

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

AUGUST 17, 2010

COUNCIL CHAMBERS

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

ABSENT: President Schuck

President Pro-Tem Randy Ward, in President Schuck's absence, opened the meeting with the Pledge of Allegiance and a moment of silent prayer

MINUTES:

Mr. J. Slough moved to accept the minutes, as circulated, of the August 17, 2010 City Council meeting. Mr. Nichols seconded the motion. Motion carried.

ADD-ONS:

Director, Hancock County Office of Economic Development Aggie Dahar – CDBG Economic Development Program Application for Invision Drive (Tall Timbers) extension

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 partnership with Hancock County Engineer's Office to complete the Invision Drive (Tall Timbers) extension. The City is requesting a community infrastructure grant in the amount of \$100,000 of which \$0 is being estimated for administration purposes. Legislation is requested to apply for the grant.

REPLACEMENTS:

none.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 037-2010

First reading

Adopted

A RESOLUTION COMMENDING OFFICER/DETECTIVE HOLLY PERKINS FOR THE EXCELLENCE OF HER SERVICES FOR THE CITY OF FINDLAY, OHIO.

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

Discussion:

Mr. Urbanski noted that he worked with Holly for many years and knows that she has raised the bar as far as customer services goes for the City of Findlay employees and the community and he commends her work ethics. He seconded the quality of services she has provided.

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

Steven Kennedy – reinstatement of the income tax credit allowed to taxpayers paying income tax elsewhere

Mr. Kennedy addressed City Council regarding Findlay residents who are employed outside of the city of Findlay who are paying the full income tax burden in the community where they are employed as well as the in Findlay. They are not only burdened with the time and expense of traveling each day to their employment, but they are also paying city tax where they are employed and reside. For many years, Findlay residents were allowed a fifty percent (50%) credit of their Findlay city income tax as long as they paid an equal or greater amount of income tax where they were employed. They/we were not escaping Findlay income tax. While he understands the decision to disallow the fifty percent (50%) credit when the City found itself in a budget emergency a couple of years ago, but now that the citizens have agreed to a twenty-five percent (25%) increase in the income tax rate, it only seems fair to the small number of tax payers paying in both communities that the fifty percent (50%) credit be reinstated. He anticipates the amount at stake is not a budget buster for the City. He assured Council that paying the full burden in two (2) communities is quite painful for the individual. He asked that the logic for the credit that had been in place for years be continued for years to come.

Discussion:

Mr. Collette mentioned that when the removal of the fifty percent (50%) tax credit was voted on, he voted against it because he was hoping there would be a sunset provision put on it. He asked the City Auditor if this could be revisited to possibly bring the tax credit back. Mr. Sprague replied that it is an option once they are able to review how the income tax receipts are at the end of the year and how they end the year's carry-over balance.

Mr. Urbanski noted that he has had a couple of citizens approach him on this, so when the time is available to look at reissuing the tax credit, he feels it would be worthwhile to revisit it and see if there is a possibility based on the City's budget.

Mr. Ward agreed that it is something Council could revisit and once it is proved that the City's budget is able to reinstate it and see how it really plays out. If it is increased twenty-five percent (25%) it doesn't mean the City's budget has increased by twenty-five percent (25%) because expenses have increased and there are still employees laid off.

Mr. Nichols asked if there is any type of survey throughout the state on how other cities are handling this. He would like to see a fixed number on how many cities are involved in double collection of income tax or if they are dealing with it differently. Mr. Sprague replied that the City does have some information that was relayed to Council a few years ago. When the time comes to revisit the issue, we will pull that information up and see if you want us to collect any more data. Filed.

PETITIONS:

none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

N.E.A.T. Departmental Activity Report – July 2010. Filed.

City Income Tax Monthly Collection Report – July 2010. Filed.

Findlay Police Department activities – July 2010. Filed.

Findlay City Board of Health Minutes – June 16, 2010. Filed.

Mayor Pete Sehnert – Approved Amendments to Articles III of the Income Tax Rules & Regulations

At the August 4, 2010 Income Tax Board meetings, members approved amendments to Article III of the Rules and Regulations regarding resident individual limited partners of limited partnerships. Amendments to Article III in the Rules and Regulations will be considered approve if Council takes no action by October 3, 2010 which is sixty (60) days after the proposed amendments were delivered to the Clerk of Council. The Law Director has already drafted a Resolution and is provided to City Council at the August 17, 2010 City Council meeting to approve the amended Article in order for it to be effective January 1, 2011. Filed.

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

Parks and Recreation Board - minutes – June 21, 2010; Parks and Recreation Board - agenda – August 16, 2010. Filed.

Traffic Commission minutes – August 10, 2010. Filed.

City Planning Commission Minutes – August 12, 2010. Filed.

City Auditor Robert Cole Sprague – Ordinance No. 2010-047 and 2010-048

Ordinances 2010-047 and 2010-048 will be read later in this meeting. These Ordinances are required for the City to proceed immediately with the Hunter's Creek drainage special assessment project and enable the City to loan the residents three hundred fifty-three thousand two hundred dollars and forty-five cents (\$353,200.45) from the Stormwater account for two (2) years at a market-based interest rate. Once the project is completed, the note will be replaced with a ten (10) year bond issued to an external third party and the resulting costs will be put as a special assessment on the property tax duplicate to the residents. Using an internal note from the Stormwater account keeps the issuance costs down for the residents which happen to be much higher interest rate than the City could earn on that cash by investing in any CDs, Agency debt, savings accounts, or treasuries for a two (2) year period. Ordinance No. 2010-047 and 2010-048 were created. Filed.

City Engineer Brian Hurt – O'Reilly's Auto Parts, 540 Tiffin Avenue

During construction of O'Reilly's Auto Parts (540 Tiffin Avenue), it was found that the expanded drive entrance would adversely affect a traffic signal junction box. As part of an agreement with the owner and contractor, two thousand four hundred sixty-six dollars and two cents (\$2,466.02) was received by the City in order to offset the cost of relocating the box. City crews will relocate the traffic box to a new location. Legislation is requested.

FROM:	SCM&R Fund	\$ 2,466.02
TO:	Traffic Lights #22043200-other	\$ 2,466.02

Ordinance No. 2010-050 was created. Filed.

Service Director Bruce Hardy – Airport front-end loader AIP-21 Project No. 35201400

The Federal Aviation Administration (FAA) has notified the City of a grant award in the amount of one hundred thirty-two thousand eight hundred seventy-seven dollars (\$132,877) to the Findlay Airport. The grant funds along with a five percent (5%) City match will be used to purchase a new John Deere model 624K front-end loader for snow removal. Legislation is requested.

FROM:	FAA Grant	\$ 132,877.00
	Capital Improvement – CIT	\$ 6,993.00
TO:	Airport AIP-21 #35201400	\$ 139,870.00

Ordinance No. 2010-050 was created. Filed.

City Auditor Robert Cole Sprague – Revolving Loan Fund (RLF) invoice

Legislation is requested to appropriate \$2,861.84 from the Revolving Loan Fund to General Expense #21010000-449400 to pay the invoice the Hancock County Office of Economic Development.

FROM:	City Revolving Loan Fund	\$ 2,861.84
TO:	General Expense #21010000-449400	\$ 2,861.84

Ordinance 2010-050 was created. Filed.

Service Director Bruce Hardy – Wells Fargo Insurance Services increase in premiums for vehicles and property insurance

Wells Fargo Insurance Services is the City's liability and property insurance. Vehicle and property insurance premiums have increased since last year. Appropriation of the following funds is requested.

Vehicle insurance premiums:

FROM:	General Fund	\$ 8,748.00
TO:	Police Dispatch #21015000-other	\$ 231.00
	N.E.A.T. #21016000-other	\$ 181.00
	Engineering Department #21021000-other	\$ 1,182.00
	Building Maintenance #21022000-other	\$ 183.00
	Health Department #21030000-other	\$ 1,017.00
	Zoning Department #21032000-other	\$ 485.00
	Parks Maintenance #21034000-other	\$ 3,853.00
	Diamonds #21038000-other	\$ 805.00
	Recreation Department #21040000-other	\$ 517.00
	Cemetery Department #21046000-other	\$ 294.00
FROM:	SCM&R Fund	\$ 11,147.00
TO:	SCM&R #22040000-other	\$ 10,132.00
	Traffic Lights #22043200-other	\$ 1,015.00
FROM:	Airport Fund	\$ 1,183.00
TO:	Airport #25010000-other	\$ 1,183.00
FROM:	Water Fund	\$ 7,285.00
TO:	Water Treatment #25050000-other	\$ 2,075.00
	Water Distribution #25053000-other	\$ 3,451.00
	Utility Billing #25072000-other	\$ 869.00
	Supply Reservoir #25073000-other	\$ 890.00
FROM:	Sewer Fund	\$ 7,146.00
TO:	Sewer Maintenance #25048000-other	\$ 3,606.00
	Water Pollution Control Center #25061000-other	\$ 3,540.00
FROM:	Parking Fund	\$ 183.00
TO:	Parking #25075000-other	\$ 183.00
FROM:	General Fund	\$ 80.00
TO:	Disaster Services #21013000-other	\$ 68.00
	Swimming Pool #25076000-other	\$ 12.00

Ordinance No. 2010-050 was created. Filed.

Law Director David Hackenberg – funds for Sewer Maintenance Department contract negotiations

Due to the City's labor negotiations and other pending cases involving the City of Findlay Sewer Maintenance Department, an appropriation of funds is needed to pay for additional legal counsel services for the City's Sewer Maintenance Department contract negotiations. Five thousand dollars (\$5,000.00) is being requested.

FROM: Sewer Fund \$ 5,000.00
TO: Law Director #21005000-other \$ 5,000.00
Ordinance No. 2010-050 was created. Filed.

Time Warner Cable – quarterly franchise fee payment for period ending June 30, 2010.

Discussion:

Mr. Nichols asked Mr. Sprague if this contract ever varies on the amount they are asking for. It seems like the amount has been stagnant year after year. Mr. Sprague replied that he cannot go back into history, but noted the Law Director might be able to and tell you what the previous amounts were for the cable company. From year to year, revenues are fairly stagnant. Mr. Hackenberg added that Mr. Sprague has the power to audit Time Warner's books if he wants to under our Franchise Agreement. Mr. Nichols then asked if there are any clauses in the agreement for cost of living expenses. Mr. Hackenberg replied that the City is limited to what we can charge under the Law that was passed a few years ago which lets AT&T offer uverse to everyone but are exempt from franchise fees. Filed.

Director, Hancock County Office of Economic Development Aggie Dahar – CDBG Economic Development Program Application for Invision Drive (Tall Timbers) extension

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 partnership with Hancock County Engineer's Office to complete the Invision Drive (Tall Timbers) extension. The City is requesting a community infrastructure grant in the amount of \$100,000 of which \$0 is being estimated for administration purposes. Legislation is requested to apply for the grant.

Mr. J. Slough requested authorization for legislation with regards to funding for this project. Mr. Nichols seconded the motion. Referred to the Law Director. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request for rezoning 1119, 1123, and 1125 North Main Street in the Carrothers Addition (lots 1921-1923 and N ½ of lot 1920) from B2 General Business to University District. We recommend approval of the request. Ordinance No. 2010-049 was created.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to appropriate \$37,500.00 from Southwest Interceptor Impact Fund, \$56,250.00 from Southeast Interceptor Impact Fund, \$56,250.00 from Saratoga Interceptor Impact Fund to WPC Sluice Gates, Project #35601600 a total of \$150,000.00 for installation of new sluice gates for the Water Pollution Control Center.

From: Southwest Interceptor Impact Fund \$ 37,500.00
Southeast Interceptor Impact Fund \$ 56,250.00
Saratoga Interceptor Impact Fund \$ 56,250.00
To: WPC Sluice Gates, Project #35601600 \$ 150,000.00

We recommend approval of the above request. Ordinance No. 050 was created.

Mr. J. Slough moved for adoption of the committee report. Mr. VanDyne seconded the motion. All in favor. Committee Report adopted. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to appropriate various funds to various departmental accounts to pay the increased vehicle insurance premium portion of the City's liability and property insurance through Wells Fargo that doubled in costs from last year's premium, which was not budgeted by departments.

Vehicle insurance premiums:

FROM: General Fund \$ 8,748.00
TO: Police Dispatch #21015000-other \$ 231.00
N.E.A.T. #21016000-other \$ 181.00
Engineering Department #21021000-other \$ 1,182.00
Building Maintenance #21022000-other \$ 183.00
Health Department #21030000-other \$ 1,017.00
Zoning Department #21032000-other \$ 485.00
Parks Maintenance #21034000-other \$ 3,853.00
Diamonds #21038000-other \$ 805.00
Recreation Department #21040000-other \$ 517.00
Cemetery Department #21046000-other \$ 294.00

FROM:	SCM&R Fund	\$ 11,147.00	
TO:	SCM&R #22040000-other	\$ 10,132.00	
	Traffic Lights #22043200-other	\$ 1,015.00	
FROM:	Airport Fund	\$ 1,183.00	
TO:	Airport #25010000-other	\$ 1,183.00	
FROM:	Water Fund	\$ 7,285.00	
TO:	Water Treatment #25050000-other	\$ 2,075.00	
	Water Distribution #25053000-other	\$ 3,451.00	
	Utility Billing #25072000-other	\$ 869.00	
	Supply Reservoir #25073000-other	\$ 890.00	
FROM:	Sewer Fund	\$ 7,146.00	
TO:	Sewer Maintenance #25048000-other	\$ 3,606.00	
	Water Pollution Control Center #25061000-other	\$ 3,540.00	
FROM:	Parking Fund	\$ 183.00	
TO:	Parking #25075000-other	\$ 183.00	
<u>Property insurance premiums:</u>			
FROM:	General Fund	\$ 80.00	
TO:	Disaster Services #21013000-other	\$ 68.00	
	Swimming Pool #25076000-other	\$ 12.00	

We recommend approval of the above request. Ordinance No. 2010-050 was created.

Mr. J. Slough moved for adoption of the committee report. Mr. VanDyne seconded the motion. All in favor. Committee Report adopted. Filed.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 036-2010 First reading
 A RESOLUTION AMENDING PARAGRAPH (A)(4)(b.) AND REPEALING SUBPARAGRAPH (A)(4)(B),(3) OF ARTICLE III OF THE
 INCOME TAX RULES AND REGULATIONS.

First reading of the Resolution.

RESOLUTION NO. 037-2010
 See page 1.

ORDINANCES

ORDINANCE NO. 2010-039 Third reading Adopted
 AN ORDINANCE VACATING A CERTAIN ALLEY IN THE CITY OF FINDLAY, OHIO.

Mr. Collette moved to adopt the Ordinance, seconded by Mr. J. Slough. Ayes: M. Monday, Nichols, J. Slough, M. Slough, Urbanski, VanDyne, Ward, Collette. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2010-039 and is hereby made a part of the record.

ORDINANCE NO. 2010-047 First reading Adopted
 PROVIDING FOR THE INVESTMENT, FROM TIME TO TIME, OF MONEYS IN THE TREASURY OF THE CITY OF FINDLAY IN
 OBLIGATIONS OF THE CITY; 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, Urbanski, VanDyne, Ward, Collette, Monday, Nichols.

The Ordinance received its second and third reading. Mr. Collette moved to adopt the Ordinance, seconded by Mr. Nichols. Ayes: J. Slough, M. Slough, Urbanski, VanDyne, Ward, Collette, Monday, Nichols, Schedel. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2010-047 and is hereby made a part of the record.

ORDINANCE NO. 2010-048 First reading Adopted
AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF \$353,200.45 IN ANTICIPATION OF THE ISSUANCE OF BONDS AND
IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS FOR THE PURPOSE OF PAYING THE COSTS OF
CONSTRUCTING AND INSTALLING DRAINAGE IMPROVEMENTS IN THE HUNTERS CREEK SUBDIVISION TO HELP ALLEVIATE
POTENTIAL FLOODING CONDITIONS IN SAID SUBDIVISION; AND DECLARING AN EMERGENCY.

Mr. Urbanski moved to suspend the Statutory Rules and give the Ordinance its second and third reading. Mr. Monday seconded the motion.

Mr. Sprague mentioned that this Ordinance will need to be passed by emergency tonight in order for the Chief Engineer to be able to proceed with the Hunter's Creek project.

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

The Ordinance received its second and third reading. Mr. Urbanski moved to adopt the Ordinance, seconded by Mr. Monday.

Discussion:

Mr. J. Slough thanked Mr. Monday and Mr. Hurt for a job well done. They both put in a lot of time and this project is going to be a great benefit to that area.

Mr. Monday mentioned that this is the last task that needs done before this project can start. He then asked when construction will start. Mr. Hurt replied that he met with the utility company yesterday, August 16, 2010 and they anticipate starting two (2) to three (3) weeks from now. They will start the project by moving power lines and street lights out of the way of the project. Once the contract is signed materials can be ordered. Moving of utilities will begin within this month. The contractor will begin once the materials are on site.

Ayes: Urbanski, VanDyne, Ward, Collette, Monday, Nichols, Schedel, J. Slough, M. Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2010-048 and is hereby made a part of the record.

ORDINANCE NO. 2010-049 First reading
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 "B2
GENERAL BUSINESS" TO "UNIVERSITY DISTRICT".

First reading of the Ordinance.

ORDINANCE NO. 2010-050 First reading Adopted
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

The Ordinance received its second and third reading. Mr. Urbanski moved to adopt the Ordinance, seconded by Mr. Nichols. Ayes: Ward, Collette, Monday, Nichols, Schedel, J. Slough, M. Slough, Urbanski, VanDyne. The Ordinance was declared adopted and is recorded in Ordinance Volume TT, Page 2010-050 and is hereby made a part of the record.

UNFINISHED BUSINESS:

Old Business

none.

New Business

Mr. Schedel noted that the invoice submitted tonight for services rendered by the Economic Development lists numerous projects currently in the works. Ms. Dahar has done an exemplary job, but will be leaving the department and the City is now in need of someone to administer the Revolving Loan Fund (RLF) projects once Ms. Dahar leaves after September 6, 2010. Mr. Schedel requested the Law Director to generate the appropriate legislation to have Hancock Regional Planning Commission to administer RLF until the Economic organization that was presented yesterday afternoon is finalized. Mr. Nichols seconded the request.

Mr. Monday made a motion to excuse the absence of Mr. Schuck. Mr. VanDyne seconded the motion. All were in favor.

Mr. Schedel: COMMITTEE OF THE WHOLE meeting – 7:00 PM – August 24, 2010 – Third Floor Conference Room of the Municipal Building (CR1)

Agenda: 1. Economic Development Task Force report – Task Force members' role in generating the plan submitted to City Council

Mr. Hardy commended Aggie Dahar on her work with the RLF and in keeping Home Depot in Hancock County. He feels if Aggie had not been so diligent in keeping them here, that project could have easily gone elsewhere. We will miss Aggie. She did a great job. He doesn't feel she got a fair shake while employed here. Wherever she is going next, he is sure she will be welcomed with open arms and is their gain and our loss.

President Pro-Tem Ward adjourned Council at 8:10PM.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL