

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

July 2, 2013

COUNCIL CHAMBERS

PRESENT: Monday, Murray, Nichols, Russel, 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 Monday moved to accept the June 18, 2013 Regular Session City Council meeting minutes. Seconded by Councilman Nichols. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Ward made a motion to add the following to the agenda. All were in favor. Motion carried

1. Letter from Judge Richard Rinebolt – demolition of the western portion of Findlay High School building (*WRITTEN COMMUNICATIONS* section).
2. Letter from City Auditor Staschiak – 2003 and 2004 debt issue (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS* section).

PROCLAMATIONS:

Findlay Citizen of the Year 2013-2014 Jim "the barber" Woodward Day – presented by Mayor Mihalik.

WHEREAS, Jim Woodward was born and raised in Wauseon, Ohio. Jim is a 1963 graduate of Wauseon High School, and a 1964 graduate of Toledo Andrews Barber College. Jim and former barber partner Al Robinson established their first barber shop "The Razors Edge" on July 25, 1964, located at 206 East Sandusky Street, Findlay, Ohio, where it remains today. Jim has been married to wife Rosemary "Rosie" for forty-four years, and they have an adult son; and

WHEREAS, Jim is an active member of the Findlay Lions Club where he has served a role in every club capacity during his twenty-eight years of service. Jim has earned the Melvin Jones Fellowship Award, the highest award a Lion can receive for exemplary humanitarian service; and

WHEREAS, Jim and his wife are active members of the First United Brethren Church in Findlay. Often you will find both involved in church activities and programs; and

WHEREAS, Jim led a group of citizens in Findlay in starting the Adopt A Flag program. This program provided a venue for citizens of Findlay/Hancock County to donate monies for the purchase of flags for flying in downtown Findlay. As a result, 200 holes were drilled in the sidewalks in front of downtown businesses and flag poles with flags were placed. In 1988, then Vice President George H. W. Bush spoke on the opening day festivities of the first Flag City Festival, and during that speech in his own humorous way, recognized Jim as the man leading the charge. Jim continues to pay an active role in keeping our nation's colors flying high above the Flag City by assuring flags are present on all of the downtown area light poles. Jim was the recipient of the Flag City Award for his years of dedicated service to the Adopt A Flag program; and

WHEREAS, in the year 2000 while serving as the facility barber at the Hancock County Justice Center, Jim "The Barber" Woodward embraced a desire to make a difference in the lives of those persons incarcerated. Jim's journey began by filling the air of the barber shop and adjacent hall areas with the sound of positive Christian music. While sitting in the chair, Jim puts his talents to work by verbally sharing positive, uplifting, motivational messages, hoping to focus those incarcerated on thinking about changes in lifestyle and behavior. Soon thereafter, Jim began monthly motivational program for inmates. He then began a weekly bible study of scriptural messages that those incarcerated could relate to later utilizing material specific to addiction and the domestic struggles often faced by today's inmate. Jim earned the Hancock County Sheriff's Award in 2005 for his exemplary service as a facility volunteer in providing hundreds of hours of positive faith based motivational programming to those persons incarcerated at the Hancock County Justice Center. Jim frequently receives letters from those incarcerated thanking him for believing, encouraging, and uplifting them. Once released from the Justice Center, the first stop for many former inmates is not that of trouble, but to the local barbers climbing up in the chair for conversation and thankfulness for Jim "The Barber" Woodward.

NOW THEREFORE, I, Lydia L. Mihalik, Mayor of the City of Findlay, Ohio, do hereby proclaim July 4, 2013, as:

FINDLAY CITIZEN OF THE YEAR 2013-2014 JIM "THE BARBER" WOODWARD DAY

In Findlay, and invite all in commending him for his outstanding patriotism and service to this community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Findlay, Ohio, to be affixed this 4th day of July 2013.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 021-2013

(2013 Findlay Hall of Fame & Citizen of the Year recipients)

First reading

Adopted

A RESOLUTION COMMENDING JIM WOODWARD FOR BEING SELECTED AS THE RECIPIENT OF THE 2013-2014 FINDLAY CITIZEN OF THE YEAR AWARD, AS WELL AS 2013-2014 FINDLAY HALL OF FAME NOMINEES LORI NUNEMAKER, DANIEL CLINGER, MARY WALSH, AND RYAN KIDWELL.

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

Discussion:

Councilman Monday has known Jim Woodward for thirty (30) years and extremely proud to call him a friend. He has known him to always do what is best for our community. He is community-minded. He has a passion for God, for his community, and for patriotism. Anyone who has been in his barber shop knows about his patriotism. He is dedicated to those who are down and out which is evident by his ministry with other people in the jail. When Councilman Monday goes into the barber shop, he hears about all the good things that are happening in the jail. Councilman Monday is always thrilled to hear what Jim has to tell him. He is greatly respected by his community. Since Councilman Monday attends the same church as Jim, he sees how he is well respected by fellow church members, and is evident by the many friends here tonight. Jim is a great choice for this award. He appreciates what Jim has done and his friendship. He thanked him for what he does for this community.

Councilman Slough met Dan Clinger when he became involved with the Findlay Sail and Power Club. He thanked Dan for his involvement with the BalloonFest and with its continual growth. It draws in people not only locally, but also from other states. It adds to Findlay's economic base and provides entertainment for the citizens of Findlay. He congratulated Dan.

Councilman Murray noted that the BalloonFest is more than just entertainment for a week or two of activity. Having been Dan's partner for twenty-three (23) years, he knows that a day does not go by that he isn't working on the BalloonFest. It is a passion of his. He loves Findlay, Ohio. He is a passionate lover of downtown Findlay, Ohio. He is a great community leader. This honor for him is well deserved.

Councilman VanDyne has known Mary Walsh and her family for many years. Mary's work at the Blanchard Valley Center has been exceptional. He congratulated her on a job well done.

Ayes: Monday, Murray, Nichols, Russel, 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.

WRITTEN COMMUNICATIONS:

Judge Richard Rinebolt – demolition of western portion of Findlay High School building

Mr. Rinebolt recommends the Hancock County Board of Commissioners and Findlay City Council take another look at proceeding with the demolition of the western portion of the old Findlay High School building. The Findlay Board of Education is willing to listen to any reasonable proposal. All the entities involved are supported by our taxpayers who previously paid for the land and school buildings. Both the City and County need additional office and parking spaces which would be available at the West Main Cross Street location.

The unification of the Findlay Board of Health and the Hancock County Board of Health may finally be resolved and the use of the old Hochstetler Mill would not be a viable solution. Also, other public services that affect both the City and County are as follows:

- Board of Elections in rented quarters at 201 East Lincoln Street.
- Veterans Service Office in rented quarters at 1100 East Main Cross Street

There are many factors to consider, but there is still time to delay the demolition and investigate further, but once the building is torn down, it is gone forever.

Discussion:

Councilman Murray noted that Council and the Administration have been dealing with this for the past four (4) or five (5) years to try to find a solution, but have never been successful in making the matches. He thanked Judge Reinbolt on his comments and suggestions, but unfortunately, Council and the Administration have been down this path, but it has never come to fruition. The solution of Central is coming which will be a gem for our community. Filed.

ORAL COMMUNICATIONS – none.

PETITIONS:

City Auditor Jim Staschiak – status of Darway annexation

The annexation documents for the Darway annexation have been in the Auditor's Office for the required 60 days. This is being petitioned by Philip L. Rooney, Esq., agent for the petitioners. Referred to City Planning Commission and Planning & Zoning Committees. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

Hancock Regional Planning Commission Agenda – June 19, 2013, Hancock Regional Planning Commission Minutes – May 15, 2013. Filed.

City Planning Commission minutes – June 13, 2013 (includes the 6/13/13 Staff Report that was presented at the 6/18/13 City Council meeting; agenda – July 11, 2013. Filed.

Findlay City Board of Health minutes – May 15, 2013. Filed.

Council President Pro-Tem Randy Ward – Councilman Russel replace former Councilman Collette on subcommittees

Council President Pro-Tem Ward is requesting Council's approval for Councilman Russel to replace all committee assignments that were held by Councilman Collette for the remainder of this term which ends December 31, 2013.

Discussion:

Councilman Ward recommended Councilman Nichols be the chair for this committee to take former Councilman Collette's place on the Inter-Government Relations & Legislation Review Board. Councilman Nichols has been a long-standing member of that committee, so he feels it would be more appropriate to have someone experienced on that committee to be the chair. Councilman Russel would still be on the committee. All were in favor. Filed.

Director of Law Donald Rasmussen – funds for Fire and Police Department labor services

The City's Fire and Police Departments labor services fund is short on funds. An appropriation of funds is requested to replenish the funds and pay for May 2013 services and potential legal counsel services during the third and fourth quarters of 2013 for contract negotiations. An appropriation of twenty-five thousand dollars (\$25,000.00) is requested from the General Fund to the Law Director #21005000-441402 (Fire and Police labor services) account.

FROM:	General Fund	\$ 25,000.00
TO:	Law Director #21005000-441402 (Labor Fire & Police)	\$ 25,000.00

Discussion

Councilman Ward noted that Council has received these requests from the Law Director before due to only so much money being put into the budget at the beginning of the year, and then he has to request funds as needed. Normally, appropriations of this amount or larger, and since this is considered new money, they go to the Appropriations Committee, but since funds are requested every year for this, it can go right to legislation and be voted on. He asked if anyone else on the Appropriations Committee objects to doing so. No objections. Ordinance No. 2013-036 was created. Filed.

N.E.A.T. Departmental Activity Report – May 2013. Filed.

Service-Safety Director Paul Schmelzer – Greenwood Street Improvements (OPWC & CDBG FY 2010), Project No. 32502200

Additional funding is needed to cover costs related to in-house design and for inspection that are not reimbursed by grant funding from OPWC and CDBG to accomplish the closeout process of this project. An appropriation of funds is needed in order to finalize the closeout. Total project cost was three hundred seventy-six thousand four hundred thirty-nine dollars (\$376,439.00). Legislation to appropriate funds is requested. Ordinance No. 2013-038 was created.

FROM:	CIT- Capital Improvements	\$ 2,009.51
TO:	Greenwood Street Improvements <i>Project No. 32502200</i>	\$ 2,009.51

Filed.

City Auditor Jim Staschiak – 2003 and 2004 debt issues

Market conditions favor refunding a 2003 (approximately \$1,700,000) and a 2004 (approximately \$2,800,000) debt issue. Although it is subject to market conditions at the time bids are received, the goal is to save approximately three percent (3%). Detail of these issues can be reviewed on your 2013 Debt Summary. In order to take advantage of economies of scale, it is prudent to simultaneously seek bids for potential financing of:

- clearwell project for the Water Department (estimated \$1,000,000)
- mechanical screen building project for Water Pollution Control (estimated \$1,000,000)
- special assessment debt for sidewalk program (estimated \$25,000)

All three (3) projects are on the 2013 Capital Improvements Plan. These would be short term (i.e. 1-3 years) due to cash flow constraints, if found to be necessary. All would be part of a single debt issuance to save on issuance costs and attract a lower interest rate. City Auditor Staschiak is working with Law Director Rasmussen to have Bond Counsel prepare legislation to allow him to seek bids for these bonds, and if needed, for project funds. Legislation will be prepared for the July 16, 2013 City Council meeting.

Discussion:

Councilman Ward asked what the trigger would be to keep using these funds, if needed, for projects. He asked what would be the deciding factor whether it is part of the bond issue. Auditor Staschiak replied that there are looking at cash flow constraints in the revenue being received in 2013, and the timing of the receipt of that revenue for the debt service. Also, with the Water Fund, the investment returns we are seeing on the money that we're putting out there, the cash that is in that fund, is only half percent (.5%) at the high end or fifty bases points. Depending on the cost of that debt, if we can keep the debt at a very reasonable rate possibly under three percent (3%) and hopefully at one and three quarter to two and a half percent (1 3/4-2 1/2%) and if the market terms are favorable, it would be a good move to issue that debt short-term to prevent an increase in the water rates by taking advantage of stretching the need for that money out over a longer period of time, but it has to show a reasonable cash flow return. The Sewer Fund does not have adequate cash reserves for best practices of finances. It will likely be necessary to issue that debt. The only thing that could stop that is if additional restricted funds could be used to finance that project. At this point, it is approximately two million dollar (\$2,000,000.00) project. We think we can use a million dollars (\$1,000,000.00) in restricted funds and a million dollars (\$1,000,000.00) in unrestricted funds. About two years ago, the cash flow was so tight in the Sewer Fund (approximately \$65,000.00) on an eight million dollar (\$8,000,000.00) fund which is equivalent to having about a dollar and fifty cents (\$1.50) in your own personal checkbook. It is too low and you cannot risk it. So, these are both cash flow issues. He would like to issue the sidewalk one by taking advantage of the low cost by issuing it at the same time to keep it clean so that the City Engineer can move forward with the program and get it done and so that we can assess it cleanly to the owners of those properties, should anyone contest the assessment down the road. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Sue Read to vacate the alley running between Ash Avenue and Prospect Avenue dividing lots 2370 and 2369, and between 2345 and 2346.

We recommend approval of the alley vacation. Ordinance No. 2013-037 was created.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Jim Heck of Heck Rentals to add second story balconies that would face south on the 612 South Main Street apartments.

We recommend approval and owner shall contact the Zoning Officer for permit.

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

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 021-2013

see page 1

RESOLUTION NO. 022-2013 (NO PO)**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 Monday moved to adopt the Resolution, seconded by Councilman Ward.

Discussion:

Councilman Russel asked how often this happens and why it happens. Auditor Staschiak replied it does not happen every meeting, but probably happens every two (2) out of three (3) meetings. Over the last few months, these requests have come in less and less. Should this resolution not be passed, his office cannot pay the bill. Service-Safety Director added that the department asking for the bill to be paid did not get the purchase order first. Councilman Russel then asked if there are procedures in place to try to prevent this. Service-Safety Director Schmelzer replied there is a standard purchase order process for approvals. In this particular case, the department ordered equipment without getting a purchase order first. He assumes this equipment is part of the CDBG grant money. The department should have gotten the purchase order first. Since that procedure was not followed, the Auditor's Office has to come to Council for approval of the expenditure. Councilman Russel asked what this is for. Service-Safety Director Schmelzer replied it is part of the CDBG grant for the Senior Center equipment. This is a 2012 Capital Improvement project for CDBG and OPWC grant money that is for Greenwood and Byal Avenue. The City received more money from OPWC than anticipated (around \$120,000.00). The Senior Center is one of the eligible entities to receive the funds without going back through the grant approval process. During a City Council meeting, it was discussed that the extra money would go to the Senior Center. This is an acquisition for equipment that was part of that grant. HRPC ordered the equipment for that grant for the Senior Center without getting a purchase order first.

Councilman Monday added that this happens often where he has objected to it several times. He asked if there is any disciplinary action taken on those who continually violate the procedure. He compared this to when someone does something they are not allowed to do, they are disciplined for it. He asked if any action is taken. Service-Safety Director Schmelzer replied that the incident rate on these requests has gone down significantly and there is not an employee of the City that is repeatedly making purchases without a purchase order. Councilman Monday then asked if an employee of the City did this. Service-Safety Director Schmelzer replied it was not. It was HRPC. Councilman Monday then asked if they have been told that the proper procedure is to get a purchase order before they purchase anything. Service-Safety Director Schmelzer replied that they have been told.

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

RESOLUTION NO. 023-2013 (Pat Wright retirement)**First reading****Adopted**

A RESOLUTION COMMENDING PATRICIA WRIGHT FOR THE EXCELLENCE OF HER SERVICES TO THE CITY OF FINDLAY, OHIO.

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

ORDINANCES**ORDINANCE NO. 2013-030 (Wagner alley vacation)****Third reading****Adopted**

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

Councilman Ward moved to adopt the Ordinance, seconded by Councilman VanDyne. Ayes: Russel, Schedel, Slough, Spence, VanDyne, Ward, Monday, Murray, Nichols. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-030 and is hereby made a part of the record.

ORDINANCE NO. 2013-031 (Reichenbach rezone)**Third reading****Adopted**

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 REICHENBACH REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL DISTRICT" TO "C3 DOWNTOWN COMMERCIAL".

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Ward. Ayes: Schedel, Slough, Spence, VanDyne, Ward, Monday, Murray, Nichols, Russel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-031 and is hereby made a part of the record.

ORDINANCE NO. 2013-032, AS AMENDED (Houtz ROW vacation)**Third reading****Adopted**

AN ORDINANCE VACATING A PORTION OF THE MORRICAL BOULEVARD RIGHT-OF-WAY BETWEEN OLNEY AVENUE AND LIMA AVENUE IN THE CITY OF FINDLAY, OHIO.

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Ward. Ayes: Slough, Spence, VanDyne, Ward, Monday, Murray, Nichols, Russel, Schedel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-032 AS AMENDED and is hereby made a part of the record.

ORDINANCE NO. 2013-036**First reading****Adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Spence, VanDyne, Ward, Monday, Murray, Nichols, Russel, Schedel, Slough. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Ward. Ayes: VanDyne, Ward, Monday, Murray, Nichols, Russel, Schedel, Slough, Spence. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-036 and is hereby made a part of the record.

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

First reading of the Ordinance.

ORDINANCE NO. 2013-038

First reading

Adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Nichols moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Ward seconded the motion. Ayes: Ward, Monday, Murray, Nichols, Russel, Schedel, Slough, Spence, VanDyne. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman VanDyne. Ayes: Monday, Murray, Nichols, Russel, Schedel, Slough, Spence, VanDyne, Ward. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-038 and is hereby made a part of the record.

UNFINISHED BUSINESS:

Old Business:

Councilman Monday moved to approve the revenue estimates as previously presented. Seconded by Councilman Ward. All were in favor. Motion carried. Councilman VanDyne asked for the figures. Auditor Staschiak replied that they were given to Council during the Jun 4, 2013 City Council meeting.

New Business:

Councilman Monday: WATER & SEWER COMMITTEE meeting on July 17, 2013, at 4:30pm, third floor conference room of the Municipal Building (CR1).

- agenda: 1. MS4 permit

Councilman Murray: PLANNING & ZONING COMMITTEE meeting on July 23, 2013 at 4:30pm, Council Office, first floor of the Municipal Building (CO).

- agenda: 1. 721 Rockwell Avenue rezone
- 2. 133 Hillcrest Avenue rezone
- 3. Leiser St alley vacation

Councilman Ward noted that due to lack of agenda items, there will not be an APPROPRIATIONS COMMITTEE meeting this month unless agenda items surface.

Mayor Mihalik would like to reveal the findings of the strategic plan (our mission, our vision, our values and what our initiatives) for 2013. She requested a meeting to share them with Council and the public would also be invited.

Mayor Mihalik: COMMITTEE OF THE WHOLE meeting on July 9, 2013 at 4:00pm, first floor conference room of the Municipal Building (CR1).

- agenda: 1. strategic plan

Councilman Ward requested a mid-term meeting on July 23, 2013 at 5:30pm, Council Office, first floor of the Municipal Building (CO).


- agenda: 1. budget update

Councilman Schedel asked if the CRAs will be presented during one of these meetings. Councilman Murray replied that during the last meeting they had, it was discussed where it was determined they need to be presented at a COMMITTEE OF THE WHOLE meeting. President J. Slough noted that he asked Matt Cordonnier (HRPC) last week if he was bringing the CRAs information to tonight's City Council meeting in which he said he was not, but thought it would only take about twenty (20) minutes to update Council. President Slough asked Council if they want to add the CRAs updates to the July 9, 2013 COMMITTEE OF THE WHOLE meeting or after the mid-term meeting on July 23, 2013. Councilman Murray replied that he will talk with Matt Cordonnier to see if he can present the CRA updates after the 5:30pm mid-term budget update meeting on July 23, 2013.

President J. Slough adjourned Council at 8:24pm.



 CLERK OF COUNCIL



 PRESIDENT OF COUNCIL