

# FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

JANUARY 21, 2014

COUNCIL CHAMBERS

**PRESENT** Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, Spence, VanDyne

**ABSENT:** none.

## MINUTES:

Councilman Harrington moved to accept the January 9, 2014 Regular Session City Council meeting minutes. Councilwoman Frische seconded the motion. All were in favor. Motion carried. Filed.

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

Councilman Monday moved to replace the following on tonight's agenda. Councilman VanDyne seconded the motion. All were in favor. Motion carried.

## REPLACEMENTS:

- ORDINANCE NO. 2014-007 (**LEGISLATION** section).
  - In SECTION 1, added:

FROM: General Fund	\$ 7,000.00
TO: Swimming Pool Fund	\$ 7,000.00
FROM: Swimming Pool Fund	\$ 7,000.00
TO: Swimming Pool #25076000-other	\$ 7,000.00

**PROCLAMATIONS** - none.

## RECOGNITION/RETIREMENT RESOLUTIONS

**RESOLUTION NO. 006-2014**

**First reading**

**adopted**

A RESOLUTION COMMENDING COUNCILMAN RANDY WARD FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

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

### Discussion:

Councilman Harrington's wife worked for Mr. Ward for a number of years in which he was a good steward to her. In observing his role throughout the years on City Council, he was always prepared for all meetings and was a great counsel to many Councilmembers.

Councilman VanDyne noted that Mr. Ward was always the leader during his six (6) years of City Council. He was always the go to guy. He is grateful for everything Mr. Ward has done for City Council.

Councilman Monday added that it has been a great honor for him to have the opportunity to serve with Mr. Ward.

Council President Slough noted that when he was newly elected to City Council, he would watch in awe over Mr. Ward and his grasp of what was going on. As the years went by, their friendship grew. Mr. Ward was a commiserative professional. He was the peacemaker, would voice his opinion calmly. Mr. Ward has done a phenomenal job for the City. He will be missed. Council is a thankless job at times, but he always drew out the best in Councilmembers. Council President Slough congratulated Mr. Ward on a good twenty (20) years.

Councilwoman Spence only had the privilege of serving with Mr. Ward for two years, but appreciated all of his advice and information he gave her. She has threatened him that she will continue to call him to ask him financial questions. She appreciates all his service. Twenty years of his time and talent is very commendable.

Councilman Shindledecker noted that when Councilmembers were handed their budget books that are very thick, he took it home to review in which his wife asked him if he was trying to memorize it to which he told her he was just trying to learn where all things are in the book so he can go back and look it up if needed. He has observed Mr. Ward for the last twenty (20) years as a radio news reporter and does not recall Mr. Ward ever having to look up a number for any of the budgets that have gone through City Council. He has done a phenomenal job and will be missed.

**Ayes:** Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, Spence, VanDyne. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

**WRITTEN COMMUNICATIONS** - none.

## ORAL COMMUNICATIONS:

### Sandra Bixby – Lye Creek riparian buffer wildlife habitat project

Ms. Bixby came before City Council to read a short timeline on the Lye Creek riparian buffer wildlife habitat project that Ordinance No. 2013-058 was voted on by City Council on August 20, 2013 with a 7-0 vote in favor of it. That ordinance authorized the Service-Safety Director to apply for an EPA grant. Council also made a motion to suspend statutory rules (only one reading was given) and was voted on with a 7-0 vote in favor of it, not allowing residents of the properties affected to review the project and respond. She is unsure why it was deemed an emergency ordinance. She provided a copy of that newspaper article as Exhibit A.

The only notice residents received was the news item in The Courier on August 23, 2013 stating the City was seeking a ninety-two thousand dollar (\$92,000.00) grant. She provided this as Exhibit B. They were not contacted beforehand.

At the request of their neighborhood, a meeting was held on September 4, 2013 with approximately twenty (20) individuals in attendance who had many questions. The Mayor interceded with an offer of a more informative meeting in a few weeks. A meeting was scheduled in October, but was cancelled. A few weeks stretched into three (3) months with no additional meeting taking place. In the first week of January 2014, the residents learned a presentation would be made an hour preceding the first City Council meeting of the year, that being Tuesday, January 7, 2014 but had to be postponed for two (2) days due to the level 3 snow emergency, until the following Thursday, January 9, 2014. Communication during the meeting was difficult, and driving was still perilous, only nine (9) individuals attended representing only six (6) homes out of a possible forty (40) plus. That afternoon, Ms. Bixby was assured via telephone by a Councilmember not to worry, it was just a presentation and no decision would be made, yet an impromptu self-hawse was requested by Phil Martin who is handling the grant for the Blanchard River Watershed Partnership. He promised only the west side would be planted first to see if the residents approve before the east side planting would begin. She does not feel that usually happens in the world of grant-making. It would be all or nothing as Councilman Monday indicated. Even Phil Martin and Councilman Monday were not in agreement.

Ms. Bixby referred back to the first meeting that was on September 4, 2013 where the Mayor was quoted the next day by Staff Writer Joy Brown of The Courier. She quoted the Mayor's words verbatim from that Courier article (Exhibit C). "If consensus can't be reached, that may mean the project won't be pursued." "If you're not going to like this, then what's the point of doing it?" Consensus has been reached, and the residents do not like it. Residents signed a petition (Exhibit D) with the majority opposing it.

While it sounds picturesque, this buffer could have many detrimental effects on their neighborhood from undesirable wildlife that could harm their children and pets, to higher flood levels, to providing more cover for criminal activity including but not confined to vandalism and drug dealing. It is no secret that the area between Hawthorne Drive and Sandusky Street there has been some things going on back there. The City and the County refused to clean the river adequately, so she knows they will not bother to clean Lye Creek. She submitted the list of property owners that she was able to contact with a minimum of two (2) stops at each and every home, sometimes three (3) stops. This list includes signatures and their positions regarding this project. All had an opportunity to respond. Some declined, others failed to respond, but had the opportunity.

### Susan Thompson - Lye Creek

Ms. Thompson came before City Council and provided a copy of the letter she sent to City Council concerning the Lye Creek meeting. Her letter stated the following:

On January 9 the Mayor and council held a public meeting for residents in the Lye Creek area to hear rationale for a planned Lye Creek Wildlife Habitat.

The main reasons given for this expense of nearly \$100,000 were a) the new habitat would save the city's maintenance cost for the city/county-owned area in the floodway and b) that the funding for the project was coming from grant monies that would otherwise revert back to the grantor.

Let's deal with each of these reasons separately along with the issue of the effect on area flooding. The city claims there will be no negligible impact from the planting of over 200 trees, shrubs and native grasses. Wait a minute, aren't we paying over a half million dollars to clean trees, limbs, and shrubs out of the rest of the Blanchard River floodway? And doesn't FEMA prohibit adding even a single fencepost in the floodway due to its potential impact on flooding?

Where does this grant money come from, and what limitations are placed on this land in the future. I believe this is public State EPA money, so it's your tax dollars. And if the EPA is involved, won't this new "wildlife habitat" affect our future flood mitigation actions just as the mussels are doing now?

Grants - commonly viewed as "free money" - are going to be the downfall of this nation, because the reality is that most of these grants are funded by the state or federal government which is out of money and is either borrowing it from China or printing it at the expense of our children and grandchildren. Haven't we all heard the old maxim, "there is no such thing as a free lunch."?

As for the maintenance savings, any landscaper will tell you that mowing grass is the easiest landscape to maintain. Mr. Schmelzer admitted the city wouldn't be cleaning out fallen limbs and other natural debris. Eventually this will become a tangled mess, especially when debris from the next flood gets stuck in it. What's the cost to the city at that point?

#### Discussion:

Councilman Douglas noted that Phil Martin stated he would go back and ask the individuals writing the grant if it could be split so one side could be done and not the other. He asked the status of that. Service-Safety Director Schmelzer replied Mr. Martin has made that request, but has not let him know their response is. Councilman Douglas then asked if this project was voted on during the last Council term last year, and if so, is it a done deal assuming the grant is awarded and the City gets the funds. Law Director Rasmussen replied that Ordinance No. 2013-058 authorized the grant application. The issue whether they accept the grant monies if they are successful or not is still a decision to be made.

## PETITIONS – none.

# REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS

Findlay Police Department Activities Report – December 2013. Filed.

Precipitation and Reservoir levels report – October-December 2013. Filed.

Findlay City Board of Health minutes – November 20, 2013 and December 18, 2013. Filed.

City of Findlay Board of Zoning Appeals minutes – December 12, 2013. Filed.

Findlay Shade Tree Commission – 2013 annual report. Filed.

## Service-Safety Director Paul Schmelzer – Additional Budget Appropriations

After review of the Capital Plan, the items listed below were removed because they were deemed not to be capital expenses. Legislation to appropriate funds is requested.

FROM:	General Fund	\$ 72,000	
TO:	Police Dept #21012000-other (City gym equipment & maintenance)	\$15,000	
TO:	General Expense #21010000-448808 (USGS Streamgages)	\$50,000	
TO:	Swimming Pool #25076000-other (chairs)	\$ 7,000	
FROM:	SCM&R	\$ 51,500	
TO:	Street Dept #22040000-other (three truck beds)	\$ 36,500	
TO:	Traffic Lights #22043200-other (bucket truck repairs)	\$ 15,000	

### Discussion:

Councilman Russel asked why these appropriations are not considered capital expenses. Service-Safety Director Schmelzer replied they are either part of another existing piece of equipment or they do not meet the five thousand dollar (\$5,000.00) threshold for capital. Councilman Russel then asked for an explanation of the USGS streamgages. Service-Safety Director Schmelzer replied it is for maintenance on the streamgages. At one time, it was considered a capital expense in the past, but he is unsure what year it switched. It is really just a general expense. It is not a capital expenditure for maintenance. Councilman Russel then asked if it is an annual expense. Service-Safety Director Schmelzer replied that is correct.

Councilman VanDyne asked how many streamgages the City has. Service-Safety Director Schmelzer replied there are five (5). Ordinance No. 2014-007 was created. Filed.

## COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from Service-Safety Director Paul Schmelzer to discuss the 2014 Capital Improvements Plan.

*We recommend Council approve the Capital Plan presented pending any modifications required by Council during the legislative process.*  
Ordinance No. 2014-006 and 2014-007 were created.

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

## LEGISLATION

### RESOLUTIONS

#### RESOLUTION NO. 006-2014

See page 1.

#### RESOLUTION NO. 007-2014 (no PO/over PO amount)

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 Harrington. Ayes: Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, Spence, VanDyne, Douglas. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

## ORDINANCES

#### ORDINANCE NO. 2014-006 (2014 Capital Improvements Plan)

First reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE PURCHASE OR LEASE OF EQUIPMENT FOR THE VARIOUS CITY DEPARTMENTS IN ACCORDANCE WITH THE 2014 DEPARTMENT EQUIPMENT LIST WHICH IS INCORPORATED HEREIN AS EXHIBIT A, AND FOR CONSTRUCTION OF VARIOUS PROJECTS, APPROPRIATING FUNDS FOR SAID EQUIPMENT AND OTHER CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

First reading of the Ordinance.

**UNFINISHED BUSINESS**

**OLD BUSINESS:**

Councilman Harrington noted that at the last City Council meeting on January 9, 2013, the absence of former Councilman Ward and former Councilman Slough. He made a motion to excuse their absence. Seconded by Councilman Monday. All were in favor.

**NEW BUSINESS**

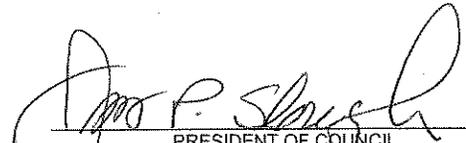
Councilwoman Spence: **WATER & SEWER COMMITTEE** meeting on January 28, 2014 at 4:00pm, third floor conference room beside the Mayor's Office of the Municipal Building (CR1).

agenda: waterline extension to 10472 Twp Rd 95

Councilman Monday noted that he and Councilman VanDyne were a part of the selection committee to establish what Councilmember is on what Council subcommittee. He has since learned from Councilman VanDyne that he is unable to serve on the Arts Partnership Board due to a conflict. He made a motion to have Councilman Nichols serve take the place of Councilman VanDyne on that board instead. Councilman Harrington seconded the motion. All were in favor. Filed.

President J. Slough adjourned Council at 7:57pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL