

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

APRIL 2, 2013

COUNCIL CHAMBERS

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

ABSENT: Collette

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

MINUTES:

Councilwoman Spence moved to accept the minutes as circulated from the March 19, 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 – none.

ORAL COMMUNICATIONS – none.

WRITTEN COMMUNICATIONS – none.

PROCLAMATIONS – none.

RECOGNITION/RETIREMENT RESOLUTIONS – none.

PETITIONS:

Zoning amendment request – 400 West Main Cross Street (Dietsch Brothers)

Van Horn, Hoover & Associates, Inc. on behalf of RJT Properties, LLC has requested a zoning change for 400, 414, and 418 West Main Cross Street as well as 208 and 214 Liberty Street from I1 Light Industrial to C3 Downtown Commercial District. Referred to City Planning Commission and Planning & Zoning Committee.

Alley vacation request – unimproved alley vacation for lots 5021 and 5022

Robert and Kathy Wagner have requested an alley vacation for the unimproved alley lying between lots 5021 and 5022 in the Niles Addition. Referred to City Planning Commission and Planning & Zoning Committee.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

Treasurer's Reconciliation Report – February 28, 2013. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Bennett Enterprises LLC, dba Ralphies Family Sports Eatery, located at 1523 Broad Avenue, Findlay, Ohio for a D5 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Bennett Enterprises LLC, dba Ralphies Family Sports Eatery, located at 1523 Broad Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

Robert F. Armstrong

Councilman VanDyne moved for no objections be filed. Seconded by Councilman Nichols. 6 Council members in favor, 2 opposed. Filed.

City of Findlay Board of Zoning Appeals Minutes – February 14, 2013. Filed.

Findlay City Board of Health Minutes – February 20, 2013. Filed.

Service-Safety Director Schmelzer – N.E.A.T. Department items sold on GovDeals.com

The N.E.A.T. Department recently sold its vehicle on GovDeals.com and would like to use the proceeds to supplement the N.E.A.T. budget for property cleanups. An appropriation of funds is requested. Ordinance No. 2013-021 was created.

FROM: General Fund

\$ 3,000.00

TO: N.E.A.T. Department #21016000-other

\$ 3,000.00

Discussion:

Councilman Schedel asked if the N.E.A.T. Department has been provided with another City vehicle. Service-Safety Director Schmelzer replied it has. Filed.

Law Director Rasmussen – replacement resolution of services for Darway annexation

Resolution No. 011-2013 replaces already adopted Resolution No. 007-2013. The only change is the acreage in the header going from 3.833 acres to now being 3.591 acres. In order for the County Commissioners to conduct their April 9, 2013 hearing on this petition, this replacement resolution will need to be adopted at the April 2, 2013 City Council meeting. Replacement Resolution No. 011-2013 was created.

Discussion:

Councilman Monday asked if another public hearing needs to be held before Council can vote on this since the size of this is being changed. Law Director Rasmussen explained that another public hearing is not needed. It was an error in the original filing. This is for Zippy Wash and Napa. When the owners of the property originally filed the annexation, they withdrew it. The tenants asked the property owner to re-file it so they can get water under our water policy. They filed a new annexation petition, so we need to provide a resolution of services again. This resolution (011-2013) makes the acreage change because the attorney brought to our attention that there was an error in the original. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Matt Cordonnier from HRPC presented three (3) potential maps for the expansion of Community Reinvestment Areas (CRAs) #1 and #2.

We recommend that HRPC further develop CRA proposal 2 in preparation for further discussion.

Councilman Nichols 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 from Leonard Gilbert to rezone 147 Garfield Avenue from R2 Single Family, Medium Density to R4 Two Family Dwelling or Multi-Family Dwelling.

We recommend denial of the request for rezoning.

Councilman Slough moved to adopt the committee report. Councilman Schedel seconded the motion. All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Van Horn, Hoover & Associates, Inc. on behalf of RJT Properties, LLC, to vacate a 16.5' alley running in an east-west direction and extending west from Liberty Street north of West Main Cross Street, lots 627-632 in the Vance's Addition.

We recommend approval of the alley vacation. Ordinance No. 2013-019 was created.

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

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Joseph Edinger to rezone 123 Cherry Street from C1 Local Commercial to C3 Downtown District.

We recommend approval of rezoning. Ordinance No. 2013-020 was created.

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

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 010-2013 (no PO/over \$3,000)

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 Ward. Aye: 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. 011-2013

First reading

Adopted

replacement resolution of services for Darway Annexation

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 3.591 ACRES OF LAND, MORE OR LESS (REFERRED TO AS THE DARWAY ANNEXATION).

Councilman Monday moved to adopt the Resolution, seconded by Councilman Ward. Aye: Murray, Nichols, Schedel, Slough, Spence, Ward, Monday. 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 (EMA)

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. 2013-019 (Dietsch Brothers alley vacation)

First reading

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS DIETSCH BROTHERS ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2013-020 (123 Cherry St rezone)

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 PROPERTY (REFERRED TO AS 123 CHERRY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO "C3 DOWNTOWN DISTRICT".

First reading of the Ordinance.

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Nichols, Schedel, Slough, Spence, VanDyne, Ward, Monday, Murray. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Schedel, Slough, Spence, VanDyne, Ward, Monday, Murray, Nichols. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-016 and is hereby made a part of the record.

UNFINISHED BUSINESS:

Old Business:

Auditor Staschiak updated Council on things the Federal Government is doing. It is possible the City will not receive a reimbursement on the interest for the bonds that we issued for the energy project last year due to their cuts and sequestration. He is unsure where it is going to go yet. His office will monitor the situation and will let Council know as soon as they are told. The City received between 2-4% rate, depending on which bond you are looking at. They will be reimbursing us for a part of the interest paid the City paid on the notes. That reimbursement at this point in time is in jeopardy. That is the only debt he is concerned about. There are a lot of other governmental entities that took Build America Bonds that are in a much larger jeopardy than we are. Councilman Schedel asked what kind of value this is. Auditor Staschiak replied in the eighteen to twenty thousand dollar (\$18,000-\$20,000) range for the issue he is currently working with for 2013. It could be as much as double that amount. It is the interest portion of that note.

Service-Safety Director Schmelzer noted that the County purchasing the City's Hardin Street parking lot during the last City Council meeting. We are not able to provide an actual agreement at tonight's City Council meeting for Council's consideration, but should have it at the next City Council meeting. The Administration has had conversations with the County and the business owners in the area and they plan to have information available at the next City Council meeting. Councilman Schedel noted that Councilman Collette mentioned the parking lot west of Cory Street at the last City Council meeting and asked what will happen to that. Service-Safety Director Schmelzer replied the City will maintain ownership of it.

New Business:

Councilman Nichols made a motion to excuse the absence of Councilman Collette. All were in favor.

Councilman Ward: **APPROPRIATIONS COMMITTEE** meeting on April 9, 2013 at 4:00pm, third floor conference room of the Municipal Building (CR1).

agenda: 1. 5-year Capital Improvements Plan
He invited all Councilmembers to attend.

Councilman Nichols thanked the City's Water Department on a recent water leak on one of his properties. The employees were very professional and helpful. The meter reading was abnormally high which indicated a possible leak. They were very informative when they went through the process of how to find a leak, and they provided a review of all the meter readings for the last year, which is above and beyond their scope of duties.

Councilman Murray: **PLANNING & ZONING COMMITTEE** meeting on April 16, 2013 at 4:30pm, Council Chambers, first floor of the Municipal Building (CC).

agenda: 1. 400, 414 and 418 West Main Cross Street, 208 and 214 Liberty Street rezone (Dietsch Brothers)

Auditor Staschiak informed City Council that the Income Tax Administrator is issuing his monthly report that he provides City Council and it will be in the next City Council packet. That report is first emailed to the Auditor's Office once he has it done so they can close out the month and generate receipts. Do not be alarmed that it will show the income tax down three and three-tenths percent (3.3%) as that is what we expected. The income tax is pretty much on track with our projected revenues. He will keep Council informed as changes are made.

Councilman Murray noted that PLANNING & ZONING COMMITTEE reports indicate that the committee has been meeting with HRPC on several CRA options. HRPC staff are working on some things for Council to review. He requested Council review it at the next meeting on April 16, 2013. The next step is to conduct a COMMITTEE OF THE WHOLE meeting for all of Council to review it at one time. He will keep Council posted on this process. It is his hope that HRPC will have something for Council to look at during the April 16, 2013 meeting.

President J Slough adjourned Council at 7:49pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL