

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

JULY 1, 2014

COUNCIL CHAMBERS

PRESENT: Douglas, Frische, Harrington, Monday, Nichols, Russel, Shindledecker, Spence, VanDyne

ABSENT: Klein

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

MINUTES:

Councilman Harrington moved to accept the June 17, 2014 Regular Session City Council meeting minutes as written. Councilman Douglas seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ONS:

- PLANNING & ZONING COMMITTEE REPORT (**COMMITTEE REPORTS** section) – 115 Harrington Avenue rezone

REPLACEMENT:

- Ordinance No. 2014-053 AS AMENDED (**LEGISLATION** section) – Dog Warden Services
SECTION 1 - removed: for calendar year 2014

PROCLAMATIONS: – none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

WRITTEN COMMUNICATIONS: – none.

ORAL COMMUNICATIONS: – none.

PETITIONS:

Zoning amendment request – 123 Walnut Street

Roman Zarazua is requesting a zoning change for 123 Walnut Street. The property is currently zoned C2 General Commercial. Mr. Zarazua would like to change the zoning to R3 Single-Family, High Density. Referred to City Planning Commission and Planning & Zoning Committee.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Nirhar LLC, dba Som Carryout, located at 825 North Main Street, Findlay, Ohio for a C1 and C2 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Nirhar LLC, dba Som Carryout, located at 825 North Main Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Ashish Brahmabhatt

Councilman Nichols moved for no objections be filed. Seconded by Councilman Harrington. 7 Council members in favor, 2 opposed. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Whitson Hotel Operations LLC, dba Hilton Garden Inn, located at 1050 Interstate Drive, Findlay, Ohio for a D5A liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Whitson Hotel Operations LLC, dba Hilton Garden Inn, located at 1050 Interstate Drive, Findlay, Ohio. A check of the records shows no criminal record on the following:

George M. Whitson

Shirlee A. Whitson

Councilwoman Spence moved for no objections be filed. Seconded by Councilman VanDyne. 7 Council members in favor, 2 opposed. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Elijah & Millies Entertainment LTD, dba The Jones Mansion, located at 313 East Street, Findlay, Ohio for a D1, D2 and D3 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Elijah & Millies Entertainment LTD, dba The Jones Mansion, located at 313 East Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Eric VanRenterghem

Councilman VanDyne moved for no objections be filed. Seconded by Councilman Shindledecker.

Discussion:

Councilman Monday noted that the three (3) liquor permit requests tonight are all new requests, not transfers. Approximately three (3) or four (4) years ago, the former Law Director stated that there is a quota of allowed liquor permits per county and that Hancock County had reached their quota. He asked how new requests come about if we have already reached our quota. Law Director Rasmussen replied that the quotas are per type of license. It does seem like Council has had a lot of liquor license requests come through, but he is unsure if the quota is still followed or not.

7 Council members in favor, 2 opposed. Filed.

N.E.A.T. Departmental Activity Report - May 2014.

Discussion:

Councilwoman Spence noted that at one point, the possibility of adding employees to the N.E.A.T. Department was discussed. As this report states, during the month of May, there was a substantial amount of calls for the N.E.A.T. Department to go to. She asked if those discussions are still going on. Service-Safety Director Schmelzer replied that he does not have any plans at this point to add staff to that department this year. The possibility of adding staff can be discussed with the next budget year. He realizes that the only employee in that department is extremely busy, especially this time of year following winter. Phone calls do increase this time of year. It is his hopes that compliance with the properties will increase as the year goes on. Councilman Klein is proactively looking at what that department should be doing from a code enforcement standpoint. He anticipates some additional discussions on it, but does not have any plans to add staff right now.

Councilman Russel noted that a fews ago, he, Councilman Klein, and the Zoning Administrator discussed ways to enhance enforcement policies and work in a more efficient manner. It is still an ongoing discussion. The need is there and they are still working through their ideas to come up with the best solution. Filed.

Service-Safety Director Paul Schmelzer – I-75 Sanitary Sewer Relocation, Project No. 35649300

The Ohio Department of Transportation (ODOT) has nearly completed the design plans for the widening of I-75 through Findlay. One element of the plan calls for the abandonment of a twenty-four inch (24") sanitary sewer that parallels the roadway south of West Sandusky Street to Harrison Street. Currently, there are two (2) businesses still connected to this sewer (Michigan Sugar and Daskto Ltd.). In order to abandon the twenty-four inch (24") sewer, it will be necessary to construct new sewer connections for these businesses. ODOT will reimburse the City for the cost of these new connections after the work has been completed.

In order to move forward with the project, it is necessary to have authorization for bidding and contracting and appropriating design funds as follows:

FROM: Sewer Fund	\$ 10,000.00
TO: I-75 Sanitary Sewer Relocation Project #35649300	\$ 10,000.00

Referred to the Appropriations Committee for discussion and consideration of adding the project to the 2014 Capital Improvements Plan.

City Planning Commission minutes – June 12, 2014; agenda – July 10, 2014. Filed.

City Auditor Jim Staschiak – Revenue Estimates for fiscal year 2015

Ohio clearly defines a budgetary process which includes the requirement that municipalities prepare an annual tax budget by July 20. The County Budget Commission has not required the filing of a complete tax budget for many years and requires the City of Findlay only provide the attached Estimated Revenues for submission to the Budget Commission for the next fiscal year. No action will be required at this meeting. In order to meet the statutory requirements for the distribution of the local government money, this document should be formally accepted by Council at the July 15, 2014 meeting so it can then be filed with the County Auditor by no later than July 20. A motion for acceptance of the revenue estimates will be needed during the meeting on July 15. The Council Clerk is asked to schedule a public hearing before that meeting, notice of which must be published ten (10) days before the hearing.

Discussion:

Councilman Douglas asked if a date has been set to meet on this. City Auditor Staschiak replied that the Budget Commission will send him a notice. Once he receives it, he will give it to the Council Clerk for distribution to Councilmembers. Budget Commission consists of the County Auditor, County Treasurer, and the County Prosecutor, and there typically is a County Commissioner present. They ask some interesting questions (i.e. have you considered this, do you know where these monies/local government funds are going, etc.). They have input on local government funds around the County. Filed.

Parks and Recreation Board minutes – June 16, 2014.

Discussion:

Councilman Russel noted that these minutes mention safety concerns at Eagle Creek Skate Park and asked if any records are kept on the usage of the park. Service-Safety Director Schmelzer replied that there are no usage records, but does have some concerns about its condition and would like to look at it as part of next year's capital plan to make an investment there or somewhere else. He is looking into a possible alternate location for the skate park and/or repairs made to the existing location. It will be discussed during a Parks and Recreation Board meeting. Councilman Russel asked if there could be a liability if someone were to get injured due to the park not being properly maintained. Law Director Rasmussen replied that it would not be a liability issue, but could end up being a lawsuit issue. Recreational user statute would most likely deny a claim, but someone could always file a claim which would be an action filed. Councilman Russel then noted that he has not been by the skate park recently, but the last time he went by it, it was getting run down. He asked if shutting it down might be an option if there is a safety concern.

Councilman Nichols noted that at the last Parks and Recreation Board meeting, the Street Department Supervisor commented about relocating the skate park to Riverside Park where his department could build a ramp out of concrete in which they would provide the labor to do so. It wasn't an official meeting, so he is unaware if anything has been planned. The condition of the existing skate park is very poor, dangerous to use, and there is a lot of vandalism and problems with that location.

Councilwoman Spence is in favor of allowing the Lowe's Heroes Program to be used for the miracle field as they suggested. It is her hopes that the Parks and Recreation Board can partner up with them as it would be a great usage of their program. Filed.

Service-Safety Director Paul Schmelzer – CUBE evaporative condenser

As part of the 2014 Capital Improvements Plan, an amount of fifty thousand dollars (\$50,000.00) was appropriated into the Recreation Functions operating budget for replacement of evaporative condenser at The CUBE. Upon further examination, it may be prudent to install a larger unit than currently exists in which a consultant will be hired to help make this determination, and then this will be put out to bid. In order to cover consulting fees with the previously appropriated monies, a project will be created. If a larger unit is required, the cost and any additional allocation will be examined at an Appropriations Committee meeting. Legislation to transfer appropriated funds is requested.

FROM: Recreation Functions (CUBE) #21044400-5513

\$ 50,000.00

TO: CUBE Evaporative Condenser Project #31949400

\$ 50,000.00

Resolution 027-2014 was created. Filed.

Traffic Commission minutes – June 16, 2014. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Don Ratcliff to rezone 115 Harrington Avenue from R-2 single family, medium density to R-4 two family, high density.

We recommend approval as requested. Special circumstances noted: current owner did not convert to duplex. When current owner purchased the property, it was zoned B Residential and was a legal use, so it wouldn't have been uncovered at the time of sale. Problem further caused by new zoning map and re-classification of the property.

Councilman VanDyne moved to adopt the committee report. Councilman Shindledecker seconded the motion. All were in favor. Filed.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 026-2014 (CUBE evaporative condenser)

Adopted during Old Business

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS AND DECLARING AN EMERGENCY.

ORDINANCES

ORDINANCE NO. 2014-041 (Sixth St vacation – requires a public hearing)

tabled

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

ORDINANCE NO. 2014-043 (Eastern Woods Office Park rezone – does not require a public hearing)

tabled

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 EASTERN WOODS OFFICE PARK REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO "O1 OFFICE INSTITUTION"

ORDINANCE NO. 2014-044 (E Hardin St & E Lincoln St rezone – does not require a public hearing)

tabled

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 EAST HARDIN STREET AND EAST LINCOLN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL DISTRICT" TO "C3 DOWNTOWN COMMERCIAL DISTRICT"

ORDINANCE NO. 2014-053 AS AMENDED (continuation of Dog Warden services)

adopted

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH THE BOARD OF COMMISSIONERS OF HANCOCK COUNTY, OHIO, FOR DOG WARDEN SERVICES IN THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Douglas. Ayes: Harrington, Monday, Nichols, Russel, Shindledecker, Spence, VanDyne, Douglas, Frische. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-053 and is hereby made a part of the record.

ORDINANCE NO. 2014-055 (repeal Ord 2014-023 Interstate West ROW dedication plat)

adopted

AN ORDINANCE REPEALING ORDINANCE NO. 2014-023 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Douglas. Ayes: Monday, Nichols, Russel, Shindledecker, Spence, VanDyne, Douglas, Frische, Harrington. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-055 and is hereby made a part of the record.

ORDINANCE NO. 2014-058 (*Professional Engineering Services – Steve Wilson*)

second reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT WITH THE HANCOCK COUNTY ENGINEER TO PROVIDE ENGINEERING SERVICES TO THE CITY OF FINDLAY, OHIO ON A TEMPORARY BASIS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2014-059 (*Sherman Park Neighborwoods project*)

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2014-060 (*107 Allen St/1217 N Main St rezone*)

second 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 107 ALLEN STREET/1217 NORTH MAIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "M2 MULTI-FAMILY, HIGH DENSITY".

Second reading of the Ordinance.

ORDINANCE NO. 2014-061 (*E Meade Ave vacation*)

second reading

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

Second reading of the Ordinance.

ORDINANCE NO. 2014-062 (*Indigent Defense Services contract renewal*)

second reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT FOR CALENDAR YEAR 2014 WITH THE HANCOCK COUNTY PUBLIC DEFENDER COMMISSION FOR A TOTAL OF NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) FOR SAID CALENDAR YEAR, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

UNFINISHED BUSINESS

OLD BUSINESS:

Councilman Russel made a motion to reconsider Resolution No. 026-2014. Councilwoman Spence seconded the motion. Ayes: Nichols, Russel, Shindledecker, Spence, VanDyne, Douglas, Frische, Harrington, Monday. Councilman Russel moved to suspend the statutory rules and give Resolution No. 026-2014 its second and third readings. Councilman VanDyne seconded the motion. Ayes: Russel, Shindledecker, Spence, VanDyne, Douglas, Frische, Harrington, Monday, Nichols. The resolution received its second and third readings. Councilwoman Spence moved to adopt the resolution, seconded by Councilman Russel. Ayes: Shindledecker, Spence, VanDyne, Douglas, Frische, Harrington, Monday, Nichols, Russel. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

Councilwoman Frische asked if the new slide at the pool at Riverside will be ready for this coming Friday for the holiday. Service-Safety Director Schmelzer replied it will not be in for this coming holiday. He is waiting on Wood County and the State Board of Health to do their inspections. The inspection will take less than an hour. The holdup is getting them here. Wood County is accommodating, but are about a week or more out with the State Board of Health.

Councilwoman Frische asked for an update on the jail fees. Law Director Rasmussen replied that it went back and forth this past week between the County Prosecutor's Office, his office, and Municipal Court Judge Starn. He talked with Mark Miller about it today. The first paragraph of the contract is what was causing the most problems, but is now worked out. As of the end of today, he does not have the final version of the contract, but anticipates having it tomorrow. A hearing notice has been put together for consideration this Thursday.

Councilman Nichols asked the Law Director to provide the Freedom of Information materials to Councilmembers. The committee is anxious to get it out of the way. Law Director Rasmussen replied he does not have everything he requested, but will provide what he has, or if Councilmembers prefer, he can provide everything all at once, once he has everything. Councilman Nichols replied they would like whatever he has now so that they can get start looking at it.

NEW BUSINESS:

Councilman Shindlecker has attended some baseball games at Emory Adams Park this past weekend. Some of the trash containers were overflowing. He noticed the CUBE has special containers for recycling and asked if Emory Adams Park could also have them.

Councilman Harrington reminded Council that some Councilmembers are scheduled to attend the Sunshine Law training on July 22, 2014. In the Council Office is a letter authorizing those who are attending to represent those who are not attending. It needs to be signed by the Councilmembers who are not attending.

Councilman Russel made a motion to excuse the absence of Councilman Klein. Seconded by Councilman VanDyne. All were in favor.

Councilman Monday: **APPROPRIATIONS COMMITTEE** meeting on July 8, 2014 at 4:30pm in the third floor conference room of the Municipal Building (CR1).

agenda: E Bigelow waterline replacement project #35749200

I-75 Sanitary Sewer Relocation project #35649300

City Auditor Staschiak noted that he will be closing the June 2014 books. Mid-year review can be done any time after the Sunshine Law training on July 22, 2014 is over. He suggested 5:00pm that same day or later that week. He would like to get it done before the end of the month.


MID-TERM BUDGET REVIEW meeting on July 22, 2014 5:00pm in the third floor conference room of the Municipal Building (CR1).

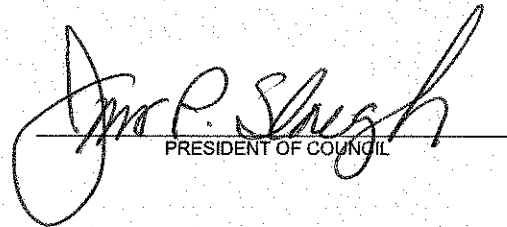
agenda: budget update

Councilman Russel : **PLANNING & ZONING COMMITTEE** meeting on July 10, 2014 at 5:30pm in the first floor Council Office of the Municipal Building (CO).

agenda: 123 Walnut Street rezone

President J. Slough adjourned Council at 8:01pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL