

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

FEBRUARY 19, 2013

COUNCIL CHAMBERS

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

ABSENT: VanDyne

President Pro-Tem Ward 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 February 5, 2013 Regular Session City Council meeting. Councilwoman Spence seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ON:

- Cash & Investments Report /Budget Summary of Year-To-Date Information as of January 31, 2013.

WRITTEN COMMUNICATIONS – none.

PROCLAMATIONS – none.

RECOGNITION/RETIREMENT RESOLUTIONS – none.

ORAL COMMUNICATIONS:

David O'Brien – future of Findlay public safety services

Mr. O'Brien moved to Findlay about a year and a half ago. He is a concerned citizen and an advocate of the City's fire services. It is hard to understand why the citizens of Findlay did not support the renewal of the quarter percent (¼%) tax levy. It would not be a very large noticeable difference in our income, but it will be noticed in the City's public safety services. It is almost as if the citizens do not believe what the Administration or Council is telling them, or there is no confidence in them from past or present Administration. Public safety is the number one priority for every citizen, especially the Council and Administrators of this City. Probably eighty percent (80%) of the budget funding, etc. is public safety (Fire and Police). The City of Findlay will be losing thirty percent (30%) of our Firefighters. They will go from sixty-six (66) to forty-six (46). They work twenty-four (24) hours, then off forty-eight (48) hours, which means there are three (3) shifts. Twenty (20) Firefighters will be laid off, Firestation #4, which is a modern fire station, will be closed, but will be keeping a Firestation open that is was built in the 1950s. These changes will make a tremendous impact on city services. He proposed that Council create a committee consisting of interested parties (i.e. interested citizens, Councilmembers, Firefighter members) to have dialog to resolve the shortage of Firefighters the City will have. He would like to see a plan in the next three to five (3-5) years that would alleviate this problem. He would also like this committee to figure out what it would take for Findlay Fire Department to assume all 911 and Emergency Medical Services (EMS) responsibilities within the city. Majority of cities in Ohio already do this. Mr. O'Brien timed how long it takes to drive from Hancock EMS Services to Bigelow Avenue. It takes six and a half (6 ½) minutes if driving sixty (60) mph. Fire trucks and ambulances do not go sixty (60) mph, but are lucky to go thirty-five (35) mph through the city. He proposes would prepare Paramedics in our stations, two (2) or three (3) paramedic units, with City Firefighters providing the services that Findlay citizens deserve at a lot better response time and better services. EMS is an income stream. EMS provides income from insurance companies. Every time a medic unit goes out, the insurance company is billed and the City creates that income. Right now, the Fire Department does not create any income and the Police Department creates very little income. Many citizens are not aware that our Fire Department provides more services besides fire suppression. The citizens of Findlay expect us to get it right. By laying off twenty (20) Firefighters and closing a Firestation, we are not getting it right. Life safety should be the City's number one priority and our elected officials should make it their priority to provide the best fire service available. He would like to see Council proceed with creating the committee he mentioned earlier to investigate Findlay Fire Department, and assume 911 emergency medical services in the near future.

Discussion:

Service-Safety Director Schmelzer spoke with Mr. O'Brien a week or so ago where he informed him which firestation to close is not being made by the Administration. It was based upon the risk that it experienced and is from almost one hundred percent (100%) feedback from the Fire Department itself.

Mr. O'Brien added that during his conversation with the Service-Safety Director, he pointed out that the occupancy hazard, life safety on that side of town including Birchaven, the six hundred thousand dollar (\$600,000.00) homes in Lakeview, and the shopping areas, if there a life-saving incident there, there will have a tremendous life-safety involved. If three (3) Firefighters from Firestation #3 respond to an incident out there will have their hands tied. By the time the other six (6) to nine (9) Firefighters arrive, they will still be in trouble with a big incident. It's not if it is going to happen, it's when it's going to happen.

Mayor Mihalik noted that it has been discussed at length for months what the possibilities were and what could potentially happen if the quarter percent (¼ %) was not renewed given the fact that the City was looking at a six million dollar (\$6,000,000.00) shortfall in revenue from the year before. She would like to see more Findlay citizens engaged as much as Mr. O'Brien. The City is always looking at new ways to do things. The City is always open to discussions, but is in a tough spot right now.

Mr. O'Brien added that even though the City does not have the money to staff adequate amount of Firefighters, we need to come up with a way to do so. With EMS, there is an income stream there. After the first year, it'll pay for the EMS units and supplies. He feels it can be implemented with the manpower the City has today. The newspaper reports what the Fire Department responds to so citizens see that the Fire Department only made five (5) EMS runs on a particular day, so they wonder if that is all they did that day. If Firefighters make EMS runs, they should be recouping the income from it and not giving it to someone else. It's not that Hanco doesn't do a good job. Hanco will still stay in business just like other ambulances in other cities do by their transports, nursing homes, hospital transports, etc.

Larry Deerwester – city taxes

Mr. Deerwester lives in Findlay, but works in Bowling Green. He would like to see the half percent (1/2 %) credit that was taken away a few years ago for those who live in Findlay but work out of town, be given back. An average income for someone who works in the city of Findlay that makes roughly around fifty thousand dollars (\$50,000.00) would cost them approximately two dollars forty cents (\$2.40/week) out of their check, but was voted down. Where he works, he pays two percent (2%), so someone who makes fifty thousand dollars (\$50,000.00) there would pay nine dollars sixty cents (\$9.60/week) up to twelve dollars (\$12.00/week), so he has around twenty dollars (\$20.00/week) taken out of his check each week because he works in Bowling Green and lives in Findlay. He asked what could be done to get it changed back to get his half percent (1/2%) credit back.

Discussion:

Councilman Collette noted that he had voted against taking away the half percent (1/2%) because it negates people who lives in the City to work outside of the City, and it puts a burden on those who do. He feels it is something Council could reconsider within the next year or so.

Mayor Mihalik added that at the time the credit was removed, it generated around four hundred thousand dollars (\$400,000.00) for the City and probably generates more now. In order for the credit to be reinstated, it would have to be determined that the City would not notice the credit being gone.

Mr. Deerwester then asked how to go about getting the credit reinstated and when a vote on it would take place. Mayor Mihalik replied that it would be at Council's discretion. Mr. Deerwester recalled when he only had to pay a half percent (1/2 %) credit to Findlay living here, he got used to paying that, and then there was a time when they took it away and didn't have to pay anything, then the half percent (1/2%) was brought back, then it went to one percent (1%), then to one and a half percent (1.25%). He asked if there is a way to get the one and a quarter percent (1.25%) income tax passed because he will still pay a half percent (.5%) if it is raised to one and a quarter percent (1.25%). He too does not want to see any Firefighters laid off or the Firestation close.

Councilman Collette asked the Administration if this is something that could be looked into mid-summer. He asked if the Auditor to put some numbers together for Council so they can see how the City is done financially.

Scott McWilliams – Ordinance No. 2013-010

Findlay Firefighters Local 381 asked City Council to postpone the vote on Ordinance No. 2013-010, specifically on the proposed one million five hundred thousand dollars (\$1,500,000.00) transfer into the City's Capital Improvements Fund that was recommended by the Appropriations Committee. While they understand and agree that capital improvements are very important, this fund has benefited recently by an eight hundred thousand dollar (\$800,000.00) estate tax windfall in November, a one million dollar (\$1,000,000.00) transfer in December, and an increase from ten percent (10%) to sixteen percent (16%) of the current and future City income tax collections. The other recommended appropriations within the ordinance, namely the transfers to the Self-Insurance Fund and the Severance Payout Reserve Fund, they believe are sound fiscal policies and agree with these recommendations. They are requesting the vote be delayed until Firefighters can sit down with Councilmembers and City Administration to discuss numerous public safety concerns the Firefighters have. With the drastic cuts proposed to the Fire Department, they believe this is a serious threat to the public and to the Firefighters. The term Fire Department is somewhat misleading in the modern emergency service. While their main focus remains firefighting and fire prevention, the modern fire service is more accurately described as an all hazardous response team. The Fire Department remains the default response for emergency calls, anything other than law enforcement. Whenever someone calls 911, whether it be a fire, rescue, gas leak, EMS call, odor investigation, auto accident, flood, or any other emergency, the Fire Department responds. The proposed layoff of twenty (20) trained and dedicated Firefighters ability to adequately and safely respond to those emergencies is put in jeopardy. They asked Council to postpone the Appropriation Committee's vote and allow time to discuss with elected Councilmembers the safety concerns Firefighters have for the city. The citizens of Findlay deserve an open and honest discussion about the level of public safety that they are entitled to, and what the proposed layoffs within the Fire Department will mean to the Firefighters response capabilities.

Discussion:

Auditor Staschiak noted that the one million dollars (\$1,000,000.00) that was said to be transferred at the end of last year that was discussed at the Committee of the Whole meeting decided the one million dollars (\$1,000,000.00) was not transferred. That transfer was withheld until the books were closed to make sure there were enough monies to justify it. It is now included in the one million five hundred thousand dollar (\$1,500,000.00) transfer by the Appropriations Committee.

Mr. McWilliams asked if this includes the eight hundred thousand dollar (\$800,000.00) estate tax from November, and the ten percent (10%) that is now sixteen percent (16%) adjustment from the General Fund.

Council President Pro-Tem Ward added that capital improvements have suffered for many years. The City was at twenty-five percent (25%) for capital improvements, but that is still well below where the City needs to be. There are many scenarios on what it would take to catch up capital improvements where they need to be and in keeping the infrastructure where it should be. Some of the proposed layoff of Firefighters is because the SAFER grant will be going away. There are second thoughts to applying for SAFER grants because the money does eventually go away and does not come back. Firefighters, Council and the Administration, as well as all City Departments have worked hard to get the tax renewal levy passed so that the City can keep Firefighters and Police Officers at the levels they need to be. The tax renewal money was able to be used to keep those levels. There were discussions on trimming back the Fire Department even if the levy had passed. The laying off of Firefighters is unfortunate. If the City was on the rise of even as little as one percent (1%) and could replace and continue the compliment of the Fire and Police the City has, he would be the first to do so. The money that the Appropriations Committee transferred in the budget is one-time money. It is not money the City can count on for future years. Even though the City is at sixteen percent (16%), we are still going to be on a revenue-side and not on a budget side, the City will still be over a million dollars (\$1,000,000.00) deficient spending for 2013. It is not something Council takes lightly. No one on Council wants to see the Police or Fire Departments reduced, but was something they had to consider.

Mr. McWilliams asked if Council is aware how many Firefighters are covered by the SAFER grant. Council President Pro-Tem Ward replied he is aware that six (6) Firefighters are covered by the grant.

Mr. McWilliams reiterated that the Union is asking that Ordinance No. 2013-010 and the passing of one million five hundred thousand dollars (\$1,500,000.00) be postponed.

Councilwoman Spence asked if the ordinance did not pass under the emergency measure tonight, if it would cause any issues with the two (2) additional projects that are listed on the ordinance. Service-Safety Director Schmelzer replied it would not.

Mayor Mihalik noted that the Administrations perspective on the one million five hundred thousand dollars (\$1,500,000.00) in that it is welcome news that there is a carry-over. Both the Service-Safety Director and the Mayor's concern is if the City is in a situation where even though it is great to have the windfall money, if it is one-time money and is it just delaying a difficult decision for another day. If the City was in a situation where we were seeing growth in the economy, then we could see growth in terms of the City's revenue, more than what has been anticipated up to this date, and that it is true growth that the City can sustain a compliment that is necessary to keep the City of Findlay safe, she would be all for that discussion. Right now, the money that has been presented as being left-over, and the money that has been presented as being extra at this point in time is carry-over funds that City Department Heads worked very hard to keep in place, including the Fire Department with a limited amount of overtime used. Also projects came in way under what was anticipated (i.e. \$400,000 returned from the radio project, \$300,000 returned from the Crystal Avenue project). Those funds that were allocated in capital improvements should go back to capital improvements and not necessarily used to shore up operations because at this point, we do not know if it is sustainable. If it can be proved that the City will see sustainable growth in our receipts for income tax, then that is when discussions about not moving forward with what we had to do up until this point given the information we had at the time to make the decision. She does not want to see layoff happen. We need to make sure we are not just putting off the difficult decision again for another day where we are waiting on another SAFER grant or another tax increase, but instead make sure that we make sound financial decisions for the future.

Mr. McWilliams added that the Union is not lobbying for zero (0) staffing cuts. They just want the opportunity to provide an overview and educate Council on what this would mean to the Fire Department and to the public safety. There is no impact whatsoever if this ordinance its second and third readings instead of adopting it on an emergency basis.

Councilman Nichols does not believe there is a need to educate Council as they have been looking at the numbers over and over again since last November. The windfall that recently came to light really was not a windfall. The Administration and Council asked the Department Heads to gear down and not ask for anything unless they absolutely need it. They were asked to try to eliminate any overtime and not purchase any new equipment unless absolutely necessary. So, it is not a surprise that there is money left over from projects. While it is nice to get the windfall money, it is only temporary. We still have to look out a couple of years. It is not a problem to not pass the ordinance tonight, but probably will not change anything.

Councilman Murray noted that Council was very fair with the voters in telling them what was on its way. They were not scare tactics, they were reality. If discussions on what to do with the funds is given, it may end up being a discussion on whether Police, Fire, or any other department is more important because every department took a cut. Council has to determine what a fair way to distribute the money is. It shouldn't be just designated to the Fire Department. Council has had many discussions with both the Fire and Police Chiefs to see if the City is covered and is the performance the same as it was before. There is some risk, but we have to respond with what our voters have told us to do as we have told them what will be done if the income tax renewal levy did not pass.

Service-Safety Director Schmelzer noted that the Fire Department does not get the credit they deserve for all the things they do. Our strategic planning process will answer some of the questions the Union and what Mr. O'Brien has (i.e. where we are going, what are our goals as we move forward what does our Fire Department look like now, and what do we want it to look like).

PETITIONS:

Petition for Annexation – West Trenton Avenue (Trenton Ave/Darway Annexation)

A petition for annexation to the City of Findlay filed by Philip L. Rooney on January 28, 2013. A legal description for said property is attached with the petition. The property to be annexed is in Liberty Township, Hancock County. Resolution 007-2013 was created (Resolution of Services).

Discussion:

Councilman Slough asked if this is vacant land or if something is occupying it. Service-Safety Director Schmelzer replied that it is where the Auto Zone property is out on the west side by Wal-Mart. Filed.

Renewal petition – DFID

A petition request from Phil Rooney, representing the Downtown Findlay Improvement District (DFID) to renew the DFID and adopt a renewed downtown services plan for five (5) years from the date of the expiration of the original plan. By statute, the legislative authority and Mayor have sixty (60) days to review the petition and services agreement and offer any comments or approve same. As in 2009, the Law Director is recommending the petition and services agreement be referred to planning and zoning for their review and recommendation to Council. Referred to the Planning and Zoning Committee.

Discussion:

Councilman Schedel was part of the group that founded this organization. The things they have been able to accomplish is remarkable and the City needs to continue to support them.

Councilman Murray noted that the Planning & Zoning committee would like to discuss this at their next meeting. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

Findlay Police Department Activities Report – January 2013. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Sharp Tops Players Club LLC, located at 15085 Flag City Drive, Findlay, Ohio for a D51 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Sharp Tops Players Club LLC, located at 15085 Flag City Drive, Findlay, Ohio. A check of the records shows no criminal record on the following:

Bobby Singkham

Discussion:

Councilman Murray asked what type of business Sharp Tops Players Club is. Police Chief Horne from the audience explained that it is a gaming establishment like the others here in town. Like the Internet cafe.

Councilman Slough noted that other communities are being plagued by these types of businesses. He was under the impression the City was going to look into how to deter them from coming into our community. Service-Safety Director Schmelzer replied that the State is taking a look at it. The Attorney General is investigating the industry. It comes down to the definition of gaming/gambling with all kinds of ways to give you a guaranteed return to say it is not gambling. Councilman Slough then asked if by Sharp Tops Players Club applying for this liquor permit, if it is further establishing their existence. Law Director Rasmussen replied he is unsure if they feel this permit will benefit their business. The fact that they serve alcohol does not play any party in whether or not there is any illegal gambling. He can check with his Prosecutors' Office to see if there have been any complaints on their business or any contact with the state.

Councilman Nichols requested an official policy from the Police Chief or Law Director on what the recommendation would be. He does not want to promote something that is not in the best interest of our community.

Councilman Monday noted that a few months ago, Council had a similar request from a similar establishment where they did not approve the liquor permit. He will not vote in favor of this one either.

Council President Pro-Tem Ward noted that Council has to determine whether they feel it is and if there is an ordinance to stop something like this from coming in. With what we currently have, we cannot stop them. He does not vote in favor of any liquor permit because of his morals. It does not matter whether or not Council votes in favor of a liquor permit or not as they will get their liquor permit. Council has no control over it unless the establishment is within so many feet of the foundation of a school. Councilman Monday replied that while Council President Pro-Tem Ward is correct, by voting against it, Council is not giving their blessing.

Councilman Slough would like to see if there is anything at the local level that we can do. Law Director Rasmussen replied that there would have to be some sort of investigation to find out exactly what they are doing. We cannot pass an ordinance that would conflict with State law which is where this is coming from. We can make contact with them to see if they are re-drafting any of the legislation. Several years ago, they made some rounds around the state trying to prosecute these cases and then all of a sudden, we didn't hear from them. Councilman Slough asked if Council can send a letter or something to the State indicating their desire not to allow this liquor permit. Council President Pro-Tem Ward added that other communities have not been able to stop liquor permits even if they do not agree with them.

There was no motion made to accept the liquor permit request. Councilman Murray made a motion for denial of the liquor permit. Councilman Monday seconded the motion. Law Director Rasmussen asked that it be clarified if Council is requesting a hearing as he has to indicate so on the liquor permit form. Council President Pro-Tem Ward asked if there has to be justification for a hearing. Law Director Rasmussen replied there does, but it is whether or not Council wants to request a hearing as Council does not get to make the decision. Council President Pro-Tem Ward replied that Council has voted against some in the past and not requested a hearing. Law Director added that the response is due no later than March 4, 2013. Council President Pro-Tem Ward replied that a motion and a second to that motion was made to deny this request. Law Director Rasmussen clarified that Council has to decide whether or not they want a hearing. It does not matter to him if Council votes in favor or against the liquor permit, but that they do not get to make the decision. If Council wants to have a hearing on it, he is unsure what to present to the Liquor Control as the basis of the denial, but he will need to know so he can fill out the form and fax it back to them. All the form requires is whether or not Council wants a hearing or not. If Council does not ask for a hearing, they will get the liquor permit. The last time a hearing was requested, the City won it (i.e. business on Main Street) because there were very good reasons for it based on criminal investigations that were done. That is not the case with this one. He does not think Council will be successful if a hearing is requested for this one, but if Council wants a hearing, he will do so.

Mayor Mihalik added that either no objection be filed or an objection be filed are the choices. Council either requests a hearing or do not request a hearing. It is not a denial or approval response. Council President Pro-Tem Ward replied that Council has denied liquor permits in the past and have voted on to deny the request without a hearing. It can be done again to show Council's displeasure in it, but as the Law Director stated, they will still get their liquor permit. The motion is before us that we deny the request. Council can amend it to be without a hearing or with a hearing to give the direction to the Law Director. Council can object to it but there is no basis for the objection. There is nothing in the City's ordinances or anywhere else that says this is an illegal business because the State has not made a ruling. Council could pass an ordinance making it an illegal business, but this might be grandfathered. Service-Safety Director Schmelzer noted that Council can vote to deny out of principal and note request a hearing. Council President Pro-Tem Ward replied that is what they have done in the past.

Councilman Monday made a motion to include the language not to ask for a hearing. Councilman Murray seconded the motion. Denial of the request without a hearing. All were in favor.

Findlay W.O.R.C. Program Charge Statistics – 01/1/2013 through 1/31/2013; Findlay Work Release Program Monthly Payment Statistics Summary – 01/01/2013 through 1/31/2013; Findlay W.O.R.C. Program Monthly Tally Sheet – 01/01/2013 through 1/31/2013; Findlay W.O.R.C. Financial Analysis – 01/1/2013 through 1/31/2013.

Discussion:

Councilman Murray noted that Council is watching these reports to see how the program is doing. The numbers in this particular report present themselves strangely. There is a potential savings of five thousand seven hundred twenty dollars (\$5,720.00), a net expense of eleven thousand two hundred fifteen dollars and ninety-three cents (\$11,215.93), and program savings is a negative five thousand four hundred ninety-five dollars and ninety-three cents (\$5,495.93). The cost of the program is eleven thousand dollars for January 2013. If they were in jail, cost would have been five thousand seven hundred twenty dollars (\$5,720.00) which means the actual cost is five thousand four hundred ninety-five dollars and ninety-three cents (\$5,495.93). The parenthesis noting a negative for the program savings on this report is misleading. He asked if he is reading the report correctly. Service-Safety Director Schmelzer replied that Councilman Murray is reading the report correctly. Program savings is a negative at this point. Money to send individuals to jail is less than the cost of the operating expenses with what the people are paying in the center. This form has been used since the inception of the W.O.R.C. program. When he looked at it last year, it was unclear to him what the operational deficit or benefit was. He added a couple of lines to the report. If Council uses this report as a basis, there are different ways to calculate the benefits at the W.O.R.C. program, but when you get to the bottom of the report, the program savings, if the numbers increase, the program savings will end up being a positive. If the numbers remain at the same levels they are now, the negative program savings will continue to grow throughout the year.

Councilman Schedel noted the report reflects there were four hundred seven (407) days sentenced by the Judges with only one hundred thirty-seven (137) days served, which is thirty-four percent (34%). Service-Safety Director Schmelzer replied those numbers are not a reflection of the W.O.R.C. program's efforts.

Councilwoman Spence asked if the numbers will change once the W.O.R.C. program closes for the two (2) months. There have been many discussions on how the outcome of the numbers could change. She asked the status of implementing those ideas. She also asked if the program savings amount will be close to the same number as last year. Service-Safety Director Schmelzer replied that part of it will not be reflected on this report because it was part of the Court's commitment to pick up the security, so it is not reflected on this report. What will be reflected on the report is the modification to the contract for the security labor. There has been no modification to the operation at this point. Once there has been a week of closure, that operational expense will be reflected in the report. If you divide the operation by number of people in the program, you will see a change in the numbers. The contract changes amount to approximately thirty-two thousand dollars (\$32,000.00) which is a net savings that can be taken off the operating expense for the entire program. In the end, that will be reflected, but you will not see the other sixty thousand dollars (\$60,000.00) that the Court has appropriated to security as part of this calculation.

Councilwoman Spence noted that one option discussed was to set aside ten (10) beds or so for those who are unemployed to use the W.O.R.C. program as a community service for a City type of alternative. She asked if this is still being negotiated or if anyone is moving forward with it. Service-Safety Director Schmelzer replied that there has not been a number of beds set aside, but he has asked the Court if there is a legitimate candidate for that type of program as the Court is who is in touch with them. It has worked out in the past. They will need to be filtered carefully so that the City is not exposed from a Workers Compensation standpoint or any other liability. The concept sounds great, but when he discussed this with the Department Heads about it as they are the ones who have been exposed, when it is weighed against the liability, it has very little upside. He has talked to the Court about filtering potential candidates for this program. Filed.

Parks and Recreation Board Agenda – February 19, 2013; **Parks and Recreation Board Minutes** – November 19, 2012. Filed.

Mayor Lydia Mihalik – Approved Amendments to Articles III, IV, V, and VI of the Income Tax Rules & Regulations

During the February 6, 2013 Income Tax Board meeting, members approved amendments to Articles III, IV, V, and VI of the Income Tax Rules and Regulations in response to the reduction in the income tax rate. This measure ensures the Rules and Regulations adequately complement the Income Tax Ordinance and eliminates the need for future amendments if the rate ever changes. These amendments will be considered approved if Council takes no action by April 7, 2013, which is sixty (60) days after the proposed amendments were delivered to the Clerk of Council. Resolution 008-2013 has been created for passage by City Council to be effective February 20, 2013. Resolution 008-2013 was created. Filed.

Treasurer's Reconciliation Report – January 31, 2013. Filed.

Time Warner Cable – quarterly franchise fee payment for period ending December 31, 2012. Filed.

Service-Safety Director Paul Schmelzer – HAN-Findlay manhole adjustments, ODOT PID #93063, Project #32821600

By authorization of Ordinance No. 2012-092, bids were opened for this project on February 7, 2013. Bids were received from three (3) potential contractors, and they are currently being evaluated. This project was included in the 2012 Capital Improvements Plan with eighty percent (80%) funding from ODOT. Legislation to appropriate funds is requested.

FROM: ODOT	\$ 40,000.00
FROM: Sewer Fund	\$ 10,000.00
TO: ODOT Manhole Adjustments Project #32821600	\$ 50,000.00

Ordinance No. 2013-010 was created. Filed.

Service-Safety Director Paul Schmelzer – Byal Avenue Improvement (Phase I) – CDBG FY2011 & OPWC project #32513200

By authorization of Ordinance No. 2012-031, bids were opened for this project on February 7, 2013. Bids were received from six (6) potential contractors and they are currently being evaluated. This project was included in the 2012 Capital Improvements Plan with funding from CDBG and OPWC. Legislation to appropriate funds is requested.

FROM: OPWC	\$ 250,000.00
FROM: Water Fund	\$ 45,000.00
FROM: Sewer Fund	\$ 25,000.00
TO: Byal Avenue Improvements (Phase I) Project #32513200	\$ 320,000.00

Ordinance No. 2013-010 was created.

Discussion:

Service-Safety Director Schmelzer notified Council that approximately a year ago, they went back to try to take advantage of some of the CDBG money that we were presently not prepared for. He noted that this is for fiscal year 2011 money. The members of the Engineering Department have done a good job of catching up. He anticipates utilizing the 2011 money in early 2013 and they are also positioned to start the next phase of Byal Avenue. Plans are done and will be ready to bid soon. Filed.

City of Findlay Board of Zoning Appeals Minutes – October 11, 2012 and December 13, 2012. Filed.

Cash & Investments Budget Summary of Year-To-Date Information Report as of January 31, 2013. Filed.

COMMITTEE REPORTS:

The APPROPRIATIONS COMMITTEE to whom it was referred a request to discuss budget updates (closing of 2012).

We recommend a transfer of funds from the unappropriated cash balance for 2012 of:

- \$400,000 to Self-Insurance Fund
- \$200,000 to the Severance Fund
- \$1,500,000 to Capital Improvement Surfacing

Ordinance No. 2013-010 was created.

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

A COMMITTEE OF THE WHOLE meeting was held on Tuesday, February 12, 2013 to discuss drop off fees at the City's green waste site on High Street.

Councilman Collette moved to adopt the committee report. Councilman Nichols 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. 007-2013 (Trenton Ave/Darway Annexation)

First reading

Adopted

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN LIBERTY TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF SECTION 11, T1N, R10E, A TRACT OF LAND CONSISTING OF 3.833 ACRES OF LAND, MORE OR LESS (REFERRED TO AS THE DARWAY ANNEXATION).

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

RESOLUTION NO. 008-2013

First reading

Adopted

A RESOLUTION AMENDING ARTICLES III, V, and VI OF THE INCOME TAX RULES AND REGULATIONS APPROVED BY THE INCOME TAX BOARD.

Discussion:

Councilman Murray asked for clarification on why this resolution refers to one and a quarter percent (1 ¼%). Law Director Rasmussen replied that the beginning of the ordinance refers to the old section, then it amends the old section later in the ordinance. Council President Pro-Tem Ward added that this ordinance is being amended so that it would never have to be amended again. The language in it is worded so that if the tax rate changes, this ordinance would not have to be changed again.

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

ORDINANCES

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. 2013-009

First reading

Adopted

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, 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: Murray, Nichols, Schedel, Slough, Spence, Ward, Collette, Monday. The Ordinance received its second and third reading. Councilman Collette moved to adopt the Ordinance, seconded by Councilman Monday. Ayes: Nichols, Schedel, Slough, Spence, Ward, Collette, Monday, Murray. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-009 and is hereby made a part of the record.

First reading of the Ordinance.

UNFINISHED BUSINESS:

Oid Business:

Councilman Murray: PLANNING & ZONING COMMITTEE meeting on February 26, 2013 at 12:30pm, Council Office, first floor of the Municipal Building (CO).

- agenda: 1. 123 Cherry Street rezone
1. CRA #1 & 2
2. Flood Code
3. Renewal petition – DFID

New Business:

Councilman Collette made a motion to excuse the absence of Councilmember VanDyne and Council President Slough. Councilman Nichols seconded the motion. All were in favor.

Councilman Nichols asked when Council can meet with the Firefighters Union. Council President Pro-Tem Ward replied that the next Appropriations Committee meeting will be on Tuesday, March 12, 2013 at 4:30pm. This can be discussed then. The second reading of Ordinance No. 2013-010 will be during the March 5, 2013 City Council meeting, so the Appropriations Committee would meet before the third reading on March 19, 2013. Service-Safety Director Schmelzer replied he feels it would be appropriate to meet at the Appropriations Committee meeting which would be before the third reading of the ordinance.

Councilman Ward: APPROPRIATIONS COMMITTEE meeting on March 12, 2013 at 4:30pm, third floor conference room of the Municipal Building (CR1).

- agenda: 1. Ordinance No. 2013-010

Auditor Staschiak noted that on January 29, 2013, he updated the certificate to the County. That date was late enough that he was able to include the updated revenue figures. There is confusion on the revenues with the public. The 2012 revenues were within seven percent (7%) of what the original projection was, by the end of the year, they were within one and a half percent (1 ½%) of the Auditor's Office projection. The 2013, including those numbers, did not change the projections dramatically. The funds are there and available for use. They are reflected in the financial snapshot that he presents to the Appropriations Committee each month.

Council President Pro-Tem Ward asked if it would be possible to continue to reference the 2012 projects once the 2013 Capital Improvement budget is adopted. Service-Safety Director Schmelzer replied it should be relatively easy to do so.

Mayor Mihalik noted that the strategic planning process began today with the release of the City's employee survey via email. Hard copies are available to those who do not have access to email. A few Strength, Weakness, Opportunities, and Threats (SWOT) analysis have been scheduled to be done. There are two (2) groups of employees of Department Heads and Supervisors conducting them. There is a group of community leaders, and Council in their own independent SWOT scheduled for March 1, 2013 beginning at 9:00am.

Mayor Mihalik noted that community surveys will be released this week. We will be looking for feedback from the community as well as feedback from vendor and contractor surveys. All the data collected will be put into use we go through out leadership retreat in the second week of March.

President Pro-Tem Ward adjourned Council at 8:40pm.



CLERK OF COUNCIL



PRESIDENT OF COUNCIL PRO-TEM