

# FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

JANUARY 15, 2013

COUNCIL CHAMBERS

**PRESENT:** Collette, Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward

**ABSENT:** none.

President J. Slough opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

## MINUTES:

Councilman Collette moved to accept the minutes as circulated from the January 2, 2013 Public Hearing. Councilwoman Spence seconded the motion. All were in favor. Motion carried. Filed.

Councilman Collette moved to accept the minutes as circulated from the January 2, 2013 Regular Session City Council meeting. Councilman Ward seconded the motion. All were in favor. Motion carried. Filed.

## ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Collette requested to add the following to the agenda. All were in favor. Motion carried.

### ADD-ON:

- Letter from Bill Miller – City's green waste site drop-off fee

## WRITTEN COMMUNICATIONS:

### Bill Miller – City's green waste site drop-off fee

On January 2, 2013, Mr. Miller took his Christmas tree to the City's High Street refuse facility. After putting it on the pile, a City employee operating a front-loader drove over and asked him for the \$5 payment due. Mr. Miller was surprised to learn this, but later heard on the radio the morning of January 6, 2013, that the charging of fees will be delayed until April 1, 2013. Mr. Miller has been a Findlay citizen for 45+ years and requests Council look into repealing this new practice for several reasons:

1. Two or three years ago when the City announced the discontinuance of leaf collection, Findlay citizens were encouraged to pitch in and help. Many, including Mr. Miller, helped out by taking their own as well as their neighbor's leaves to the City's High Street refuse site. With all of the volunteer help so may have provided, it doesn't seem right to now pay a fee to bring leaves, brush, branches, etc. to the City's High Street dumping area.
2. The employee who asked Mr. Miller for his payment was very courteous and polite; however, he had to stop his normal duties of operating the front-loader to be the collector of dumping fees. Given the employee's hourly wage as a skilled equipment operator, Mr. Miller questions the cost-effectiveness of having City employees collect fees.
3. Mr. Miller served as a Hancock Parks Commissioner for 15 years; he fears the imposition of dumping fees will give City residents the incentive to illegally dump refuse along roads, in parks or other inappropriate places.
4. While Mr. Miller appreciates the need to prevent residents from dumping unacceptable items at the refuse site, he thinks it could be handled differently. He suggested more explicit signs regarding what is and is not acceptable coupled with front-loader operators or other employees keeping an occasional eye on the facility to minimize improper dumping. He also feels non-residents of Findlay and commercial businesses/contractors should not be allowed to dump at the High Street facility for free.

### Discussion:

Councilman Collette made a motion for a COMMITTEE OF THE WHOLE meeting to discuss this.

Councilwoman Spence noted that at last week's SHADE TREE COMMISSION meeting, this was discussed. The Public Works Department Supervisor explained some of the issues they have been experiencing at the green waste site on High Street, and what options to take. One option is to waive the fee during the leaf pick up season.

Service-Safety Director Schmelzer added that a COMMITTEE OF THE WHOLE meeting is a good idea.

COMMITTEE OF THE WHOLE meeting on February 12, 2013 immediately following the 4:30pm APPROPRIATIONS COMMITTEE meeting, third floor conference room of the Municipal Building (CR1).

## PROCLAMATIONS – none.

## RECOGNITION/RETIREMENT RESOLUTIONS:

### RESOLUTION NO. 003-2013

First reading

Adopted

A RESOLUTION COMMENDING LARRY SNODGRASS FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

Councilman Collette moved to adopt the Resolution, seconded by Councilwoman Spence. Ayes: Collette, Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record. Filed.

### RESOLUTION NO. 004-2013

First reading

Adopted

A RESOLUTION COMMENDING THOMAS GRIFFIN FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

Councilman Nichols moved to adopt the Resolution, seconded by Councilman Slough. Ayes: Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record. Filed.

Discussion:

Councilman M. Slough's son was employed in the Parks Department with Tom Griffin being his boss. Councilman M. Slough's son still speaks highly of Tom. Councilman M. Slough thanked him for the opportunity to work with him. He was a great boss to his son and others, and has done a great job for this community.

Councilman Collette noted that we have recognized two (2) dedicated employees who have spent their careers working for the City. The work at the Parks and Water Departments speak for themselves. He appreciates their hard work.

Councilman Nichols added that the City is fortunate to have had these two (2) employees who are dedicated and well qualified individuals who do their job every day. They are unsung heroes. He appreciates their work.

## **ORAL COMMUNICATIONS:**

### **Tony Grotrain – a short look back at 2012**

Mr. Grotrain reminisced about what happened in Findlay last year. Mr. Grotrain is beginning his fourth (4<sup>th</sup>) year officiating for a drug-free Findlay. On March 6, 2012, the Hancock County Prescription and Drug Abuse Task Force provided a presentation to Findlay City Council on what the drug epidemic looks like in Findlay and Hancock County. Prosecutor Mark Miller and Mr. Grotrain thanked Council for that opportunity. It is his hope that Council will allow them to present again in 2013 with an updated version comparing the numbers from 2012. There was a decrease from 205 to 152 drug-related felony cases in the Hancock County Courthouse with a combined total of 86 years of prison time given to drug offenders which is a cost to the state of approximately two million sixty-four thousand dollars (\$2,064,000.00) spread out over the 86 years. Alcohol and drugs were not the only thing contributing to a disturbing number of attempted suicides. Hancock County had nine percent (9%) of suicide attempts in 2011, which is the highest rate of attempts in northwest Ohio, Defiance following with eight percent (8%). Mr. Grotrain wishes he was able to talk with Council while they were working on the 2013 budget so that he could tell Council that while they struggle with it, he wants them to realize that when reducing police force; there is the risk of opening the door for higher drug related crimes. Mr. Grotrain pointed out some good things that happened in 2012. Mr. Grotrain attended seven (7) conferences and training events on the subject of rehabilitation treatment and prevention. On December 5, 2012, he attended the Ohio Prevention and Education Conference. John Richey, Program Director of Health Informatics at the University of Findlay was presented with the Prevention Innovator of the Year award for his work on developing a comprehensive database to help address the drug epidemic in Hancock County. This program is available state-wide. Mr. Grotrain applauds his dedication to help bring about change. On December 28, 2012, the Courier reported more good news. One by one, forty-five (45) felons returned to court and were handed diplomas by the Judges. This first (1<sup>st</sup>) graduating class illustrates their desire to no longer break the law. Twenty-eight (28) of the forty-five (45) felons finished a substance abuse program consisting of thirty-nine (39) classes on how to avoid relapse. Hancock County's Probation Department is one of the first (1<sup>st</sup>) in the state to offer such a curriculum based on research.

Discussion:

Councilman Schedel thanked Mr. Grotrain for continually coming before Council to report on this subject. He thanked Police Chief Horne for the superb work he and his department has done.

Councilwoman Spence appreciates Mr. Grotrain's passion, dedication, and willingness to come before Council to inform them on what is going on with drugs and alcohol in this community.

Councilman Collette thanked Mr. Grotrain for all he does.

## **PETITIONS – none.**

## **REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:**

**N.E.A.T. Departmental Activity Report – December 2012.** Filed.

**Treasurer's Reconciliation Report – August 31, 2012, September 30, 2012, October 31, 2012, November 30, 2012.**

Discussion:

Councilwoman Spence asked what the outstanding bank error on the September, October, and November 2012 reports are referring to. Auditor Staschiak replied that it is an encoding error for a two hundred dollar (\$200.00) check that was encoded at the bank by their computer system for four hundred dollars (\$400.00). This was found after a lot of digging and research of thousands of checks the City processes. What made this even more complicated is that normally when there is this type of error, it is normally on the expenditure side of, but this was a check the City received, which made it difficult to find. Councilwoman Spence then noted that the reports looked as if there was one (1) error but was fixed over three (3) months. Auditor Staschiak replied that the error occurred earlier in the year and that it took that much time to find it because of the large amount of checks the City processes. Filed.

**Findlay W.O.R.C. Program Charge Statistics – 01/1/2012 through 12/31/2012; Findlay Work Release Program Monthly Payment Statistics Summary – 01/01/2012 through 12/31/2012; Findlay W.O.R.C. Program Monthly Tally Sheet – 01/01/2012 through 12/31/2012; Findlay W.O.R.C. Financial Analysis – 01/1/2012 through 12/31/2012.** Filed.

**City Income Tax Monthly Collection Report – December 2012.** Filed.

**Findlay Police Department Activities Report – December 2012.** Filed.

**Service-Safety Director Paul Schmelzer – 2013 Public Building’s budget**

In the Public Buildings budget that was presented to Council, the line item for repair and maintenance of equipment was inadvertently inputted as \$0 for the 2013 budget. This line item accounts for the repair and maintenance of the boilers, chillers, generator, security system, fire suppression system, etc. in the Municipal Building. Legislation to appropriate funds is requested. Ordinance No. 2013-005 was created. This was already discussed at the 1/8/2013 Appropriations Committee meeting.

FROM: General Fund \$ 35,000.00  
TO: Public Buildings #21022000-other \$ 35,000.00

Filed.

**Mayor Lydia Mihalik – Mayor appointments to various Boards or Commissions**

Mayor Mihalik is requesting the following appointments to the following Boards or Commissions:

Airport Advisory Board – does not require Council confirmation  
Gary Junker, term to expire December 31, 2015

Board of Health – requires Council confirmation  
Gregory Cline, term to expire December 31, 2017

Hancock Regional Planning Commission Board – requires Council confirmation  
Donald Bledsoe  
Jody O'Brien  
Dan Clinger  
Sally Fitzgerald  
Christie Ranzau  
Dave Trisel  
All terms to expire December 31, 2014

Street Designation Committee – requires Council confirmation  
Dale Gillespie, term to expire December 31, 2014

Discussion:  
Councilman Ward moved to confirm these appointments. Seconded by Councilman Collette. All were in favor. Filed.

**COMMITTEE REPORTS:**

The **APPROPRIATIONS COMMITTEE** to who was referred a request from the Service-Safety Director to appropriate funds so that the Public Buildings 2013 budget may have funds available for repairs and maintenance of boilers, chillers, generator, security system, fire suppression system, etc. in the Municipal Building.

FROM: General Fund \$ 35,000.00  
TO: Public Building Department #21022000-other \$ 35,000.00

*We recommend approval of the above request. Ordinance No. 2013-005 was created.*

Councilman Nichols moved to adopt the committee report. Councilman Collette seconded the motion. All were in favor. Filed.

The **APPROPRIATIONS COMMITTEE** to who was referred a request from the Mayor to discuss the increase in Emergency Management Agency (EMA) service costs.

*We recommend this be tabled.*

Councilman Collette moved to adopt the committee report. Councilwoman Spence seconded the motion. All were in favor. Filed.

**LEGISLATION:**

**RESOLUTIONS**

**RESOLUTION NO. 044-2012 (CRA #1) Tabled**

*(first reading on 9/4/12– requires Council motion to be lifted from table)*

A RESOLUTION AMENDING RESOLUTION NO. 33-1987, AS AMENDED BY RESOLUTION NO. 37-1988, BY INCLUDING AN ADDITIONAL AREA WHICH IS CONTIGUOUS TO THE AREA ALREADY DEFINED IN SAID REINVESTMENT AREA.

**RESOLUTION NO. 045-2012 (CRA #2) Tabled**

*(first reading on 9/4/12– requires Council motion to be lifted from table)*

A RESOLUTION AMENDING RESOLUTION NO. 38-1988, AS AMENDED BY RESOLUTION NO. 23-1990, AS AMENDED BY RESOLUTION NO. 38-1990 (TO CORRECT ERRORS IN THE LEGAL DESCRIPTION) BY INCLUDING AN ADDITIONAL AREA WHICH IS CONTIGUOUS TO THE AREA ALREADY DEFINED IN SAID REINVESTMENT AREA.

**RESOLUTION NO. 003-2013**

See page 1.

**RESOLUTION NO. 004-2013**

See page 2.

**RESOLUTION NO. 005-2013**

**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).

Councilman VanDyne moved to adopt the Resolution, seconded by Councilman Monday.

**Discussion:**

Councilman Slough asked if the items on the attached list are requirements by the State. Service-Safety Director Schmeizer replied they are. They are annual operation license fees that the EPA bills the City for annually. The City cannot control when the bill is submitted or the amounts billed. Auditor Staschiak added that these invoices came in 2012, but they want them paid in 2013 so that funds reflects the proper amount in 2013 when you are looking back.

Aye: Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

**ORDINANCES**

**ORDINANCE NO. 2012-090** (1100 Interstate Drive rezone)

**Tabled**

*Tabled at third reading on 11/20/12 – requires Council motion to be lifted from table*

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 PROPERTY (REFERRED TO AS 1100 INTERSTATE DRIVE REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL DISTRICT" TO "C2 GENERAL COMMERCIAL DISTRICT".

**ORDINANCE NO. 2012-100**

*Mayor Mihalik referred this to the 1/8/13 Appropriations Committee after the first reading*

**Tabled**

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH HANCOCK COUNTY EMERGENCY MANAGEMENT AGENCY TO DEVELOP AN EMERGENCY OPERATION PLAN THAT WILL ENCOMPASS ALL POLITICAL SUBDIVISIONS OF HANCOCK COUNTY, DEVELOP A TRAINING PROGRAM, AND COORDINATE THE EMERGENCY MANAGEMENT ACTIVITIES OF ALL THE POLITICAL SUBDIVISIONS ACCORDING TO THE DUTIES AND REQUIREMENTS OF SECTION 5502.27 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2012-105**

**Third reading**

**Adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Collette moved to adopt the Ordinance, seconded by Councilman Ward.

**Discussion:**

Councilman Murray noted that the reason this was not adopted on the first reading was because it was waiting on a revised hourly log from HRPC. He then asked if that was received. Councilman Ward replied it was received and discussed at the January 8, 2013 Appropriations Committee meeting.

Ayes: Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday, Murray. Ordinance was declared adopted and is recorded in Ordinance Volume UU, Page 2012-105 and is hereby made a part of the record.

**ORDINANCE NO. 2013-004**

**Second reading**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH CONGRESSMAN LATTA'S OFFICE TO LEASE APPROXIMATELY THREE HUNDRED SEVENTY SQUARE FEET OF OFFICE SPACE IN THE CITY OF FINDLAY'S MUNICIPAL BUILDING.

Second reading of the Ordinance.

**ORDINANCE NO. 2013-005**

**First reading**

**Adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Collette moved to suspend the Statutory Rules and give the Ordinance its second and third reading. Councilwoman Spence seconded the motion. Ayes: Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols. The Ordinance received its second and third reading. Councilman Collette moved to adopt the Ordinance, seconded by Councilman VanDyne. Ayes: Slough, Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols, Schedel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-005 and is hereby made a part of the record.

## UNFINISHED BUSINESS:

### Old Business:

Councilman VanDyne noted that some FYI letters in Council's packet tonight were regarding flooding in Scarlet Oak, Rush Creek area about their concerns on the Army Corps study and what impact it might have on that particular area of town. Councilman VanDyne suggested a COMMITTEE OF THE WHOLE meeting to include Engineer Steve Wilson, Mike Pniewski from the Army Corp, as well as the citizens in Scarlet Oak, Rush Creek for discussion. Mayor Mihalik replied this is a good idea. She was informed today that the Army Corp of Engineers is planning on responding to each letter to answer their questions. A lot of what the letters ask is preliminary at this point as all the numbers and details on elevations of the homes are not finalized. Where the water will rise and what it means to those property owners will also be addressed. She will coordinate with Mr. Pniewski and Mr. Wilson on when they can meet and then will report back to Council.

Councilman Nichols talked with Paul Hancock who submitted one of the FYI letters. He feels we owe these citizens definite answers. We are all confused as to what is going to happen with the different scenarios. A meeting to clarify would be very beneficial. Mayor Mihalik replied that she will contact Mr. Pniewski and find out what the timeline is for the response of the letters. She anticipates it will be within the next thirty (30) days or so. She will find out if they want to meet before or after they've written the responses to each individual who submitted a letter. She will get back with Council once she has a date and time to meet.

Councilman Murray made a motion to lift Ordinance No. 2012-090 AS AMENDED off the table. This is for the rezoning of a property on Interstate Drive. Councilman Ward seconded the motion. Aye: Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols, Schedel, Slough. Councilman Murray made the motion to adopt the Ordinance, seconded by Councilman Collette. Aye: VanDyne, Ward, Collette, Monday, Murray, Nichols, Schedel, Slough, Spence.

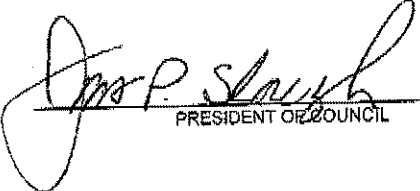
Councilman Slough asked what the status is of the building demolition on North Main Street on the east side just north of the bridge. Mayor Mihalik replied the Memorandum of Understanding with the State Historic Preservation Office was just finalized. This will give the County Commissioners the ability to finally take care of the buildings. There were some issues with the historical significance of the buildings and whether or not they contributed to the district. After going back in forth for awhile, Engineer Steve Wilson was able to negotiate it. We are now ready to move forward with the demolition. Councilman Nichols noted that the original intent for that piece of land was for a government building. Funds are not there now like they were when the buildings were purchased. It is a central prime location that the City should make an effort to obtain the land for future development for the good of the County and the City. Mayor Mihalik replied that Councilman Slough was referring to the buildings on the north side of the bridge, not the ones beside the Courthouse.

Councilwoman Spence noted that operating costs for the WORC program were discussed during the budget hearings. She asked if any progress has been made on reducing costs. It cost more to run the program if the individuals utilizing the program are at the justice center. Other alternatives were discussed to reduce costs. Service-Safety Director Schmelzer replied that the two (2) most significant impact on the General Fund are for the Court to pick up the costs of the security in which they have agreed to do. Modifications to the contract for the security labor have been negotiated. This would reduce it by approximately thirty thousand dollars (\$30,000.00). We are on track to do the things we talked about doing. Council will need to be involved with the Court in their commitment to help the City get in touch with other municipalities and their courts to see if we can boost participation in the program. It will take a number of months to gauge that success.

### New Business:

President J. Slough adjourned Council at 8:10pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL