

# FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

JULY 6, 2010

COUNCIL CHAMBERS

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

**ABSENT:** Urbanski, 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 June 15, 2010 City Council meeting. Mr. VanDyne seconded the motion. Motion carried.

## ADD-ONS:

Mr. J. Slough moved to add the following item to the agenda. Mr. Monday seconded the motion. Motion carried. Filed

1. **Findlay Police Department Activities Report – June 2010.**
2. The **PLANNING & ZONING COMMITTEE** to whom was referred a request for an alley vacation from the University of Findlay and Stacy Insurance Agency to vacate an alley described as a twelve foot (12') alley for part of lot 17422, 17425, 17423 and 17424 in the Snyder Subdivision.  
We recommend approval of the above stated request.
3. The **PLANNING & ZONING COMMITTEE** to whom was referred a request for an alley vacation to vacate the second north/south alley of South Main Street which runs off the north side of Glendale Avenue through Greenlawn Avenue.  
We recommend this item be tabled for further study.

## REPLACEMENTS:

none.

President Schuck recognized Boy Scout Troop 319 from Saint Michael's Church.

## RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 027-2010 First reading Adopted  
A RESOLUTION COMMENDING SETH BUTLER FOR HIS EXCELLENCE IN THE LIBERTY-BENTON HIGH SCHOOL TRACK AND FIELD PROGRAM.

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

RESOLUTION NO. 029-2010 First reading Adopted  
A RESOLUTION COMMENDING FIRE CAPTAIN MATHEW MYERS, FIREFIGHTER DUSTIN RUEHLE, FIREFIGHTER RODNEY PHILLIPS, FIREFIGHTER ADAM KIDWELL, HANCO EMS EMT-PARAMEDIC TAMARA O'LEARY AND EMT-INTERMEDIATE JEREMY FERN FOR THE ACTIONS THEY TOOK DURING A DOWNTOWN STRUCTURE FIRE OCCURRING ON JUNE 10, 2010.

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

## WRITTEN COMMUNICATIONS:

Assessment for Hunter's Creek Drainage Improvements, #325845 Equalization Board findings and recommendations. The Equalization Board held an open hearing on June 2, 2010 for residents objecting the drainage improvements to Hunter's Creek Subdivision. Six (6) residents submitted letters prior to the meeting with three (3) in attendance at the June 2, 2010 meeting and had an opportunity to address the Equalization Board. Two (2) main concerns this will not address the flooding problems and that several property owners being assessed do not live in the Hunters Creek subdivision and this drainage project is designed to handle runoff in Hunters Creek, however the properties being assessed in the Hunters Ridge subdivision drain into the Hunters Creek drainage system. After review and consideration of the letters submitted to the Equalization Board and also the personal testimony given at the hearing, members of the Equalization Board recommend no change be made in the assessments put forth in this special assessment. The Board believes that the reasoning for the assessments is sound and fair to all property owners involved and will have benefits to all who are being assessed. Filed.

## ORAL COMMUNICATIONS:

### James Routson – Hunters Creek Subdivision

Mr. Routson addressed Council by saying he is a long time flood advocate and has been in contact with the Flood Partnership, FEMA, and the State of Ohio. He feels that money spent on the Hunters Creek drainage project is not going to alleviate flooding. It will just get water off the streets sooner. He feels the lower Third Ward where he lives will have more flooding problems if this project is done. That area floods before the eleven foot (11') level and that they have pipe issues that need to be addressed too. He is able to obtain as many signatures as needed. He feels his area's flooding is being ignored by this Hunters Creek drainage project. FEMA is currently considering imposing flood insurance in his area and they might need it. A lot of details need to be worked out before a drainage project for his area could be done, but he feels if the City is spending money on Hunters Creek for drainage, then the City will have to spend money on his area. He notified City Council that they will not wait for the City to address their flooding issues, but that they will proceed with getting the drainage they need.

Mr. Collette commented that he knows Mr. Routson has done a lot of research on this and that he is looking out for the best interest of the residents where he lives. Citizens in the lower Third Ward feel they have been forgotten. He noted that the storm sewers are not separated. Mr. Routson commented that they have original sewers that were installed in 1924, and that they have been paying taxes and increases on sewer and water rates for over ten (10) years. Residents' basements and streets in that area flood from heaving rain. Residents in that area are willing to pay a match just like Hunters Creek Subdivision. He would like to see grant funds to help subsidize new drainage in his area. He has brought this to the attention of all City Council members for the past several years and now has enough citizens who want new drainage that he is bringing this before Council again. They have a website lowerthirdward.com that will be available next week. He feels residents where he lives have paid their dues and have lived there longer than those in Hunters Creek and they are hit harder by each heavy rainfall and they need some assistance. They want to know the City of Findlay cares about them too. Residents in the Hunters Creek are in the floodplain, so they will never be free from flooding. Hunters Creek was the retention area for the 1961 flood. Developers chose that area and sidesteps a lot of issues. Mr. Collette responded that they noticed some apartment complexes coming in the area. He checked the zoning and this area is more of a family residence area. The future land use is for it to be single family residential so this will be coming back to City Council. Mr. Routson replied that they will be working on this together over the next couple of weeks. A lot of opportunity is going on some of the disadvantaged houses in his area. For the Hunters Creek drainage project, to drain streets quicker, it will cause the City more devastation and flood residents basements with raw sewage from combined sewers on a non-flood event. Mr. Nichols asked what properties are in the lower Third Ward. Mr. Routson replied that it is from Front Street past Howard from the river and both sides back, from Main Street to I-75. Mr. M. Slough asked for clarification in that he was under the impression that property owners in the Hunters Creek Subdivision are being assessed for the drainage project and that no funds are coming from the City. Mr. Routson replied that the City is paying money to help support their drainage project when the City is supposedly in a financial hardship. He can show greater hardship. Mr. Hurt noted that the Stormwater Fund will be funding the forty percent (40%) match of the Hunters Creek project which was discussed by City Council two (2) years ago. The project has been in negotiations with City Council and the homeowners for over two (2) years. A petition of almost four hundred (400) properties went through and received seventy-five percent (75%) approval, and went through the water and sewer committee and received forty percent (40%) of funding out of the stormwater fund. The stormwater fund is a revenue generated fund that has no ties to the income tax and is a revenue fund which is the same fund we take our MS4 stormwater quality money out of. It is not a direct relationship to the City income tax. It is assessed on a per parcel basis. Sewage backup in the City has been going on as long as the sewage system has been built. The City is working on separating sewers, eliminating CSOs, improving infrastructure by trying to eliminate infiltration through sewer linings. The City has obtained some ARRA (stimulus) funding and we are lining sewers in the area and all around town that have infiltration problems that are old. Lining sewers that cross creeks, ditches, rivers and any place where infiltration can come in. If we can limit the infiltration, we will not only limit the amount of water that we treat at our Wastewater Treatment Plant, but will also eliminate a lot of water in basements. Our infrastructure is large. Basement backup has been something we have had problems with for many years. We will continue to work to separate sewers and try to eliminate problems. It is not an overnight fix. Mr. Nichols asked if the fund provides check valves for private sewer lines for the homes that would help alleviate some of the sewage backup. Mr. Hurt replied that they haven't done a program since he has worked for the City for the check valves from that fund. Most of the time they advise with check valves. When citizens come into the Engineering Office, they offer advise on how they can put a check valve on their sanitary lateral, that they sump pump has the appropriate check valves and bypass pumping procedures and hopefully eliminate a lot of basement issues.

## PETITIONS:

none.

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Landingpad LLC, DBA The Landing Pad at 1123 Trenton Avenue and Patio, Findlay, Ohio to apply for a liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Liquor Permit – Landingpad LLC, DBA The Landing Pad, 1123 Trenton Avenue and Patio, Findlay, Ohio. A check of the records shows a criminal record on the following:

Joshua J. Miller

Filed.

Hancock Regional Planning Commission Agenda – June 16, 2010; Hancock Regional Planning Commission Minutes – February 17, 2010; Hancock Regional Planning Commission Minutes – May 19, 2010; Hancock Regional Planning Commission Subdivision Review Committee Minutes – June 8, 2010. Filed.

Findlay City Board of Health Minutes – May 19, 2010. Filed.

**Service Director Bruce Hardy – grass seed at Emory Adams Park**

Hancock Soccer Association donated \$1,700 to the City of Findlay in 2009 for grass seed at Emory Adams Park which went into the General Fund. A request to appropriate these funds to utilize it as it was intended – to purchase grass seed for Emory Adams Park.

FROM:	General Fund	\$ 1,700.00	
TO:	Parks – other #21034000		\$ 1,700.00

Needs to be referred to the Appropriations Committee. Filed.

**Service Director Bruce Hardy – Hagerman Run stormwater project**

The Hagerman Run stormwater project was completed in 2009. This project has been closed. This project is a precursor to stormwater improvements slated for Fostoria Avenue. A hazardous situation exists as a result of the stormwater improvements for Hagerman Run – two (2) large culverts exist just east of the Riverside park tennis courts with unprotected concrete head walls that are ten to twelve feet (10-12') above the bottoms of the culverts. A request to appropriate funds to purchase and install stainless steel safety railings for this project.

FROM:	Capital Improvements Fund	\$ 2,700.00	
TO:	Hagerman Run Safety Railing Project #32502100		\$ 2,700.00

Needs to be referred to the Appropriations Committee. Filed.

**Treasurer's Reconciliation Report – April 30, 2010; May 31, 2010.** Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for NND LLC, DBA Cigars N Stuff at 1805 Tiffin Avenue, Findlay, Ohio to apply for a liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Liquor Permit – NND LLC, DBA Cigars N Stuff at 1805 Tiffin Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

Harshad Lalji  
Premji Lalji

Mr. J Slough moved for a no objections be filed. Seconded by Mr. VanDyne. 5 Council members in favor, 1 opposed. Filed.

**City Engineer Brian Hurt – Flood Mitigation Project #31995900 for B&D Consulting**

The City of Findlay has contracted with B&D Consulting for federal legislative advocacy in regards to seeking funding for flood control. The purpose of the contract with B&D Consulting is to keep our local flooding issues in front of our congressional delegation and assist in our efforts with the U.S. Army Corps of Engineers. \$20,000 was included in the 2010 Capital Improvements Plan which includes a six (6) month contract with B&D Consulting. An additional \$2,000 is for project incidentals. A request to appropriate funds to extend the contract with B&D Consulting for an additional six (6) months.

FROM:	Capital Improvements – flood mitigation	\$ 20,000.00	
TO:	Flood Mitigation project #31995900		\$ 20,000.00

Legislation is requested. Ordinance 2010-037 was created. Filed

**SWAC Minutes – May 5, 2010.** Filed.

**Traffic Commission minutes – June 21, 2010.** Filed.

**N.E.A.T. Departmental Activity Report – June 2010.** Filed.

**City Income Tax Monthly Collection Report – June 2010.** Filed.

**Service Director Bruce Hardy – purchase of new sludge truck for Water Treatment Plant**

Water Treatment Plant has requested a new sludge truck. The 1991 GMC with a Voivo engine has become increasingly costly to maintain and is becoming increasingly unreliable. Request to purchase a 2010 Kenworth with a Caterpillar engine at the state bid price of \$92,000 is desired. Needs to be referred to the Appropriations Committee. Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Wolfies Group Inc., Wolfs Premium Gourmet Nuts at 1016 Tiffin Avenue, Findlay, Ohio to apply for a liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Liquor Permit – Wolfies Group Inc., Wolfs Premium Gourmet Nuts at 1016 Tiffin Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

William M. Wolf, Jr.

Mr. J Slough moved for a no objections be filed. Seconded by Mr. VanDyne. 5 Council members in favor, 1 opposed. Filed.

**Findlay Police Department Activities Report– June 2010.** Filed.

**COMMITTEE REPORTS:**

The **PLANNING & ZONING COMMITTEE** to whom was referred a request for an alley vacation from the University of Findlay and Stacy Insurance Agency to vacate an alley described as a twelve foot (12') alley for part of lot 17422, 17425, 17423 and 17424 in the Snyder Subdivision.

We recommend approval of the above stated request.

Mr. Collette moved for adoption of the committee report. Mr. Nichols seconded the motion. All in favor. Committee Report adopted. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request for an alley vacation to vacate the second north/south alley of South Main Street which runs off the north side of Glendale Avenue to Greeniawn Avenue.

We recommend this item be tabled for further study.

Mr. J. Slough moved for adoption of the committee report. Mr. M. Slough seconded the motion.

Discussion:

Mr. J. Slough advised Council and the Administration that the Planning & Zoning Committee met with some of the parties that were involved with this request. The Committee decided they wanted to table this. A study was done on this in the 1970s in regards to alley vacations and the Committee would like to see the results of the study so that they might come up with a better plan that is in place right now. Mr. Hackenberg replied that Hancock Regional Planning did conduct a city-wide review back in the 70s where they did vacate in mass a bunch of alleys as a result of that study. The alley vacations were not completely implemented. The Engineering Department does have that study if anyone wants to review it. Another study has been done since then.

All in favor. Committee Report adopted. Filed.

**LEGISLATION:**

**RESOLUTIONS**

Resolution No. 025-2010

First reading

A RESOLUTION DECLARING THE NECESSITY OF REPAIRING SIDEWALKS IN THE CITY OF FINDLAY, OHIO, AND REQUIRING THE ABUTTING PROPERTY OWNERS TO REPAIR SAME, AND DECLARING AN EMERGENCY.

Mr. J. Slough moved to adopt the Resolution, seconded by Mr. Schedel. Ayes: Schedel, J. Slough, M. Slough, VanDyne, Collette, Monday. Nays: Nichols.

First reading of the Resolution.

Resolution No. 026-2010

First reading

A RESOLUTION DECLARING THE NECESSITY OF INSTALLING NEW SIDEWALKS IN THE CITY OF FINDLAY, OHIO, AND REQUIRING THE ABUTTING PROPERTY OWNERS TO INSTALL SAME, AND DECLARING AN EMERGENCY.

First reading of the Resolution.



## UNFINISHED BUSINESS:

### Old Business

Mr. VanDyne reminded Council that there is a Flood Mitigation meeting in Ottawa, Ohio on Thursday, July 8, 2010 at 10:30am. We will be having a final discussion on separate conservancy district vs. a subdivision of the Maumee.

Mr. Hardy reminded Council that Ordinance No. 2010-035 AS AMENDED is available if anyone wishes to address it. Mr. M. Slough requested this Ordinance be lifted from being tabled. Seconded by Mr. Nichols. Aye: Monday, Nichols, Schedel, J. Slough, M. Slough, VanDyne, Collette.

#### Discussion:

Mr. Hackenberg noted that the only change from the original ordinance (2010-035) is the language that Bond Council has provided.

Mr. VanDyne moved to amend Ordinance No. 2010-035 with this amended version (Ordinance No. 2010-035, AS AMENDED). Seconded by Mr. Nichols. All in favor.

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

The Ordinance received its second and third reading. Mr. J. Slough moved to adopt the Ordinance, seconded by Mr. M. Slough. Ayes: J. Slough, M. Slough, VanDyne, Collette, Monday, Nichols, Schedel. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2010-035 and is hereby made a part of the record.

Mr. M. Slough asked when Honeywell will begin their audit. Mr. Hardy replied that representatives from Honeywell are in the audience tonight. They will begin very quickly because they want to see this done as much as the City does.

### New Business

Mr. J. Slough on behalf of Mr. Ward: **APPROPRIATIONS COMMITTEE MEETING – 4:30 PM – JULY 13, 2010, Third Floor Conference Room of the Municipal Building (CR1).**

- Agenda:
1. Grass see for Emory Adams Park
  2. Hagerman Run Safety Railing Project
  3. Sludge truck for Water Treatment Plant

Mr. J. Slough made a motion to excuse the absences of Mr. Urbanski and Mr. Ward. Mr. Collette seconded the motion. All were in favor.

President Schuck adjourned Council at 8:16 PM.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL