

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

JANUARY 20, 2015

COUNCIL CHAMBERS

PRESENT: Frische, Harrington, Klein, Monday, Niemeyer, Russel, Shindledecker, Spence, VanDyne

ABSENT: Nichols

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

MINUTES:

- Councilman Harrington moved to accept the January 6, 2015 Regular Session City Council meeting minutes as written. Councilman Monday seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA: - none.

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS:

Richard Boone – harassment from City employees

Mr. Boone is very disappointed that the City has allowed the Zoning Officer to continually harass him and has tried to sanction him with things that are immoral, illegal, and unconstitutional by threatening to shut his water off if he does not do what he wants him to do. This issue has already been in front of the court system where it was deemed that the Zoning Officer was selectively persecuting him. The Zoning Officer lost in that case and is now trying a different angle. Mr. Boone wishes it to stop. If someone loses a case, they need to leave it alone, but the Zoning Officer is trying to put him, and Phil and Linda Cole in jail. Mr. Boone now owns the property and has paid his taxes on it. Mr. Boone feels the Zoning Officer is going after him personally. He is before Council to seek a resolution or he will be forced to hire counsel and defend himself for something that is wrong. The Zoning Officer is threatening to shut his water off which is everyone's will to live and is an essential need. He also owns a rental property. If the tenant at his property does something he does not like, he does not have the right to shut his water off, so the City should be held to a higher standard. Mr. Boone asked Council if they are aware that a policy was changed to allow water to be shut off if residents do not do what they want, and that decision was only decided on by the City's Service-Safety Director. He feels it is immoral and unconstitutional. Councilman Russel is aware of the situation and can help shed some light on what is going on if any Councilmember has any questions.

Discussion:

Service-Safety Director Schmelzer asked the Law Director if he would look into the allegations given by Mr. Boone to determine if what the City is doing in this situation is unconstitutional, immoral, or illegal. Law Director Rasmussen replied he will.

PETITIONS:

Zoning amendment request – TR 99 and Technology Drive

Phillip Rooney is requesting a zoning change for Township Road 99 and Technology Drive. The property is currently zoned C2 General Commercial. Mr. Rooney would like to change the zoning to M2 Multi-Family, High Density. Referred to City Planning Commission and Planning & Zoning Committee.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

N.E.A.T. Department Activity Report – December 2014. Filed.

Findlay Fire Department Activities Report – December 2014. Filed.

Findlay Police Department Activities Report – December 2014. Filed.

Findlay Shade Tree Commission – 2014 annual report. Filed.

Service-Safety Director Paul Schmelzer – E Sandusky St/Osborn Ave intersection project #32846100

By authorization of Resolution No. 021-2014, bids were opened for this project on January 7, 2015. Bids were received from six (6) potential contractors. The lowest and best bid in the amount of thirty-nine thousand two hundred ninety-seven dollars and fifty-three cents (\$39,297.53) was received from FET Construction Services of Sylvania, Ohio. The contractor is responsible for purchasing and installing the signal poles. The City Traffic Lights personnel will purchase and install the wiring and equipment (i.e. pre-emption). The requested appropriation includes funds for the contractor, equipment, and contingency. This project was included in the 2014 Capital Improvements Plan. Legislation to appropriate funds is requested. Ordinance 2015-006 was created.

FROM: Capital Improvements – CIT

\$ 83,000.00

TO: E Sandusky St/Osborn Ave Intersection #32846100

\$ 83,000.00

Discussion:

Councilman Russel noted that the bid came in around forty thousand dollars (\$40,000.00) and asked what the other forty thousand dollars (\$40,000.00) is for. Service-Safety Director Schmelzer replied that contingency is usually around ten percent (10%). The rest is for equipment the City purchases and installs (i.e. signals). The contract deals primarily with foundations and poles. Councilman Russel then asked what the estimated timeframe to start construction is. Service-Safety Director Schmelzer replied that the lead time on the poles is approximately four to six (4-6) weeks, but depends on when Council approves it as it'll take four to six (4-6) weeks from when it is approved. Councilman Russel then asked if this project could start as early as March if Council approves it. Service-Safety Director Schmelzer replied that is correct. Filed.

Findlay Municipal Court Activities Report – December 2014. Filed.

Board of Zoning Appeals Minutes – December 11, 2014. Filed.

Service-Safety Director Paul Schmelzer – vehicle insurance payment

The City has received payment for the repair of a vehicle from an accident from the other party's insurance company in the amount of one thousand two hundred sixty-eight and sixty-five cents (\$1,268.65). It has been deposited in the Water Fund. Legislation to appropriate funds is requested. Ordinance No. 2015-006 was created.

FROM:	Water Fund (insurance proceeds)	\$ 1,268.65
TO:	Water Distribution Department #25053000-other	\$ 1,268.65

Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Brink LLC, dba Pappys, located at 121 East Crawford Street, Unit B, Findlay, Ohio for a D5 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Brink LLC, dba Pappys, located at 121 East Crawford Street, Unit B, Findlay, Ohio. A check of the records shows no criminal record on the following:

David C. Spridgeon
Ryan A. Leonard

Councilman Harrington moved for no objections be filed. Seconded by Councilman VanDyne. 8 Council members in favor, 1 opposed. Filed. Filed.

Precipitation and Reservoir levels report – October-December 2014. Filed.

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

Findlay Fire Department Interim Chief Matt Traver – Marathon donation

The Findlay Fire Department has been awarded a five thousand dollars (\$5,000.00) donation from Marathon Petroleum Corporation. Legislation is requested to reallocate two thousand five hundred dollars (\$2,500.00) for training classification and two thousand five hundred dollars (\$2,500.00) for the purchase of new equipment. Ordinance No. 2015-006 was created.

FROM:	General Fund (Marathon Contribution)	\$ 5,000.00
TO:	Fire Department #21014000-other	\$ 5,000.00

Discussion:

Councilman Monday asked if this donation came about as a result of a specific event or something the Fire Department did. Service-Safety Director Schmelzer replied it was unsolicited with no request made by Marathon. They just made the donation to the department.

Councilwoman Spence asked what kind of training or equipment the Fire Department intends to use the donation for. Service-Safety Director Schmelzer replied he is not aware of any specific request. There is a significant need for training in the past that has been a budget item that has struggled. It is the Administration's intent to work with the Fire Department to make sure that adequate training is not only budgeted for, but also accomplished. Filed.

Hancock Regional Planning Commission Aleta Foust – CDBG City of Findlay Fair Housing

The Hancock Regional Planning Commission is preparing the annual Fair Housing contract for The Hope House. The Fair Housing program services are a requirement under the Ohio Department of Developments CDBG program. HRPC will be preparing the yearly contract and submitting it to Mayor Lydia Mihalik for approval. The Hope House will be compensated one thousand five hundred dollars (\$1,500.00) for fiscal year 2014-2015 for implementing the Fair Housing program within the City of Findlay. Resolution No. 005-2015 was created.

Discussion:

Councilman Russel asked how long the Hope House has provided this service to the City of Findlay. Mayor Mihalik replied it has been ten plus (10+) years. Filed.

Mayor Lydia Mihalik – Ordinance No. 2015-007 (Job Classification, Pay Ranges and Salary Schedule)

The attached documents have been included to inform and gain approval for changes made to Ordinance No. 2013-062. As part of an on-going review process, there have been changes made to ensure that employees have been placed in job classifications and/or job descriptions that match the work they are actually performing. Permanent part-time positions have also been added to both the Recreation and W.O.R.C. departments. Bi-weekly pay ranges and hourly pay rates have been adjusted to reflect the approved pay increase for City employees to ensure that all positions are compliant with the State of Ohio minimum wage requirement of \$8.10 per hour. The effective date of these changes is January 18, 2015. In order for budgeted pay increases to take effect as of January 18, 2015, this ordinance needs to be passed at the January 20, 2014 meeting. Ordinance No. 2015-007 was created.

Discussion:

Councilman Russel asked if it is possible to make the effective date retroactive to January 18, 2015 and if it would receive multiple readings and not be adopted until February. Mayor Mihalik replied the City Auditor cannot do a retroactive pay increase which is why the ordinance is in front of Council tonight so that it can be effective for this current pay period. City Auditor Staschiak added that if Council wants to give the ordinance three (3) readings, then a recalculation of the ordinance will have to be done and a final version with accurate rates given to Council. Councilman Russel noted that there have been some discussions about the language in the pay ordinance specifically about retirement. He asked if that language is not being addressed at this time because the City is not in the position to address it. Law Director Rasmussen replied that the ordinance is being revised for the three percent (3%) pay increases so that they do not have to be readjusted again. Every pay period, that number adjusts to get a true three percent (3%). There are some policies that the Administration wants to change, but wanted to get the pay increases in effect and then look at the rest of the changes. The Administration will come back to Council with modifications where applicable. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to rezone parcels 210001029285 and 210001029286 Broad Avenue and Bigelow Avenue on behalf of Findlay City Schools.

We recommend approval as requested contingent upon a mechanism be in place to ensure use as a school bus garage facility as approved by City Planning Commission on January 8, 2015.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service-Safety Director to discuss the 2015 Capital Improvements Plan.

We recommend approval of the 2015 Capital Plan as presented. Ordinance No. 2015-008, 2015-009, 2015-010 was created.

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

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

We recommend to table until we receive a letter of explanation form the State Retirement Board.

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

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 004-2015 (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 Harrington.

Discussion:

City Auditor Staschiak noted that while these types of Resolutions are done every year, this particular request is almost impossible to have a purchase order in place in time because of the way ordinances are passed.

Ayes: Frische, Harrington, Klein, Monday, 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. 005-2015 (CDBG City of Findlay Fair Housing)

first reading

adopted

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, HANCOCK COUNTY, STATE OF OHIO TO EXECUTE AN AGREEMENT WITH FINDLAY HOPE HOUSE FOR THE HOMELESS, INC. TO PROVIDE FAIR HOUSING SERVICES FOR RESIDENTS OF THE CITY OF FINDLAY BEGINNING SEPTEMBER 1, 2014.

Councilman Russel moved to adopt the Resolution, seconded by Councilman Klein. **Ayes:** Harrington, Klein, Monday, Niemeyer, Russel, Shindledecker, Spence, VanDyne, 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. 2014-104 (337 E Lincoln St vacation)

third reading

adopted

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

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

Discussion:

Councilman Russel recused himself from voting because he has a business relationship with the property owner.

Ayes: Klein, Monday, Niemeyer, Shindledecker, Spence, VanDyne, Frische, Harrington. **Abstain:** Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-104 and is hereby made a part of the record.

ORDINANCE NO. 2015-003 (MPC campus expansion project)

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2015-005 (combination of City Health Dept & County Health District)

second reading

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT FOR THE COMBINATION OF THE HANCOCK COUNTY GENERAL HEALTH DISTRICT AND THE CITY OF FINDLAY HEALTH DEPARTMENT, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2015-006 (*E Sandusky St/Osborn Ave Intersection project; insurance payment; Marathon donation*) **first reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman VanDyne seconded the motion. Ayes: Monday, Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-006 and is hereby made a part of the record.

ORDINANCE NO. 2015-007 (*revision to salary ordinance 2013-062*) **first reading** **adopted**
AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS, PAY RANGES AND A SALARY SCHEDULE FOR ALL NON-ELECTED OFFICERS AND EMPLOYEES OF THE CITY OF FINDLAY, OHIO, AND REPEALING ORDINANCE NO. 2013-062 AND ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Spence asked if non-union employees have not received a pay raise since 2012. Mayor Mihalik replied that is correct.

Ayes: Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Niemeyer, Russel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-007 and is hereby made a part of the record.

ORDINANCE NO. 2015-008 (*2015 Capital Improvements Plan*) **first 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 CONSTRUCTION OF VARIOUS PROJECTS, APPROPRIATING FUNDS FOR SAID PROJECTS, AND DECLARING AN EMERGENCY.

Councilman Klein 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, Niemeyer, Russel, Shindledecker. The Ordinance received its second and third readings. Councilman Klein moved to adopt the Ordinance, seconded by Councilman VanDyne. Ayes: VanDyne, Frische, Harrington, Klein, Monday, Niemeyer, Russel, Shindledecker, Spence. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-008 and is hereby made a part of the record.

ORDINANCE NO. 2015-009 (*2015 Capital Improvements Plan*) **first 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 2015 DEPARTMENT EQUIPMENT LIST WHICH IS INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID EQUIPMENT AND OTHER CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

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

Discussion:

Service-Safety Director Schmelzer noted that Exhibit A is not attached as listed on the Ordinance. This is for the capital plan, but when the request to split it up into more than one Ordinance was requested, it would have normally reference the entire list, but the list is the next Ordinance because it was split.

Councilman Harrington noted that the Ordinance states when purchased or leased. He asked for an example of when equipment was leased. Service-Safety Director Schmelzer replied that the City does lease equipment, but there is nothing on this Ordinance or the other Ordinance that will be leased. Councilman Harrington asked if this Ordinance needs to be amended to add Exhibit A. Law Director Rasmussen replied that there was an Exhibit A prepared that outlines the equipment purchases, so he suggested Council move to amend to include the Exhibit and include it with the signed copy of the Ordinance. Councilman Harrington moved to amend the Ordinance to add Exhibit A as stated on the Ordinance. Councilman VanDyne seconded the motion. Ayes: Harrington, Klein, Monday, Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische. Councilman Monday moved to adopt the Ordinance as amended, seconded by Councilman Harrington. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-009 and is hereby made a part of the record.

ORDINANCE NO. 2015-010 (*2015 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 CONSTRUCTION OF VARIOUS PROJECTS, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

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

First reading of the Ordinance.

UNFINISHED BUSINESS

OLD BUSINESS:

Councilwoman Fritsche noted that Councilman Monday requested she mention part of the discussion that took place during the last Appropriations Committee meeting that was held on January 13, 2015 regarding former Fire Chief Lonyo's retirement, as well as fixing or discussing how the ordinance is written for sick time. It was suggested during that meeting that an Ad Hoc Committee be established for this. Councilman Monday replied that he will establish an Ad Hoc Committee and will have a letter stating which three (3) members of Council will be on that committee available at the next City Council meeting.

Councilwoman Spence thanked the Service-Safety Director and the Administration for the hard work on the capital improvements plan. It was just discussed last week, so there was not a lot of time to put it together for Council tonight.

NEW BUSINESS:

Councilman Russel: PLANNING & ZONING COMMITTEE meeting on February 12, 2015 at 4:00pm in the Council Office, first floor of the Municipal Building (CO).

agenda: 1. TR 99 and Technology Drive rezone

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

President J. Slough adjourned Council at 8:04pm..


CLERK OF COUNCIL


PRESIDENT OF COUNCIL