

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

FEBRUARY 18, 2014

COUNCIL CHAMBERS

PRESENT: Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindldecker, Spence, VanDyne

ABSENT: none.

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

MINUTES:

Councilwoman Spence moved to accept the February 4, 2014 Regular Session City Council meeting minutes as written. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ONS:

- Ordinance No. 2014-014 2013 - ordinances & resolutions changes via Walter H. Drane Company (**LEGISLATION** section).

PROCLAMATIONS - none.

RECOGNITION/RETIREMENT RESOLUTIONS - none.

WRITTEN COMMUNICATIONS - none.

ORAL COMMUNICATIONS:

Darwin Dunten – flooding on Rector Avenue and Dalzel Ditch

Mr. Dunten has been the pastor of the First United Brethren Church on Rector Avenue for thirteen and a half (13 ½) years. He came before City Council to address some issues in his neighborhood about flooding. His neighborhood has experienced more and more flooding as the years go by. They have had to pump the basement of the church out ten (10) times, three (3) of those were in the last year (July 8, July 9, December 22). They had to pump the basement out at 2:00am on December 22, 2013 for their Christmas service later that morning. The frequency of this problem has been happening more and more to not only the church, but to the entire neighborhood of Rector, Madison, and Clifton. None of those areas are close to the river, but are close to the Dalzel Ditch. He met with former Councilmember Deb Seng when she was on City Council and has met with the City Engineer who both continue to point the finger at the ditch. For the first five (5) years that he was pastor of the church, they did not experience any flooding. The frequencies of flooding started when the separation of the sewer and water runoff was done which he believes was in 2005. The first rain following that was a major flood in the neighborhood. They are seeing more and more frequencies of it. It is coming from different areas. The first couple of floods came through the sewer system in which the church fixed that problem. Now it is coming through the walls of the basement. They have put pumps, drainage and a cistern in. There is nothing else they can do except wait for the ditch to be fixed which is something he believes the City is considering. He encouraged Council to get the ditch cleaned out. His church has spent tens of thousands of dollars that they have not been reimbursed for on repairs and to try to stop what is happening. They received at least six inches (6") of water in their parking lot from the last flood on December 22, 2013. Their parking lot is flat. It was coming from the Bolton and Rector area. Whenever there is a major rain, this area is shut off by high water. He did not see this happening until the separation of the water and sewer. He again encouraged Council to clean the ditch out. Cleaning the ditch has been in discussion since he came here thirteen and a half (13 ½) years ago. When the first major flood happened, clean up of the ditch was in discussion. When the 2007 flood happened, Council was talking about the Blanchard River and the ditch clean up was also in discussion at that time. It was also in discussion in July and December last year. Home values in the neighborhood are going down. Residents cannot use their basements anymore. They were using them as family areas, but can no longer use them. On behalf of his neighborhood, the area he serves, and his church, he asked Council to do something.

Discussion:

Councilman Monday asked if there is any way to give the residents in that area any reasonable assurance that the ditch is going to be cleaned in the near future. It was a project that was almost there when property owners were going to be assessed. He attended a meeting at the Blanchard Valley School where the County Commissioners received a lot of resistance. For some reason, the project was stopped. The project was talked about often, but nothing happened. He feels it is time to have something done and work with the County to give the residents reasonable assurance that something is going to be done. Service-Safety Director Paul Schmelzer replied that he spoke with Mr. Wilson today and asked him how soon he could have the applications ready if the capital plan is approved to which he replied next week. We are positioned to get this project underway. The plans were done previously but need to be updated which requires them to be reviewed by the County, then it has to be decided what level, if at all, Council is going to fund the project, then it is turned over to the County to be done. The project is ninety percent (90%) of the way there.

Councilman Russel added that once this goes to the County Commissioners, there will be another hearing. Jill Schroeder from that neighborhood came before City Council last June or July about this. When this comes to the County Commissioners, it will be encumbering on you and the neighbors and those affected in there to make your voices heard to the County Commissioners. He has talked to the Commissioners about it and they know the petition is coming. They look upon it favorably, but have a lot of things they have to do to make a decision. Making your voices heard to the County Commissioners helps them hear your view. He encourages everyone to continue voicing their concerns to them.

Emerson Focht – riparian buffer on Lye Creek

Mr. Focht and his wife have lived in Findlay at the same location since 1972. The first flood they dealt with was in 1981. It has since gotten worse. He is unsure what is causing it. He was asked to come before City Council to speak on behalf of his neighborhood. The riparian buffer will add more trees and shrubs, and the grass will get tall between the creeks. He attended the public meeting about it where the Service-Safety Director was in attendance. He voiced his opinion about only wanting to do half of it and then taking a look at it, but has since changed his mind after reviewing some information that shows what the plans are. There are woods on Sandusky Street just across the bridge over Lye Creek where deer come out of. He has had several run out in front of him. He fears this riparian will bring in a lot of wild animals. Coyotes will come after the deer. If the grass gets as tall as they were told it will get, he is concerned what that will do to the soil. They have lost thirteen (13) neighbors since they have lived there because their homes were destroyed. There were forty-one (41) homes contacted in his neighborhood about the proposed riparian. Some were not home and some did not want to sign anything. There were twenty-one (21) people who voted against the riparian. If funds have not been received yet, he proposes not using the funds for this and using it elsewhere. He prefers to leave his neighborhood alone as there will be setbacks that need to be mowed. When they come to mow across the street in the empty lots, the area is rough, but they get through it. It doesn't take them very long to mow it. He does not feel the riparian will eliminate any costs. There are a lot of kids that play in that area in the summertime. They would not be able to if the trees are planted. If you drive on Main Cross and look to the right on Blanchard Street you will see the woods. There is a lot of junk that has accumulated there since he has lived here. He does not see how the proposed riparian plans will make an improvement with flooding, but will instead make it worse.

PETITIONS:

Reimbursement of waterline construction costs request – Performing Arts Center

Daniel Stone from Van Horn, Hoover & Associates, Inc. is requesting the City to reimburse Hancock County Performing Arts Center for waterline construction costs. They submitted a site plan to the City of Findlay Planning Commission where it was approved. As part of the site plan approval, the City is requesting an eight inch (8") waterline be constructed along Front Street from South West Street to South Cory Street. They also request to be reimbursed for construction costs associated with the site plan requirement and engineering recommendations. The attached Auditor's map shows the limits of waterline construction as requested by the Planning Commission approval. Referred to Water & Sewer Committee.

Street vacation request – Marathon Petroleum Company, LP

Daniel Stone from Van Horn, Hoover & Associates, Inc. is requesting a street vacation for East Hardin Street from South Main Street to East Street south of the Marathon office buildings.

Discussion:

Councilman Russel will recuse himself from any consideration about any of Marathon's street or alley vacations since he is an employee of Marathon. Referred to City Planning Commission and Planning & Zoning Committee.

Alley vacation request – Marathon Petroleum Company, LP

Daniel Stone from Van Horn, Hoover & Associates, Inc. is requesting an alley vacation for the north-south alley from East Hardin Street to East Lincoln Street south of the Marathon office buildings. The alley parallels South Main Street and is located behind the old Elk's and RCM Architects buildings. Referred to City Planning Commission and Planning & Zoning Committee.

Street vacation request – Marathon Petroleum Company, LP

Daniel Stone from Van Horn, Hoover & Associates, Inc. is requesting a street vacation for Beech Avenue from East Sandusky Street to East Hardin Street, and from East Hardin Street to East Lincoln Street south of the Marathon office buildings. Referred to City Planning Commission and to the Planning & Zoning Committee.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS

City Income Tax Monthly Collection Report – January 2014. Filed.

Findlay W.O.R.C. Financial Analysis report – January 1, 2014 through January 31, 2014. Filed.

Findlay Police Department Activities Report – January 2014. Filed.

N.E.A.T. Departmental Activity Report – January 2014. Filed.

Budget Summary of Year-To-Date Information Report /Cash & Investments Report as of January 31, 2014. Filed.

Parks and Recreation Board agenda – February 18, 2014. Filed.

Traffic Commission agenda – February 18, 2014. Filed.

Hancock Regional Planning Commission Findlay Revolving Loan Fund Administrator Matthew Cordonnier – request for appropriation
On January 13, 2012 the City of Findlay Revolving Loan Fund Committee awarded a loan to Cross Way Ministries in the amount of one hundred twenty-three thousand five hundred dollars (\$123,500.00). The funding will assist Cross Way Ministries with acquiring Sunshine Daycare, an existing business in the City of Findlay. As part of the business plan, Cross Way Ministries intends to add staff, thus providing additional LMI jobs in the Findlay area. Legislation to appropriate funds is requested. Ordinance No. 2014-013 was created.

FROM: City of Findlay Revolving Loan Fund \$ 123,500.00
TO: Cross Way Ministries Loan #31943000-other \$ 123,500.00

Filed.

Council President Pro-Tempore Ronald Monday – Council representative for contract negotiations appointment

Pursuant to Section III (A)(3) of Rules of Procedure 2014-2015 of the Council of the City of Findlay, Council President Pro-Tempore Monday has appointed Councilman Thomas Klein to be the Council Representative for contract negotiations for Police and Fire as needed. Filed.

COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from Mayor Lydia Mihalik to discuss Hancock County Jail fees (Ordinance No. 2014-011).

We recommend approval of Ordinance No. 2014-011 and the City further investigate a Community Alternative Sentencing Center (CASC). Ordinance No. 2014-011 was already created. Resolution No. 010-2014 was created for CASC.

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

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

We recommend approval of the above.

Ordinance No. 2014-006 and 2014-007 were created.

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

A **COMMITTEE OF THE WHOLE** meeting was held on Tuesday, February 11, 2014 to discuss the I-75 interchange.

Councilman Harrington moved to adopt the committee report. Councilman Douglas seconded the motion. All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss Hancock Regional Planning Commission Departmental and Zoning Departmental operations, zoning codes and various internal processes.

Councilman Russel moved to adopt the committee report. Councilman Harrington seconded the motion. All were in favor. Filed.

**LEGISLATION
RESOLUTIONS**

RESOLUTION NO. 009-2014 (*Mike Jurkiewicz retirement*)

First reading

adopted

A RESOLUTION COMMENDING MIKE JURKIEWICZ FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

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

RESOLUTION NO. 010-2014 (*CASC*)

First reading

adopted

A RESOLUTION SUPPORTING THE EFFORTS OF THE ADMINISTRATION, THE FINDLAY MUNICIPAL COURT AND AREA NON-PROFIT AGENCIES INVESTIGATING THE EFFICIENCIES AND POSSIBLE ESTABLISHMENT OF A COMMUNITY ALTERNATIVE SENTENCING CENTER (CASC) IN THE CITY OF FINDLAY.

Councilwoman Spence moved to adopt the Resolution, seconded by Councilman VanDyne. 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.

RESOLUTION NO. 011-2014 (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 Klein. Ayes: Harrington, Klein, Monday, Nichols, Russel, Shindledecker, Spence, VanDyne, Douglas, Frische. 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 departmental equipment list)

Third reading

adopted

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.

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Klein, Monday, Nichols, Russel, Shindledecker, Spence, VanDyne, Douglas, Frische, Harrington. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-006 and is hereby made a part of the record.

ORDINANCE NO. 2014-007 (additional budget non-capital expenses)

Third reading

adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman VanDyne.

Discussion:

Councilman Douglas was contacted by multiple residents asking questions about the City gym. He then asked what liability the City has if someone were to get hurt while using the City gym. He asked if the City has a blanket policy that covers it. Law Director Rasmussen replied the City probably does not have liability under the revised tort reform legislation and the recreational users statute for subdivisions, also under recreational users. The City can be sued. He will develop a waiver to further immunize the City. New individuals asking to use the gym will have to sign the waiver before they can use the gym. An update to their cards to gain access to the gym is required. He will provide the waiver to the Police Department, so whenever someone requests access to the gym, they will sign the waiver then. Those already utilizing the gym will also have to sign a waiver.

Ayes: Monday, Nichols, Russel, Shindledecker, Spence, VanDyne, Douglas, Frische, Harrington, Klein. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-007 and is hereby made a part of the record.

ORDINANCE NO. 2014-011 (jail services)

Second reading

AN ORDINANCE AUTHORIZING MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH THE BOARD OF COMMISSIONERS FOR HANCOCK COUNTY, OHIO, TO PROVIDE JAIL SERVICES TO THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to suspend the statutory rules and give this ordinance its third reading. Councilman Shindledecker seconded the motion.

Discussion:

Councilwoman Spence noted that because of the timing and the County Commissioners needing an answer on this ordinance as soon as possible, she feels it is appropriate to vote on this now so that it can move forward so that the contract with the County can be signed.

Councilman Russel asked if contract negotiations are unable to proceed until this ordinance is passed. Law Director Rasmussen replied that conversations are taking place. The contract is on its third rewrite. He is waiting for his changes to it to be approved and needs to have discussions with Cindy Land.

Ayes: Nichols, Shindledecker, Spence, VanDyne, Harrington, Klein, Monday. Nays: Russel, Douglas, Frische. Motion defeated.

Second reading of the Ordinance.

ORDINANCE NO. 2014-012 (Third St alley vacation)

Second reading

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

Second reading of the Ordinance.

ORDINANCE NO. 2014-013 (RLF-Cross Way Ministries)

First reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the statutory rules and give this ordinance its second and third readings. Councilman VanDyne seconded the motion. Ayes: Shindiedecker, Spence, VanDyne, Frische, Harrington, Klein, Monday. Nays: Russel, Douglas, Nichols. Motion defeated.

First reading of the Ordinance.

UNFINISHED BUSINESS

OLD BUSINESS – none.

NEW BUSINESS

Councilman VanDyne moved to adjourn into executive session to discuss a pending legal matter. Councilman Monday seconded the request. Ayes: Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindiedecker, Spence, VanDyne. Council adjourned into executive session at 8:01pm. Council reconvened into regular session at 8:16 pm. Councilman Monday moved to adjourn out of executive session. Councilman Douglas seconded the motion. Ayes: Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindiedecker, Spence, VanDyne.

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting that was scheduled for February 25, 2014 has been postponed. Reschedule date is TBD.

- agenda: 1. 516, 518 and 518 ½ Liberty St zoning extension
- 2. Marathon alley/street vacations

Councilman Russel noted that as part of the capital plan Council approved tonight, \$40,000 of it is to continue on with the application to ODOT for the downtown plan. He is part of the committee who has been reviewing the plans for this. There is excitement around the downtown plans. He has talked to a lot of downtown merchants and other interested parties. People hear about this, they see this, and there is excitement. He thanked the Service-Safety Director for all his hard work and moving it forward. There will be meetings on March 12, 2014 at the Findlay Inn & Conference Center to gain public input from the general public, the Findlay Young Professionals group, from the downtown business owners and property owners at three (3) separate sessions. He encouraged everyone from City Council and citizens to attend. This is an exciting time for downtown Findlay. He is thrilled that Findlay is able to be a part of it.

President J. Slough adjourned Council at 8:17pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL