

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

FEBRUARY 3, 2015

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:

- Councilman Harrington moved to accept the January 20, 2015 Regular Session City Council meeting minutes as written. Councilman Niemeyer 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 VanDyne seconded the motion. All were in favor. Motion carried. Filed.

ADD-ONS:

- Letter from Council Pro-Tem Monday = salary of elected City of Findlay officials ad hoc committee (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section).
- Ordinance No. 2015-014 = City Income Tax funds reallocation (**LEGISLATION** section).

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

WRITTEN COMMUNICATIONS:

Two (2) correspondences were received regarding the ADAMHS recovery home from:

1. Ryan & Jaclyn Pessel
2. Kathy Hirschfeld

Discussion:

Councilman Harrington noted that the letter from Ms. Hirschfeld is addressed to the ADAMHS Board and copied to City Council. He asked that this be added to the record. President Slough confirmed it will be added to the record. President Slough notified Council that in past years, all correspondences were read during City Council meetings, but it got to the point that a considerable amount of time was spent reading correspondences on some outstanding issues, so it was agreed upon that written correspondences would not be read during City Council unless a Councilmember requested it be read. Instead, they are copied and put into packets for Councilmembers to read themselves.

Councilman Monday noted that these letters are public record, so anyone who wants to read the letters can do so. They will be housed in the Council Office.

ORAL COMMUNICATIONS:

Gary Pruitt- Blanchard River Water Trail

Mr. Pruitt is the Director of the Hancock Park District. The Park District is planning to submit an application to the Department of Natural Resources Division of Watercraft asking to designate a 37.6 mile section of the Blanchard River as a state water trail. The DNR manages that program. There are approximately six (6) of those types of water trails in the state of Ohio. There are three (3) reasons why the Park District would like to do this. It will enhance the promotional value. The DNR will promote all of the water trails through their website and at their special events which will double the Park District's local marketing efforts. The most important part of this is to enhance river recreation opportunities. It will also generate more revenue. Any water trail that is designated can get points toward other grant applications (i.e. boat launches will be developed at the Liberty Landing and Blanchard Landing). Those grant applications will be more competitive. They will receive additional points if those landings are along a water trail. There are several more they want to do over time. They want to develop river maps and promotional materials, and also put signs up along the river that will identify the river to boaters. Those items will be paid for by the Department of Natural Resources. The DNR would be a supplemental revenue source that helps with the Park District's limited fiscal resources and allows them to do something they wanted to do anyway. This river trail is part of a broader initiative to enhance river recreation. They are also developing boat launches, putting up signs, developing promotional material, adding to their boat inventory, offer additional flow trip options. Having a Blanchard River water trail designated in this community would generate interest, participation, and visitation to the area. It is a quality of life initiative that the Park District has identified in their strategic plan. The application requires all of the governmental entities where the river exists to provide support which will carry a lot of weight towards the application. They have received support from the County Commissioners, Village of Mount Blanchard, Blanchard Township, Delaware Township, and Marion Township. They have received letters of recommendation from the Convention of Visitors Bureau, and Blanchard River Watershed Partnership. If Findlay City Council is on board with this, it will carry a lot of weight on the application because it is the population center in the County. This is the only thing lacking in their criteria. He asked for Council's support.

Discussion:

Councilman Russel asked if this goes into Putnam County and/or other counties. Mr. Pruitt replied it was once a consideration, but does not. They acquired a property south of Mount Blanchard (Blanchard River Nature Preserve) which made them look at the route differently. Since the support from Ottawa Officials was questionable and that the Board of Park Commissioners prefer to keep it in the county where it will begin and end at a Hancock County managed or owned park, it seemed like a better route as they could have full control over the route if they did not include other jurisdictions.

Councilman Nichols asked when this will take place. Mr. Pruitt replied that the timetable is self-imposed. He plans to submit the application in April. He is collecting the resolutions and will be attending meetings like he is tonight. He has a few more to do later this month.

Service-Safety Director Schmelzer asked Mr. Pruitt to comment on any concerns someone might have on how this might impact flood mitigation efforts. Mr. Pruitt replied that there is nothing in it that would indicate that by receiving the designation, that it would create any hurdles. It is a recreational program. The program is to promote river recreation activities. The label is what generates the interest and gets people on the river. It will not be a hurdle for any mitigation or other management issues. It is all about having a river access site that will be managed by the Park District with governmental support of the concept of having a water trail running through this community.

PETITIONS: - none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Bennett Enterprises LLC, dba Ralphies, located at 750 Trenton Avenue, Findlay, Ohio for a D5 and D6 liquor permit. This requires a vote of Council.

Gregory R. Home, Chief of Police – Bennett Enterprises LLC, dba Ralphies, located at 750 Trenton Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

Milton W. Bennett
Robert Armstrong
Sue Bennett

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

Treasurer’s Reconciliation Report –December 31, 2014. Filed.

City Auditor Staschiak – Enforcement/Education Fund de-appropriation

Ordinance no. 2015-001 appropriated fifty-nine thousand four hundred seventy-eight dollars (\$59,478.00) to the enforcement education fund. During the annual process of closing out the prior fiscal year, it was determined that this appropriation is in excess of the statutory allowable amount. In order to correct it, a de-appropriation of six thousand four hundred (\$6,400.00) is needed. Since this is a statutory requirement, the emergency clause has been added so that this ordinance becomes effective immediately, and that the statutory rules be suspended and be given all three (3) readings during the February 3, 2015 meeting. Legislation to de-appropriate funds is requested. Ordinance No. 2015-011 was created.

FROM:	Enforcement/Education #22075000-other	\$ 6,400.00
TO:	Enforcement/Education Fund	\$ 6,400.00

Filed.

City Planning Commission agenda – February 12, 2015. Filed.

City Auditor Jim Staschiak – summary financial reports

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

- Carry Forward Major Funds and General Fund Summary as of January 1, 2015
- Summary of Year-To-Date Information as of December 31, 2014
- Cash & Investments as of December 31, 2014
- Open Projects Report as of December 31, 2014

Filed.

Service-Safety Director Paul Schmelzer – Street Department equipment repairs

The Street Department needs to replace the tracks on their Bomag paver which will cost thirteen thousand dollars (\$13,000.00) and they also need to replace the rubber tracks on their Kubota excavator which will cost twelve thousand dollars (\$12,000.00). The Street Department originally planned for these replacements to be budgeted in the 2015 Capital Improvements budget. It was later determined that these items are repair and maintenance and should come out of the operational budget which was already finalized. Legislation to appropriate funds is requested. Ordinance No. 2015-013 was created.

FROM:	SCM&R Fund	\$ 25,000.00
TO:	Street Department #22040000-other	\$ 25,000.00

Filed.

Parks and Recreation Board minutes – January 20, 2015. Filed.

Traffic Commission minutes – January 20, 2015. Filed.

Council Pro-Tem Monday – severance payout for City employees Ad Hoc Committee

Pursuant to a request at the January 20, 2015 Findlay City Council meeting, Council Pro-Tem Monday is appointing the following Councilmembers to serve on an Ad Hoc Committee to work with Law Director Rasmussen to create a policy regarding severance payout for City employees terminating their service with the City of Findlay.

Tom Shindledecker, Chairman
Holly Frische
John Harrington
Filed.

Council Pro-Tem Monday – salary of elected City of Findlay officials Ad Hoc Committee

The following persons have been appointed to an ad-hoc committee to make recommendations regarding the salary of elected City of Findlay officials for the next term of office:

Anne Spence, Chairwoman
Grant Russel, Councilmember
Tom Klein, Councilmember
Don Essex, Director of Human Resources
Filed.

COMMITTEE REPORTS: - none.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 006-2015 *(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 Russel moved to adopt the Resolution, seconded by Councilman VanDyne. Ayes: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, 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.

RESOLUTION NO. 007-2015 *(Blanchard River Water Trail)*

first reading

adopted

A RESOLUTION OF THE FINDLAY CITY COUNCIL SUPPORTING THE DESIGNATION OF THE BLANCHARD RIVER FROM BLANCHARD RIVER NATURE PRESERVE TO BLANCHARD LANDING AS A STATE WATER TRAIL THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCES DIVISION OF WATERCRAFT.

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

ORDINANCES

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

third reading

adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XX, Page 2015-003 and is hereby made a part of the record.

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

third reading

adopted

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.

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

Discussion:

Councilman Russel asked if Council will see the contract before it is signed. Service-Safety Director Schmelzer replied a draft copy of the contract was included with the legislation and was given to Council. There may be some changes when the township goes to vote on it. There is an informational meeting tomorrow and a DAC meeting in early March. Any modifications to the contract draft that Council received will go through the Law Director and Assistant Hancock County Prosecutor Lucinda Land. If there are significant changes, it will come back to Council for review and authorization. He anticipates the contract draft that Council has already received will be the contract that is entered into. It is based on the implementation plan that was reviewed at the Committee of the Whole meeting.

Ayes: Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein. The Ordinance was declared adopted and is recorded in Ordinance Volume XX, Page 2015-005 and is hereby made a part of the record.

ORDINANCE NO. 2015-010, AS AMENDED *(2015 Capital Improvements Plan)*

second 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 IN ACCORDANCE WITH THE 2015 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading. Councilman Klein seconded the motion.

Discussion:

Councilman Nichols asked if there is any rush on this. Service-Safety Director Schmelzer replied it is not necessary to suspend the rules and give it its third reading, but there are things they want to accomplish from an equipment standpoint, but these are not the ones he needs to get the bidding done on. He has already asked for permission to bid those at a prior meeting.

Ayes: Nichols, Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday. The ordinance was given its third reading. Councilman Harrington moved to adopt the Ordinance. Councilman Russel seconded the motion. Ayes: Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols. The Ordinance was declared adopted and is recorded in Ordinance Volume XX, Page 2015-010 and is hereby made a part of the record.

ORDINANCE NO. 2015-011 (*de-appropriation of funds – Enforcement/Education Fund*)
AN ORDINANCE DE-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 Klein seconded the motion. Ayes: Russel, Shindlecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer. The ordinance received its second and third readings. Councilman Monday moved to adopt the Ordinance. Councilman VanDyne seconded the motion. Ayes: Shindlecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XX, Page 2015-011 and is hereby made a part of the record.

ORDINANCE NO. 2015-012 (*FCS – Bigelow Ave/Broad Ave rezone*)

first 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 FINDLAY CITY SCHOOLS REZONE) WHICH PREVIOUSLY WAS ZONED "R-1 RESIDENTIAL" TO "I-1 LIGHT INDUSTRIAL".

First reading of the Ordinance.

ORDINANCE NO. 2015-013 (*Street Dept equipment repairs*)

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2015-014 (*CIT funds re-allocation*)

first reading

**adopted during
New Business**

AN ORDINANCE AMENDING CHAPTER 193.12 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

UNFINISHED BUSINESS

OLD BUSINESS:

Councilman Klein noted that the summary sheet for expenditures states that there is approximately seven hundred fifty thousand (\$750,000.00) difference in what was budgeted and what was spent. He asked if something big was to be done that wasn't done. City Auditor Staschiak replied that the amount brought forward and the cash balance is not insignificant. He noted that there is more than one million dollars in receipts less than expected in income tax last year, and a double appropriation of approximately two hundred thousand dollars (\$200,000.00) on street paving. There is a lot of money that did not appear that might have otherwise if it was a better revenue year. Service-Safety Director Schmelzer added that much of it is made up of personnel, overtime, and healthcare. Councilman Klein added that it seems like a big number. Some departments such as the Fire and Police Departments had significant turnover and overtime that was not spent in healthcare. Those are typically two of the larger makeups of the budget return that it is alluded to. City Auditor Staschiak added that of the two and a half million dollars (\$2,500,000.00), approximately seven hundred thousand (\$700,000.00) is attributable to healthcare or one million eight hundred thousand dollars (\$1,800,000.00) of the returned funds are attributable to monies that were appropriated that were not spent by the departments.

NEW BUSINESS:

Councilman Shindlecker noted that prior to the last storm and even after that storm, he has received some comments from individuals expressing concern that the weather channel on Time Warner Cable is now providing weather forecasts for Lima and surrounding communities, but not Findlay. Up until recently, weather forecasts were tailored to Findlay. He stopped in at the Time Warner Cable office asking why they changed in which he was told that someone (they were uncertain if it was Time Warner or the weather channel) decided to make the change. Findlay citizens would like it to go back to televising Findlay weather. Mayor Mihalik replied she will take it up with Time Warner's Community Affairs Manager. She assumes it is an issue out of their control and that it is probably the weather channel's decision. There are several other opportunities to receive forecasts from three (3) or four (4) different local and regional newstations.

Councilman Monday received a lot of comments on the good job the City did with snow removal on the last storm. He typically gets a few complaints that a plow hit a mailbox or snow was thrown up on a driveway, but the only comments he received this last storm was about the great job they did. Service-Safety Director Schmelzer added that he also received multiple similar comments. President Slough complimented Mayor Mihalik for notifying Findlay citizens about upcoming inclement weather via Facebook.

Service-Safety Director Schmelzer provided additional information on the paving project from Trenton Avenue down Main Street, Center Street, and to the east side of Findlay. The appropriation for that project was based on an estimate from ODOT where six hundred sixty-one thousand dollars (\$661,000.00) was previously appropriated for it. Their bids came in over their estimate. They are asking us for an additional commitment of one hundred forty thousand dollars (\$140,000.00) to pave the project. He is to commit to that request by noon tomorrow. It is an eighty/twenty (80/20) match with bids coming in at approximately one thousand dollars (\$100,000.00) lower on the curb project. The net costs is about the same. If Council does not have any significant issues with it, he intends to notify ODOT that the City fully intends on appropriating the capital funds to continue to do the project. He asked if any Councilmember has any objections to letting ODOT know that is the City's intent. All were in favor of doing so. He will put in an appropriation request at the next meeting. Councilman Russel asked if the City's bid came in under and ODOT's came in over. Service-Safety Director Schmelzer replied that is correct. The City's bid was for curb replacement. Once that is done, ODOT comes in to mill and paves the entire project. Councilman Russel then asked if ODOT's bid is a precursor of prices to come for 2015 paving season. Service-Safety Director Schmelzer replied it would be his thinking, but it has not been on the asphalt that the City has bid so far.

Councilman Monday: APPROPRIATIONS COMMITTEE meeting on February 10, 2015 at 4:00pm in the conference room, third floor of the Municipal Building (CR1).

agenda: 1. Trenton Ave/Main St/Center St to east of Findlay paving project

Councilman Nichols received a phone call from a Findlay resident concerning electric rates and wanted to opt out of the aggregation program. This resident wanted to be able to simply call to opt out without having to send the form in and was very unhappy with the procedure. Service-Safety Director Schmelzer replied that he has received comments on this same concern and he has been passed that concern on to the aggregator. When citizens call the aggregator, they sometimes do not remember if they have opted out, so they want to document as fully as possible when someone opts out. While it is an inconvenience and that not all Findlay residents want to be aggregated, it was something that was voted on by Findlay residents. It saves residents money. He does not foresee the aggregator changing their policy. They most likely made an exception for this individual because he was so adamant about the fact that he should be able to just make a phone call.

Service-Safety Director Schmelzer asked if anyone is opposed to the appropriation percentage to capital (Ordinance No. 2014-014). If not, he asked to bring it off the table. Councilwoman Spence asked why it should be lifted from the table and suspend the rules and give it its second and third readings. City Auditor Staschiak replied that when you do your allocation, you plan through your entire budget process to go ahead and allocate at this rate. We do the allocation as we go. Years ago, the City appropriated money sporadically depending on needs and where the cash balances were. He is about to do an appropriation to keep the books clean, unless it is Council's intention to increase or lower it. There are a lot of advantages from housekeeping's point of view to go ahead and get this done.


Councilman VanDyne made a motion to lift Ordinance No. 2015-014 from the table. Councilwoman Spence seconded the motion. Ayes: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Shindedecker, Spence, VanDyne. Nays: Russel. Councilman Monday moved to suspend the statutory rules and give the ordinance its second and third readings. Councilman VanDyne seconded the motion. Ayes: Harrington, Klein, Monday, Nichols, Niemeyer, Shindedecker, Spence, VanDyne. Nays: Russel, Frische. The ordinance received its second and third readings. Councilman Russel moved to adopt the resolution, seconded by Councilman Nichols. Ayes: Klein, Monday, Nichols, Niemeyer, Russel, Shindedecker, Spence, VanDyne, Harrington. Nays: Frische. Ordinance was declared adopted and is recorded in Ordinance Volume XX, Page 2015-014 and is hereby made a part of the record

Discussion

Councilman Harrington hesitated about suspending the rules and voting in favor on this. He normally supports any decisions the Administration makes, but hesitated here because it was an add-on and then it was requested to suspend the rules and give it all three (3) readings tonight, so it was a surprise. He has seen this before and supports it and has no problem voting yes to suspend the rules and adopt it, but would have liked to have had it in the Council packets ahead of tonight's regular City Council meeting. Service-Safety Director Schmelzer apologized for the rush, but noted that when the capital plan is gone over, and when it is discussed what monies will be allocated and goes through the budgeting process, this percentage is discussed over and over. It is his assumption that Council is all on the same page with the allocation. He made the decision later today to try to get Don to get it on the agenda tonight. He just discovered that if it is not adopted tonight, it could impact the actual amount. He was not aware of this and will go over the language with the Auditor. That is why he requested that it be brought back up. The Administration has looked at the numbers for what they want to get into capital. If Council wants to meet that objective, then they need to vote on it. It really doesn't matter either way if it is adopted tonight or is given three (3) separate readings at three (3) separate City Council meetings. Councilman Russel asked if this ordinance is generally before Council at the beginning of the year. Service-Safety Director Schmelzer replied it usually is. Councilwoman Spence added that this is the point where the community has the option to make any comments that they feel necessary, so she wants to make sure they have that opportunity. Council is aware that the numbers have not changed since they discussed them during the budget process.

President J. Slough adjourned Council at 8:12pm.


DENISE DEEBRE
CLERK OF COUNCIL


J. SLOUGH
PRESIDENT OF COUNCIL