

REVISED FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

MARCH 5, 2013

COUNCIL CHAMBERS

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

ABSENT: Monday, VanDyne, Schedel

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 19, 2013 Regular Session City Council meeting. Councilman Nichols seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA – none.

WRITTEN COMMUNICATIONS:

Kevin Lok – Citizen of the Year of Findlay committee

Mr. Lok would like to assemble and lead a committee for the City of Findlay and promote an atmosphere of serving the community. The purpose of the Citizen of the Year for Findlay is to recognize an individual who contributes greatly to the community on a volunteer basis and to promote both serving and volunteering for the community.

Guidelines:

1. Nominees must be a resident or business owner in Findlay.
2. Nominees will be measured by his or her selfless contribution to the community of Findlay, not by position of public official or company.
3. Nomination forms can be obtained between April 1st through May 15th.
4. Nomination forms must be turned in to the committee by May 15th or each year.
5. Two appointed judges will make the final decision.
6. One of the nominees will be selected to be the Citizen of the Year of Findlay.
7. A maximum of 10 people will also be chosen from non-selected nominees to be in the Hall of Fame of Findlay.
8. Certifications of the Citizens of the Year and members of the Hall of Fame will be given during a Findlay City Council meeting in June. The City will provide and distribute the certificates for the Citizen of the Year and all members in the Hall of Fame. The committee will be responsible for fund-raising, advertising, collecting nominee forms, assigning judges, and presenting the recommendations to the City for final approval.
9. The Citizen of the Year and members of the Hall of Fame of Findlay will be invited to be the dignitaries for the Flag City July 4th Parade.
10. The title starts from July 4th and lasts for one year. It is a yearly event.

Discussion:

Councilman Murray noted that this is a wonderful idea and is unsure what action to take next. Council President Pro-Tem Ward replied that the City's requested involvement is to award the certificates. Mr. Lok stated in this letter that he would be glad to lead the committee. How the committee will be formed and other details will need to be determined. Council President Pro-Tem Ward has no objections to this request. From the comments Councilmembers have given tonight, they are in favor of this request and encourage Mr. Lok to pursue it and provide Council with additional information on how the committee will be formed. Councilman M Slough asked if Mr. Lok would be working with the Mayor in coming up with this committee. Council President Pro-Tem Ward replied that is something that is unclear and will need Mr. Lok's clarification. Filed.

PROCLAMATIONS – none.

RECOGNITION/RETIREMENT RESOLUTIONS – none.

ORAL COMMUNICATIONS:

Michaela Breece – Community Outreach Garden on East Street

Michaela Breece and Daniel Horton are both members of Ohio Youth Capital Challenge. They visited the State Capital where they were put on teams with others in our area to come up with a plan that would benefit and strength our community. They have chosen to develop a community outreach garden in Findlay (they brought a diagram of the details). The goal of their project is to provide produce for low income families. Mr. Horton noted that they would like permission to use a vacant spot on East Street that would be a good place for a garden. Ms. Breece added that in order for them to carry out their community garden plan, they will need the City to approve that area. They recognize that area is in a flood zone, so they asked if Council had any ideas where else they could put a garden. They are also checking with other community organizations. Mr. Horton added that they have already checked with some local food pantries. They would plant and care for the garden. Ms. Breece added that they plan to involve the community where they will have different organizations take a week in the summer to care for the garden.

Discussion:

Councilman Collette asked how much space they will need. Ms. Breece replied that the area on East Street would be a big enough area to have a nice size garden. Councilman Collette asked the Service-Safety Director Schmelzer that besides possible flooding of the garden if there are any issues with putting a garden in the flood zone. Service-Safety Director Schmelzer replied flooding would be the only issue.

Councilman M Slough asked where on East Street this would be. Ms. Breece replied it would be near Pirates Cove. Councilman M Slough then asked if it is the land east of Pirates Cove. Ms. Breece replied it is.

Councilman Murray asked if it is City property. Ms. Breece replied it is.

Councilman Collette asked if a liability clause will need to be created. Law Director Rasmussen replied if Council decides to grant permission for this, he will create a liability agreement form.

Council President Pro-Tem Ward asked a fence of some kind, maybe a temporary fence, would be needed since this is in a flood zone and to keep animals out. Service-Safety Director Schmelzer replied nothing is needed from the flood perspective. If Council is willing to support this, the next step would be to get together with these two (2) individuals to more a few more details together (i.e. what their plan is, what organizations they are planning on working with, what type of fence they will use and what the purpose of the fence will be). Ms. Breece replied it would be to protect the garden from animals. Service-Safety Director Schmelzer noted that once those details are given, they can then be presented to Council, and then a use agreement would be created by our Law Director, and then Council can make a final decision. Councilman Collette recommended the Administration work with them.

Councilwoman Spence also thinks it is a wonderful project. She then asked what is the goal or amount of vegetables they hope to produce and how many families they hope to feed. Ms. Breece replied they do not have a goal set, but that all the produce will be donated to local food pantries.

Councilman Murray asked if this will be a community garden where neighbors would be helping to plant and harvest. Ms. Breece replied it would be local 4H clubs and other community organizations.

Councilman Nichols noted that there are community gardens throughout the community that the City has provided space for and noted that there is a large one by the Family Center on Blanchard Avenue that has a water spicket and other things that would be needed for a garden. It is a large piece of property that could be used for this garden. He suggested they look around the City more and determine the size of ground they need. Referred to the Administration. Filed.

PETITIONS:

Zoning amendment request – 147 Garfield Avenue

Leonard Gilbert is requesting a zoning change for 147 Garfield Avenue currently zoned as R2 Single Family Medium Density to be rezoned to R4 Two Family Dwelling or Multi-Family Dwelling. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

Alley vacation request – RJT Properties, LLC (Dietsch Brothers)

Van Horn, Hoover & Associates, Inc. on behalf of RJT Properties, LLC has requested an alley vacation for the east-west alley from Liberty Street, north of West Main Cross Street. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

Findlay City Board of Health Minutes – January 16, 2013. Filed.

Service-Safety Director Paul Schmelzer – Findlay Swimming Pool Operating Agreement

The YMCA is interested in helping the City of Findlay with the operation of the swimming pool at Riverside Park for the 2013 summer season. Authorization to renew the agreement for the 2013 season is requested. Ordinance No. 2013-011 was created.

Discussion:

Councilman M Slough asked if the City requires background checks on employees who will be around children near the swimming pool so that there is not anyone with a questionable background working near them. Service-Safety Director Schmelzer replied he does not know if they have or not. Councilman M Slough then asked if the City requires the YMCA to do so. Acting Mayor J Slough replied the YMCA checks every employee. Filed.

Service-Safety Director Paul Schmelzer – 5-Plex Maintenance Agreement

The Parks and Recreation Board recently met to discuss a proposal from Findlay Youth Baseball to maintain the grounds at the CUBE and baseball fields at the 5-Plex. The proposal was discussed at length and a motion was made to develop a scope of work and bid the work required. The scope will cover all landscaping, mowing, and field maintenance, but will not cover scheduling, operations, concessions or structures. This will allow more time for the Superintendent of the CUBE to continue her efforts to market the facilities which pay significant dividends in terms of dollars that flow into this community. Legislation to develop the scope of work and bid the work is requested. Separate legislation will be created to enter into an agreement. Ordinance No. 2013-012 was created.

Discussion:

Councilwoman Spence asked if bids will be less than the cost of the City's current employees to maintain the field. Service-Safety Directory Schmelzer replied that is the hope.

Councilman M Slough asked if background checks will be required for this. Service-Safety Director Schmelzer replied they will not be needed as they will not be working around the children. They will get the work done so the children can be on the field. If Council desires background checks to be in the scope, it can be included. Councilman M Slough noted that during a recent Parks and Recreation Board meeting, it was discussed that an employee will be around the 5-Plex during all tournaments which means they would be around. Service-Safety Director Schmelzer replied that he intent is for them to get the work done. Background checks can be added to the scope or work, but is not a concern of his. Councilman M Slough noted that if the City is going to bring outside vendors to do work for the City, we need to protect the youth in our community. Service-Safety Director Schmelzer replied it will be a requirement as part of the scope of work. Councilman Collette added that it is not a bad idea, and while you cannot keep the public from coming to games, it is Council's due diligence to hire reputable organizations/individuals.

Councilman Murray asked if it is part of City procedure to require anti-terrorism and a drug-free workplace which would be how we control our subcontractors. Safety Director Schmelzer replied he has not done a background check on anything he has subcontracted, but does not feel there will be any objections due to the concern of working around children. Filed.

Service-Safety Director Paul Schmelzer – WWTP Bar Screen Project

There has been a long standing issue with the grinder pumps at the Wastewater Treatment Plant. As part of the decision to remove those pumps, it was determined that a bar screen project would be needed. The preliminary engineering for a long-term solution to this problem has been completed. Approximately two million dollars (\$2,000,000.00) will be needed to fund the improvement. There are funds to complete the project, therefore an appropriation of project construction funding will not be requested until the project design is complete, but an appropriation is needed for the design of the project. Legislation for the design of the project is requested. Ordinance No. 2013-013 was created.

FROM: Sewer Fund (WTIF Restricted Acct)	\$ 150,000.00
TO: WPC Bar Screen Project #35620900	\$150,000.00

Filed.

City Income Tax Monthly Collection Report – February 2013. Filed.

Parks and Recreation Board Minutes – February 19, 2013. Filed.

Health Commissioner Stephen Mills – Project #31992400 Medical Reserve Corps Grant

The Findlay City Health Department received a continuation grant award in the amount of four thousand dollars (\$4,000.00) from the National Association of City and County Health Officials. This grant award will enable the Findlay City Health Department to continue to develop and maintain an official Medical Reserve Corps. in Hancock County. The Findlay City Health Department current houses the local Medical Reserve Corps. which is a nationally recognized program that is dedicated to establishing teams of local volunteer medical and public health professionals to contribute their skills and expertise during times of community need. Twenty thousand dollars (\$20,000.00) was previously awarded and used to recruit, train, outfit and maintain a database of medical volunteers that could be called upon to respond to emergency situations in Findlay and Hancock County. An appropriation of funds is requested. Ordinance No. 2013-014 was created.

FROM:	Medical Reserve Corps Grant	\$ 4,000.00
TO:	MRC Grant #31992400	\$ 4,000.00

Discussion:

Councilman M Slough asked if this grant is in peril with the talks of merging the County and City Health Departments. Service-Safety Director Schmelzer replied he does not anticipate that any grants will be in peril. One of the issues that have come up with the State budget is that grant funding will only be available to accredited departments. In this case, we will be in a better position for grant dollars if the County and City Health Departments do merge.

Councilman Nichols noted that he knows of someone that is claiming hardship and asked the Health Department to tap into another sanitary sewer to which the Health Department Plumbing Inspector gave them permission to do so. He asked who has the final say on issues like these. He asked if it is the City Engineer. Service-Safety Director Schmelzer asked if he is referring the Board of Health Minutes that was mentioned earlier in tonight's meeting. Councilman Nichols replied he is. Service-Safety Director Schmelzer replied that person has a leech field that is old and does not meet the specifications for affluent quality. He advised the Board of Health of a couple of options. One was a connection to the sanitary sewer which is very expensive. The process for an applicant to come in on an annual basis for the Health Department to make a determination of the impact the leech field would have. In this case, there is no visible sign, no affluent that is seeping to the surface that would cause a public health hazard. They are required annually to make that request where the investigation is made. There is input from the Engineering Department on this situation. Service-Safety Director Schmelzer provided them input on cost estimates for connection. They have talked to the Engineering Department in the past. They gave the waiver for another year where this individual will have to come back on a yearly basis for the Board of Health to make a determination on whether or not they have to make connection. Councilman Nichols noted that in the past, some former City Engineers have allowed grinder pumps to be installed when there was an opportunity to develop approximately three hundred (300') of prime real estate, but instead let that individual put a grinder pump in. He did not feel that was adequate. He asked who has the final say. Service-Safety Director Schmelzer replied that the Health Department and the Board of Health has the final say on whether a waiver will be given. If some is going to make a connection to a sanitary sewer, then it would be up to the Engineering Department to determine the nature of that connection. Filed.

Health Commissioner Stephen Mills – Project #31930800 Medical Reserve Corps Competitive Grant

The Findlay City Health Department received a competitive grant award in the amount of seven thousand dollars (\$7,000.00) from the National Association of City and County Health Officials. This grant award will enable the Findlay City Health Department to coordinate with and utilize the Medical Reserve Corps to hold a health screening during the upcoming Healthy Kids Day event. This event is being held in collaboration with the Findlay YMCA and the University of Findlay College of Health Professionals. Money will be used to pay for needed equipment and testing material, professional services, t-shirts for the event, marketing and participation awards. This award was one of only eight (8) awarded in the state of Ohio and one hundred (100) across the nation. An appropriation of funds is requested. Ordinance No. 2013-014 was created.

FROM:	Medical Reserve Corps Competitive Grant	\$ 7,000.00
TO:	MRC Health Activity Grant #31930800	\$ 7,000.00

Discussion:

Service-Safety Director Schmelzer congratulated the Health Department. They do an outstanding job of pursuing grants for things like this to better our public health. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request to discuss Community Reinvestment Areas #1 and #2. We recommend that HRPC complete the following prior to City Council review:

1. Develop 3 scenarios of CRA boundaries with various mixtures of residential and commercial areas.
2. Clarification of process and roles in the application review; delinquent tax exclusion and length of exclusions.
3. Review CRA with affected school districts.

When prepared, Planning and Zoning Committee will review documents prior to City Council presentation for legislation.

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

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request to discuss Flood Damage Reduction Ordinance.
We recommend revisions of the flood damage reduction ordinance as presented.

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

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request to discuss a five (5) year renewal of the original plan for the Downtown Findlay Improvement District (DFID).
We recommend the 5 year renewal of the original Downtown Findlay Improvement District for 5 years.
Ordinance No. 2013-014 was created.

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

Discussion:

Councilwoman Spence feels the Downtown Improvement District has done a great job for Findlay's downtown area and she is glad to see that they are willing to continue. Filed.

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Ron King, President of King Environmental Group for a reinstatement of non-conforming use of the property located at 1525 Lima Avenue.
We recommend reinstatement of the non-conforming use.

Councilman Collette moved to adopt the committee report. Councilman M Slough 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. 009-2013 (DFID)

First reading

A RESOLUTION APPROVING THE RENEWAL PETITION, SERVICES PLAN AND BUDGET OF THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

Council President Pro-Tem Ward noted that since seven (7) Councilmembers are not present tonight, Council cannot proceed with any emergency legislation. Law Director Rasmussen replied that is correct.

First reading of the Resolution.

ORDINANCES

ORDINANCE NO. 2012-100 (EMA)

Tabled

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

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. 2013-010

Second reading

(2012 carry-over, ODOT manhole adjustments, OPWC Byal Ave improvements - Phase I)

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the ordinance.

ORDINANCE NO. 2013-011 (YMCA - swimming pool)

First reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT (CONTRACT) WITH THE YMCA TO OPERATE THE RIVERSIDE SWIMMING POOL FACILITY AND ASSOCIATED YMCA PROGRAMS FOR PUBLIC AND RECREATIONAL USE FOR THE CITY OF FINDLAY FOR THE 2013 SEASON, AND DECLARING AN EMERGENCY.

First reading of the ordinance.

ORDINANCE NO. 2013-012 (CUBE & 5-Plex baseball fields)

First reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO DEVELOP A SCOPE OF WORK, ADVERTISE FOR BIDS FOR LANDSCAPING, MOWING, AND FIELD MAINTENANCE SERVICES FOR THE CITY OF FINDLAY'S CUBE AND 5-PLEX BASEBALL FIELDS, AND DECLARING AN EMERGENCY.

First reading of the ordinance.

ORDINANCE NO. 2013-013 (WPC Bar Screen project)

First reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the ordinance.

ORDINANCE NO. 2013-014 (Health Dept - MRC grants)

First reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the ordinance.

UNFINISHED BUSINESS:

Old Business:

Councilman Nichols asked if there could be an explanation of what Resolutions and Ordinance are for. Councilmembers and the Administration can look back and find out what the legislation is for, but the general public who are watching on television will not know what they are for (i.e. Ordinance No. 2013-013). Council President Pro-Tem Ward replied that in their packets, letters were read for each appropriation ordinance. It can be referenced at the end of each letter that legislation is pending or that legislation has been recommended.

New Business:

Councilman Collette made a motion to excuse the absence of Councilman Monday, Councilman Schedel, and Councilman VanDyne. Councilwoman Spence seconded the motion. All were in favor.

Service-Safety Director Schmelzer congratulated the community, business owners and the alliance on being ranked second in the nation in 2012 among five hundred seventy-six peers for job additions and plant upgrades, according to Site Selection magazine, thus making Findlay the No. 2 micropolitan community for new and expanding businesses.

Councilman Murray: **PLANNING & ZONING COMMITTEE** meeting on March 19, 2013 at 4:30pm, Council Chambers, first floor of the Municipal Building (CC).

- agenda: 1. 147 Garfield Avenue rezone
- 2. RJT Properties, LLC (Dietsch Brothers) alley vacation

Councilman Murray noted that both he and the Zoning/Floodplain Administrator will be attending an apartment association meeting on March 12, 2013 at 7:00pm at the Sherman House to answer questions about zoning. Hancock Regional Planning Commission (HRPC) may be attending also.

Council President Pro-Tem Ward: **APPROPRIATIONS COMMITTEE** meeting on March 12, 2013 at 4:30pm, third floor conference room of the Municipal Building (CR1).

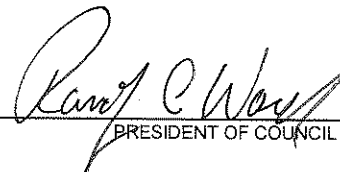
- agenda: 1. Fire Department cuts -Council requests that Fire Department Union Representatives attend the meeting.
- 2. Ordinance No. 2013-010

Councilman M Slough noted that he watched the Service-Safety Director's interview on television tonight it was mentioned that the City Health Department has three hundred (300) employees, knowing we do not have that many, he asked the Service-Safety Director how many we have. Service-Safety Director Schmelzer replied he made the comment that the City has three hundred (300) employees, not the Health Department has that many.

President Pro-Tem Ward adjourned Council at 8:09pm.



CLERK OF COUNCIL



PRESIDENT OF COUNCIL PRO-TEM