortunate to celebrate Memorial Day in Findlay as nineteen (19) years ago, he was serving in Kuwait City, Kuwait having just liberated that country from Iraq in the First Persian Gulf War. He joined the National Guard for two (2) reasons, to help pay his college tuition and because he believed in America. He believed in freedom, democracy, and the American way of life. It is his hopes that he did not serve in vain. He mentioned this is important because today we are talking about the role government is taking in peoples' lives at both the Federal level, State level, and the County and City level. Tonight's topic is on the role the government should have on economic development in Findlay and Hancock County. GreaterFindlay Inc. has agreed to serve as part of a task force between the City of Findlay, Hancock County, and GreaterFindlay Inc. to determine the role of both private sector and the public sector. GreaterFindlay Inc. believes that economic development needs to be a joint effort of both the public and private sectors. He feels it needs to be lead by the private sector and supported by the public sector. All dollars are private dollars just collected as taxes. GreaterFindlay Inc. is against the formation of any public office of economic development for two (2) reasons: GreaterFindlay Inc. is willing to administer the City and County Revolving Loan Funds at no cost to the County or City. He is not aware of any county in Ohio the size of Hancock County or the size of a city such as Findlay that has a full-time administrator for Revolving Loan Funds in

the entire state. This task is normally outsourced to someone else. The second reason is that all three (3) parties have agreed to a thirty (30) day timeframe for development of specific goals and tactics. He feels an entity should not be formed until it is known exactly what this entity is to do. Let the task force do its assigned job. Many in the private sector believe that a public entity cannot successfully serve in an economic development function. Interested companies will never allow private information to become public until their plans were ready. The role of economic development is to attract, retain, and expand. He is very concerned about future funding for both the County and City. The State of Ohio is facing an eight billion dollar (\$8,000,000,000) deficient in 2011. They have no idea how they are going to balance the budget next year. He will guarantee that the money coming to the City of Findlay and Hancock County will be less than in 2011 than it was in 2010. We are now emerging from the worst recession since the Great Depression. Many companies, their employees, and their families have had to do with much less. Many have not received any kind of pay increase in 2009. He is appalled that whoever will be heading the Economic Development will be given a thirty-nine percent (39%) pay increase to do the same job. He believes that Ronald Regan said it best when he said "Man is not free unless government is limited". He does not believe the government should solely control economic development in Hancock County. He wants to see the task force do their job. He does not feel the need for an emergency measure at this time. All public money was once private money. He wants it spent wisely.

PETITIONS:

none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Time Warner Cable – quarterly franchise fee payment for period ending March 31, 2010. Filed.

Parks and Recreation Board minutes – May 17, 2010. Filed.

Hancock Regional Planning Commission Agenda – May 19, 2010; Hancock Regional Planning Commission Minutes – April 21, 2010. Filed.

Traffic Commission minutes – May 17, 2010. Filed.

Safety Director Jim Barker – Appropriation of Funds request for Crime Prevention Bureau

\$2,096 was awarded by the Ohio Department of Public Safety (ODPS) to the Crime Prevention Bureau on May 19, 2010. These funds will be used by the Crime Prevention Bureau for Crime Prevention Programs.

FROM:	General Fund	\$ 2,096.00	
TO:	Police Department #21012000-other		\$ 2,096.00

Legislation requested. Referred to Appropriations Committee. Filed.

Safety Director Jim Barker – Appropriation of Funds request for ongoing Administrative Services functions

Additional funds are requested for ongoing Administrative Service functions.

FROM:	General Fund	\$ 10,000.00	
TO:	Safety Director – other #21018000-441100		\$ 10,000.00

Legislation requested.

Discussion:

Mr. Collette asked if this should be referred to the Appropriations Committee. Mr. Hackenberg replied that it should as well as the appropriation of funds from ODPS to Crime Prevention Bureau. Referred to Appropriations Committee. Filed.

Service Director Bruce Hardy – Energy Savings Program, Project No. 31901900

Per Ordinance 2010-016, statements of qualifications were received from firms interested in providing an energy savings program and possible cost reductions. Based on the qualifications, Honeywell Building Solutions was selected as the most qualified firm. A letter of intent/proposal for the energy audit has been received from Honeywell. The cost for the energy audit is \$45,700. The amount will have to be aid in cash if no energy savings projects are completed from the audit's recommendations. If projects are implemented from the audit's recommendations, this cost may be combined with bond financing associated with the projects. The energy savings program has been discussed previously but is not currently included in the 2010 Capital Improvements Plan.

FROM:	CIT-Capital Improvements	\$ 45,700	
TO:	Energy Savings Program Project No. 31901900		\$ 45,700

Referred to the Appropriations Committee. Filed.

Service Director Bruce Hardy – Girls State Fast Pitch Softball tournaments

The Recreation Department is gearing up for the Girls State Fast Pitch Softball Tournament and the Nations Baseball-Great Lakes Ultimate World Series in June and July respectively. The tournaments are expected to bring 122 teams to City facilities for these two premier tournaments. The Marathon Diamonds will be home base to both of these elite tournaments, along with Rawson, Riverside, Cooper and Emory Adams fields. In preparation of the tournaments and as general maintenance of the Marathon Diamonds, the Recreation Superintendent has requested field materials. An appropriation from the General Fund to account #21038000-321500:

FROM: Natural Sand Company, Toledo, OH – 44 tons of DuraEdge All Star Infield Mix with stabilizer & RBI conditions for \$71 per ton, F.O.B. for a total of \$3,124.

FROM: National Lime and Stone Company – 90 tons of gravel for warning track and spectator area for \$8 per ton for a total of \$720.

TO: General Fund #21038000-321500

Referred to the Appropriations Committee. Filed.

COMMITTEE REPORTS:

A **Committee of the Whole** meeting was held on Wednesday, May 26, 2010, to discuss Economic Development/Revolving Loan Fund options.

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

Discussion:

Mr. J. Slough requested the word "discuss" be replaced with "announcement". Mr. Collette seconded the request. Ayes: Collette, Monday, Nichols, Schedel, J. Slough, M. Slough, Urbanski. Mr. Nichols moved to approve the report as amended. Mr. Collette seconded the motion. Ayes: Monday, Nichols, Schedel, J. Slough, M. Slough, Urbanski, Collette. Filed.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 021-2010 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. M. Slough. Ayes: Schedel, J. Slough, M. Slough, Urbanski, Collette, Monday, Nichols. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

ORDINANCES:

ORDINANCE NO. 2010-030 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 PROPERTIES WHICH PREVIOUSLY WERE ZONED "I-1 LIGHT INDUSTRIAL" TO "B-1 LOCAL BUSINESS".

Mr. J. Slough moved to adopt the Ordinance, seconded by Mr. Collette. Ayes: Nichols, Schedel, J. Slough, M. Slough, Urbanski, Collette, Monday. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2010-030, and is hereby made a part of the record.

ORDINANCE NO. 2010-032 First reading
AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE BOARD OF COMMISSIONERS FOR HANCOCK COUNTY, TO JOINTLY COOPERATE IN SECURING AND MAINTAINING THE STATUS QUO OF FINDLAY AND HANCOCK COUNTY AS IT RELATES TO THE REVOLVING LOAN FUND PROGRAM, AND SIMILAR MATTERS WHICH RETAINS AND ALSO PROMOTES THE ECONOMIC VITALITY OF HANCOCK COUNTY AND THE CITY OF FINDLAY, AND RETAINS AN INDIVIDUAL WHO HAS PROVEN HERSELF IN THESE AREAS, AND COUNCIL DOES HEREBY AUTHORIZE AN APPROPRIATION TO RETAIN SAID INDIVIDUAL, AND DECLARING AN EMERGENCY.

First reading of this ordinance.

ORDINANCE NO. 2010-033

First reading

AN ORDINANCE TO PROVIDE FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF FINDLAY, OHIO, OF THE QUESTION "SHALL A COMMISSION BE CHOSEN TO FRAME A CHARTER?" AND FOR THE ELECTION OF MEMBERS OF THE COMMISSION, AND DECLARING AN EMERGENCY.

First reading of this ordinance.

Discussion:

Mr. Collette reiterated that this ordinance will be given its three (3) readings.

UNFINISHED BUSINESS:

Old Business

Mr. Schuck asked Mr. J. Slough for clarification purposes, Mr. Schuck was advised at the Committee of the Whole meeting that there would not be discussion and he was under the understanding that everything had been worked out and agreed upon. If anyone feels that a committee report is not correct as presented to City Council, just make a call for a point of order because that is what Roberts Rules states.

Mr. Barker requested his ODPS request for funds letter be referred to the Appropriations Committee.

Mr. Schedel: **SIDEWALK COMMITTEE MEETING – 12:30 PM – JUNE 8, 2010**, meet outside of Council Office if you want to ride along to observe some of the sidewalks that being looked at.

Agenda: 1. Chief Engineer Brian Hurt and Engineer Meghan Clement's City of Findlay sidewalk findings

Mayor Sehnert replied to the Mr. Deshamps (first oral communications speaker) that he agrees with one (1) thing he said in that there is a lot of orchestrating going on, and he too is appalled.

Mr. Urbanski commented that since the Economic Development/Revolving Loan Fund ordinance did not go through as an emergency measure, he feels we do need to keep the Revolving Loan Fund going, so he made a motion that would allow the Mayor to enter into a personal contract with Aggie Dahar of the Hancock County Office of Economic Development to manage current and future City Revolving Loan Funds through the end of 2010, and be remunerated on an hourly basis, and that the City will also provide space in the Municipal Building to help facilitate this process. Mr. Collette seconded the motion for discussion. Mr. Nichols asked the Law Director how this proposal from Mr. Urbanski sounds. Mr. Hackenberg replied that if there was more notice, legislation could have been created for tonight's meeting. There is no money to appropriate to it, so it will be at least two (2) weeks before the funds would be available. If Council authorizes it, it takes legislation because the City Auditor will need to determine what kind of money should be set aside. A simple contract would be enough if it were simply for less than twenty-five thousand dollars (\$25,000) for the daily operations, equipment purchases, etc., but since this involves Human Resources, it will take additional legislation. Mr. Collette asked that if the contract is going to be less than twenty-five thousand dollars (\$25,000) strictly for Revolving Loan Fund functions, could it be oral or does it have to be written. Mr. Collette also mentioned that he does not know how critical to move ahead with this. Mr. Hackenberg replied that he has been in his office all day and that no one addressed him on this. Mr. Collette then asked if written legislation is needed to pass a motion. Mr. Hackenberg replied that an ordinance and money appropriated, which neither exist right now. Mr. Nichols noted that if Mr. Urbanski would direct his request to the Law Director to draw up legislation, we would be moving in the right direction. Mr. Hackenberg replied that he will do so once it is requested. Mr. Schuck then asked if it would need to wait two (2) weeks, or could it be done within an emergency meeting of Council. Mr. Nichols replied that it is not the same time period. Mr. Schuck mentioned that two (2) Councilmember need to request legislation. Mr. Urbanski moved to request legislation, Mr. Collette seconded the motion. Mr. Sprague asked the Law Director if the billable hours go over the twenty-five thousand dollar limit (\$25,000), would the City be required to bid out the contract. Mr. Hackenberg replied that not in this situation. Mr. Hackenberg then asked if the City would be furnishing any space for Ms. Dahar as she will be considered an independent contractor/consultant. Mr. Urbanski replied that is correct. It is based on the idea that the City would be billed on an hourly rate for the Revolving Loan Fund prior to this. He apologized for not informing the Law Director sooner, but that this didn't happen until almost 5:00pm tonight. He feels something does need to get accomplished. Once figures are available, the City Auditor and himself would need to see them as they have not been notified of any amounts. Mr. Hackenberg replied that the biggest question is whether Ms. Dahar will accept this offer. Mr. Sprague asked the Law Director how the City is able to get by the twenty-five thousand dollar (\$25,000) bid rule as that rule prevents the City from buying equipment or contracting services if the cost exceeds twenty-five thousand dollars (\$25,000). Mr. Hackenberg replied that we are not bidding. This is not a bid situation and the City hires consultants without bidding, so we are not working under that statute. Mr. Sprague asked what statute we are working under. Mr. Hackenberg replied that the statute that was referred was 735.05 of the Ohio Revised Code which limits your bids to twenty-five thousand dollars (\$25,000). When you are hiring consultants, that falls under Chapter 165 of the Ohio Revised Code.

New Business

Mr. J. Slough made a motion to excuse the absence of Mr. VanDyne and Mr. Ward. Mr. Monday seconded the motion. All were in favor.

Mr. Barker mentioned that his office has received some complaint phone call regarding chapter 1511.06 (open burning/recreational fires) saying these fires are becoming bonfires creating heavy smoke to where residents cannot have their windows open and asked if anyone else has received any phone calls. He also asked what Council's recommendations on how to handle these situations are. Both the Fire Department and the Police Department have responded several times and have not been able to do anything because they were authorized burning, but are becoming nuisances to some. Mr. M. Slough mentioned that the Fire Chief three (3) years ago wanted the ordinance on open burning changed because other items were being burned besides firewood. He then asked Council if anything in the ordinance should be changed in any way. Mr. Collette commented how nice it was to see flags up in his neighborhood for Memorial Day and that it was nice to see that residents could have recreational burning to enjoy. Mr. Barker mentioned that the main frustration on the phone calls he received were about the smoke going into their homes from the recreational burning. Mr. Nichols added that it should be a judgment call from either the Fire Chief and/or the Police Chief when a complaint is called in. Either Chief should determine whether the fire is authorized or not.

Bil Homka (HPRC) updated Council by stating that yesterday, May 31, 2010 was the last day of the Revolving Loan Fund Administrator. He called the State of Ohio to invite them to come to Findlay to address the Economic Development/Revolving Loan Fund issues. It is important that the State is comfortable with whomever and whatever is done with the Revolving Loan Fund, and how it will proceed. Representative Karen Fabiano is scheduled to attend the next City Council meeting on June 15, 2010.

Mr. Sprague commented that Mr. Hackenberg implied that the City Auditor's Office hires outside consultants at a cost of over the twenty-five thousand dollar (\$25,000) bid limit without going through the bidding process. Mr. Sprague wanted it made clear that they do not do so. The only consultant in their budget is the outside Auditors who are qualified through a bid process. The cost and the value of the Auditors is taken into an account. Mr. Hackenberg replied that is not what he stated and the City Auditor's Office has not done anything incorrectly. He used the consultants in the City Auditor's Office that are budgeted with funds appropriated and that nothing is set up to make the Economic Development/Revolving Loan Fund Department happen tonight.

Mr. Monday congratulated the newly appointed Police Chief Gregory Horne. Mr. Horne was in the audience. Mr. Monday told Mr. Horne that City Council and the Administration are here to help him in any way they can. Mr. Monday is confident that Mr. Horne will lead the Findlay Police Department in a positive direction.

Mr. J. Slough spoke with the Executive Director of the YMCA (Russ Gartner) about the swimming pool attendance over the Memorial Day weekend. Over 800 in attendance over the holiday which was the first opening under the direction of the YMCA. Mr. Hardy replied that it was about thirty degrees (30°) cooler last year at this time which would have contributed to the higher attendance.

President Schuck adjourned Council at 8:11 PM.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL