

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**DECEMBER 16, 2014**

**COUNCIL CHAMBERS**

**PRESENT:** Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, 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 December 2, 2014 Regular Session City Council meeting minutes as written. Councilman Nichols seconded the motion. All were in favor. Motion carried. Filed.

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

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

### ADD-ONS:

- Letter from Mayor = insurance payment from theft of a trailer at the Health Department (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section).

### REPLACEMENTS:

- Ordinance No. 2014-101 (**LEGISLATION** section).
  - added insurance payment appropriation from theft of a trailer at the Health Department
- Ordinance No. 2014-104 (**LEGISLATION** section).
  - changed header
  - changed first paragraph

**PROCLAMATIONS:** – none.

**RECOGNITION/RETIREMENT RESOLUTIONS:** - none.

**WRITTEN COMMUNICATIONS:** – none.

**ORAL COMMUNICATIONS:** - none.

**PETITIONS:** - none.

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

**City Income Tax Monthly Collection Report** – November 2014. Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Tiffin 2215 Enterprises Ltd, located at 2215 Tiffin Avenue & Patio, Findlay, Ohio for a D1, D2, and D3 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Tiffin 2215 Enterprises Ltd, located at 2215 Tiffin Avenue & Patio, Findlay, Ohio. A check of the records shows no criminal record on the following:

Michael Moddy  
Ann Moddy

Councilman Nichols moved for no objections be filed. Seconded by Councilman VanDyne. 9 Council members in favor, 1 opposed. Filed.

**Findlay W.O.R.C. Financial Analysis Report** – January 1, 2014 through November 30, 2014. Filed.

**N.E.A.T. Departmental Activity Report** – November 2014. Filed.

**Findlay Police Department Activities Report** – November 2014. Filed.

### City Auditor Jim Staschiak – summary financial reports

A set of summary financial reports for the prior month follows including:

- Summary of Year-To-Date Information as of November 30, 2014
- Cash & Investments as of November 30, 2014
- Open Projects Report as of November 30, 2014
- Financial Snapshot as of November 30, 2014

Filed.

**Findlay Municipal Court Activities Report** – November 2014. Filed.

**City Planning Commission minutes** – November 13, 2014. Filed.

### Public Works Superintendent Matt Stoffel – Hancock Parks grant

The City was granted nine thousand dollars (\$9,000.00) from the Hancock Parks Grant for work to be done on the band shell in Riverside Park in 2015. Legislation to transfer funds to make improvements to the band shell is requested. Ordinance No. 2014-101 was created. Filed.

### Service-Safety Director Paul Schmelzer – E. Sandusky Street/East Street Intersection Upgrade project #32840700

This project is included in the 2014 Capital Improvements Plan and final design is complete. Prior to this, funds were appropriated for design and the signal poles (due to extended lead time). This project is ready to move forward with project construction. Legislation to appropriate funds to purchase the traffic signalization equipment and pole installation is requested. Ordinance No. 2014-102 was created.

FROM:	Capital Improvements – CIT	\$ 60,000.00
TO:	E. Sandusky St/East Street Intersection Upgrade, project #32840700	\$ 60,000.00

Filed.

**City Auditor Jim Staschiak – year-end items to transfer/appropriate**

The following accounts require an appropriation or a transfer for this budget year.

Transfer Resolution:

FROM:	Council #21001000-personal services	\$ 1,500.00
TO:	Council #21001000-other	\$ 1,500.00
FROM:	Law Director #21005000-personal services	\$ 1,000.00
TO:	Law Director #21005000-other	\$ 1,000.00
FROM:	City Income Tax #27047000-other	\$ 1,200.00
TO:	City Income Tax #27047000-personal services	\$ 1,200.00

REASON: the transfers deal with moving funds between the department’s personal services (wages and related benefits) and other (operational expenses) accounts to be able to finish the rest of the year. Legislation to transfer funds is requested. Resolution No. 045-2014 was created.

De-Appropriation Ordinance:

FROM:	City Income Tax Fund #27047000-other	\$ 1,000,000.00
TO:	City Income Tax	\$ 1,000,000.00

REASON: based on current projections the actual income tax collections will be less than the original estimate. The tax is allocated to CIT Capital Improvements and General Fund based on actual collections. In order to make sure that the fund is not over-appropriated prior to the end of the year, this de-appropriation is needed. Ordinance No. 2014-103 was created.

Appropriation Ordinance

FROM:	Energy Bonds Series B #23056100	\$ 17,118.42
TO:	CIT Capital Improvements	\$ 17,118.42
FROM:	Energy Bonds Series A #23056000	\$ 19.77
TO:	CIT Capital Improvements	\$ 19.77

REASON: The City had to appropriate the entire amount of the interest payment for the Energy Bonds for the 2014 debt payments. However, the Series B bonds are federally subsidized and we did receive a portion of our subsidy payment. Due to the federal mandated sequester, we did not receive the entire subsidy. Also, the account that was due on the Series A bonds ended up being less than what was shown on the amortization schedule and was originally budgeted. These transactions return the fronted appropriation to Capital Improvements.

FROM:	2014 Fire Refunding #23045010	\$ 10,152.35
TO:	CIT Capital Improvements	\$ 10,152.35

REASON: With the bond proceeds of the refunding of the Various Purpose bonds earlier this year, there were several appropriations and de-appropriations that occurred with the transaction in May. This is the final remaining transaction dealing with that refunding.

FROM:	Police Pension Fund	\$ 16,360.41
TO:	Police Pension #27078000	\$ 16,360.41
FROM:	Fire Pension Fund	\$ 16,360.41
TO:	Fire Pension #27079000	\$ 16,360.41

REASON: A portion of the amount received from the assorted property taxes from the county tax settlements is deposited into Police and Fire Pension Funds by law. The cash balance is then transferred to the General Fund at the end of the year. Although the revenue budgets for 2014 were estimated very closely for the transfer into the General Fund, the transfers out of these funds were budgeted low. The County revises their revenue estimates after adoption of our annual appropriation ordinance, and in order to avoid potentially over-budgeting the fund on the certificate filing, the transfer out is budgeted lower than expected.

Legislation to adopt on an emergency for the above listed items is requested. Ordinance No. 2014-103 was created. Filed.

**Service-Safety Director Paul Schmelzer – vehicle insurance payment**

The City has received payment from the other party’s insurance company in the amount of nine hundred ninety-one dollars and seventy-four cents (\$991.74) for additional repairs needed for the Water Distribution vehicle involved in an accident. It has been deposited in the Water Fund. Legislation to appropriate funds is requested. Ordinance No. 2014-101 was created.

FROM:	Water Fund (insurance proceeds)	\$ 991.74
TO:	Water Distribution Department #25053000-other	\$ 991.74

Filed.

**Mayor Lydia Mihalik – trailer insurance payment**

The City has received payment for the theft of a trailer housed at the Health Department from the City’s insurance company in the amount of two thousand four hundred fifty-six dollars (\$2,456.00). It has been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2014-101 was created.

FROM:	General Fund (insurance proceeds)	\$ 2,456.00
TO:	Health Department #21030000-other	\$ 2,456.00

Filed.

## COMMITTEE REPORTS:

The APPROPRIATIONS COMMITTEE to whom was referred a request from the Service-Safety Director to discuss Fire Chief severance payout.

*We recommend to table the report pending further information.*

Councilman Monday 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 Philip Rooney to vacate ~~East Lincoln Street from the north/south alley between Lots 594 and 595 in the S&P Carlin's Addition from East Lincoln Street south to the north right-of-way line of the first intersecting east/west alley.~~

*We recommend to approve as requested. Ordinance No. 2014-104 was created.*

### Discussion:

Law Director Rasmussen pointed out that the committee report needs to be amended to change the wording. The request is not to vacate East Lincoln Street. "East Lincoln Street from" needs to be removed so that the committee report will read:

The PLANNING & ZONING COMMITTEE to whom was referred a request from Philip Rooney to vacate the north/south alley between Lots 594 and 595 in the S&P Carlin's Addition from East Lincoln Street south to the north right-of-way line of the first intersecting east/west alley.

Councilman Harrington moved to amend the committee report. Councilman Shindledecker seconded the motion. All were in favor. Councilman Harrington moved to adopt the committee report as amended. Councilman Monday seconded the motion. All were in favor. Filed.

## LEGISLATION:

### RESOLUTIONS:

**RESOLUTION NO. 044-2014** *(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 VanDyne moved to adopt the Resolution, seconded by Councilman Klein. Ayes: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, 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. 045-2014** *(year-end transfers)*

first reading

adopted

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

Councilman Monday moved to suspend the statutory rules and give the Resolution its second and third readings. Councilman VanDyne seconded the motion. Ayes: Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische. The Resolution was given its second and third readings. Councilman Harrington moved to adopt the Resolution, seconded by Councilwoman Spence.

### Discussion:

Councilwoman Frische asked what the transfer of funds is for. City Auditor Staschiak replied they are coming from personal services to general operations.

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

## ORDINANCES

**ORDINANCE NO. 2014-096** *(EMA contract renewal)*

third reading

adopted

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE-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.

Councilman VanDyne moved to adopt the Ordinance, seconded by Councilwoman Spence. Ayes: Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-096 and is hereby made a part of the record.

**ORDINANCE NO. 2014-099** *(HRPC provide CDBG program)*

second reading

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT WITH THE HANCOCK REGIONAL PLANNING COMMISSION (HEREINAFTER REFERRED TO AS HRPC) FOR THE FACILITATION AND PREPARATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2014-101** (*Hancock Park District grant; vehicle insurance payment*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

adopted

Councilman VanDyne moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Klein seconded the motion. Ayes: Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols. The Ordinance received its second and third readings. Councilman VanDyne moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-101 and is hereby made a part of the record.

**ORDINANCE NO. 2014-102** (*E Sandusky St/East Street Intersection upgrade*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

adopted

Discussion:

Councilman Harrington asked if there is any ramification if this ordinance or the CDBG program ordinance is not approved by the end of the year. Law Director Rasmussen replied that it will be the same Council next year, so legislation does not die at the end of the year. He is not aware of the timing issue on this project. They are getting ready to do this project but he is unsure what the lead time for the signalization is. Mayor Mihalik added that the CDBG ordinance does not have to be adopted tonight/before the end of the year.

Councilwoman Spence moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman VanDyne seconded the motion. Ayes: Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer. The Ordinance received its second and third readings. Councilman VanDyne moved to adopt the Ordinance, seconded by Councilwoman Spence. Ayes: Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-102 and is hereby made a part of the record.

**ORDINANCE NO. 2014-103** (*year-end appropriations*)  
AN ORDINANCE DE-APPROPRIATING AND APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

first reading

adopted

Councilman Monday moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Russel seconded the motion. Ayes: Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker. The Ordinance received its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Klein.

Discussion:

Councilwoman Spence noted that this is the only time she can recall that funds were de-appropriated for the significant amount that is being requested. She asked for additional information. City Auditor Staschiak replied that income taxes have not come in according to the amount that was expected, but was appropriated as if the entire amount would come in through an appropriation ordinance as capital improvements, general fund, and operating expenses within the income tax fund. This ordinance makes an adjustment so that we do not exceed the statutory limits (income tax coming in short) for appropriations. The money that did not come in is not going to be allocated between the general fund and Capital Improvements account, and will not be used for operational expenses. This is a housekeeping item that keeps the City in compliance with the statutory requirements. A full report will be submitted to the County in a few days that will state that the City did not exceed those expenditures beyond our revenues for this fund. It is very important that this be done so that the City is in compliance, otherwise, the City could be cited by the County on behalf of the State.

Ayes: VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-103 and is hereby made a part of the record.

**ORDINANCE NO. 2014-104** (*337 E Lincoln St vacation*)  
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERRED TO AS EAST LINCOLN STREET ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

first reading

First reading of the Ordinance.

## UNFINISHED BUSINESS

**OLD BUSINESS:** - none.

**NEW BUSINESS:** - none.

President J. Slough adjourned Council at 7:53pm.

*Devon De Vere*  
CLERK OF COUNCIL

*Tom P. Slough*  
PRESIDENT OF COUNCIL