

## FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION    MARCH 03, 2009    COUNCIL CHAMBERS**

**PRESENT:** Monday, Schedel, Seng, J. Slough, M. Slough  
                 Urbanski, Van Dyne, Ward

**ABSENT:** Collette

### **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT PRAYER**

**MINUTES:** Mr. J. Slough moved to accept the minutes, as circulated, of the February 17, 2009, Council meeting. Mr. Ward seconded the motion. Motion carried. Filed.

### **ADD TO AGENDA:**

Mr. Ward moved to add the following items to the agenda, seconded by Mr. J. Slough:

1. City Income Tax Monthly Collection Report to Findlay Council – February 2009. Filed.
2. Mayor's letter – Auction of City Property
3. Time Warner Cable Letter
4. Safety Director's Letter – GovDeals
5. Findlay Police Department Report – February 2009
6. NEAT Report – February 2009

RESOLUTION NO. 14-2009

First reading

Adopted

A RESOLUTION COMMENDING RALPH TUSSING FOR THE EXCELLENCE OF HIS SERVICES FOR THE CITY OF FINDLAY, OHIO.

Mr. Monday moved to adopt the Resolution, seconded by Mr. J. Slough. Ayes: Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 14-2009, and is hereby made a part of the record. Mayor Sehnert presented a copy of the Resolution to Ralph Tussing, who was the Parking Meter Violations Representative since 1983 until his retirement on February 27, 2009.

### **WRITTEN COMMUNICATIONS:**

#### **National Church Residences – Kiwanis Village**

Letter not read – Council Rules of Procedure

#### **Time Warner Cable – New Developments**

Letter not read – Council Rules of Procedure

## **ORAL COMMUNICATIONS:**

**Robert Greer, 201 Elm Street**, addressed Council regarding “Made in America” provision in stimulus package passed by Congress. He is a United Steel worker in Findlay and requested Council to adopt a Resolution regarding products made in America be purchased when the stimulus is received. Filed.

## **PETITIONS:**

None.

## **REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:**

### **City Auditor Robert Cole Sprague – Master Lease-Sublease Conduit Financings with Blanchard Valley Regional Health Center**

The City participated in the above financings in 2001, 2002, 2003, 2005, and 2006. Under this arrangement, the City issues bonds on behalf of the hospital to a bank, and the hospital indemnifies the City for any losses. The hospital’s bonds will be paid by revenues from the Blanchard Valley Health Center. This will not constitute a pledge of assets or revenues by the City and will not count against our debt limitations under state law. The City helps the hospital by creating a tax-exempt bank qualified bond that has tax advantages, thereby lowering the interest rate for the hospital. In accordance with state law, a public hearing must be conducted. The auditor respectfully asks that Council request consideration of this matter at a public hearing before Council’s Tuesday, March 17, 2009, meeting, followed by adopting an ordinance authorizing this request. The **Public Hearing** has been advertised by the hospital, scheduled at **7:25 PM on March 17, 2009**. Filed.

### **Safety Director Jim Barker – Ladder 1**

The Findlay Fire Department has deemed Ladder 1, a 1974 Sutphen 85’ Aerial Fire Truck to be out of service, and repairs exceed the value of the fire truck. He requests that the Director of Law prepare legislation to advertise for bid for sale of the vehicle (ORC 721.15). Mr. J. Slough asked what kind of dollars will the City obtain on a used vehicle and would it be advantageous having a donation take place and use it as a right-off? Mr. Sprague stated that there is no tax advantage, since the City pays no taxes. Mr. Barker stated that they would like to use GovDeal. Mrs. Seng asked if there is any liability when you donate a piece of equipment. Mr. Hackenberg: “No”. Filed.

### **Service Director Bruce Hardy – 26-Acre Site – Carlin Street**

The above property is currently not being utilized for the reason it was purchased – the future Street Department complex. Prior to the City’s purchase, this land was farmed. Mr. Hardy requests legislation to advertise for bids and enter into a contract to farm this acreage in 2009 with a possible extension into 2010 and 2011. Filed.

**Chief of Police William Spraw – Record Check**

A check of the records shows no current criminal record on Darrell L. Lanagan, dba West Park Carry Out, 1300 Foraker Avenue, Findlay. This is in regards to a C1, C2 liquor permit (new). Mr. J. Slough moved to file no objection, seconded by Mr. Urbanski. Motion carried. Nays: Monday, Ward. Filed.

**Chief of Police William Spraw – Police Department Vehicles**

The 2009 Capital Improvements Plan included \$100,000 for police vehicles. Due to the cuts in the budget, the amount appropriated was reduced to \$90,000. The Department has received complete estimates (to outfit and purchase) and found that the appropriation was not sufficient by an estimated \$1,500.00. The Director of Law is requested to prepare legislation as follows to appropriate the funds:

From: Cap. Imp. – CIT	\$1,500.00	
To: Police Department		\$1,500.00
21012000-551300		Filed.

City Planning Commission Minutes – January 8, 2009. Filed.

**Chief Engineer Brian Hurt – 2009 Street Preventative Maintenance Program**

This Project is included in the 2009 Capital Improvement Plan. It includes crack sealing, curb and gutter repair, and resurfacing of some residential streets. The Public works personnel have performed this work in the past. Section 723.52 of the ORC states that street construction or reconstruction projects done by force account and exceeding bid limit must be formally bid. The Director of Law is requested to prepare legislation necessary to authorize bidding and contracting and appropriating the funds as follows:

From: Cap. Imp. – CIT	\$150,000.00	
To: 2009 Street Preventative		
Maintenance Program #32890200		\$150,000.00

Mr. M. Slough talked about the large number of manholes that are deteriorating. He asked if they will be a part of this program. Mr. Hurt explained that the freezing-thawing process and the snow plows cause the deterioration. They will be fixing those when the weather clears up. Filed.

Hancock Regional Planning Commission Agenda – February 18, 2009.  
Hancock Regional Planning Commission Minutes – January 21, 2009. Filed.

City Income Tax Monthly Collection Report to Findlay Council – February 2009. Filed.

**Mayor Sehnert – Auction of City Property**

An auction for Saturday, May 2, 2009, is being organized by the Police Department of confiscated items and abandoned property. Other City - Departments have items that require legislative authorization to sell and could

be included in the auction. The Mayor requests legislation to authorize the sale of these items. Filed.

**Safety Director Barker – Gov Deals**

Legislation requested for Council’s consideration to authorize use of GovDeals for the auction sale of Ladder 1, as well as other surplus or confiscated items owned by the City of Findlay. GovDeals is a Delaware corporation based at 5907 Carmichael Place, Montgomery, Alabama 36117. It is an Internet auction server which allows government agencies to sell surplus and confiscated items. Filed.

Findlay Police Department Report – February 2009. Filed.

NEAT report – February 2009. Filed.

**COMMITTEE REPORTS:**

**COMMITTEE OF THE WHOLE** was scheduled by Findlay City Council on Tuesday, February 17, 2009, at 6:30 PM in the Third Floor Conference Room. A member of the Ohio State Auditor’s office discussed a performance audit for the City of Findlay. Mr. Ward moved to accept the committee report, seconded by Mr. J. Slough. Motion carried. Filed.

**LEGISLATION:**

**RESOLUTIONS:**

RESOLUTION NO. 11-2009                      Second reading

A RESOLUTION APPROVING AN UPDATED ZONING PERMITS AND INSPECTION FEES SCHEDULE PURSUANT TO 1125.02 (g) OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

Second reading of the Resolution.

RESOLUTION NO. 14-2009 – Page 1

RESOLUTION NO. 15-2009                      First reading                      Adopted

A RESOLUTION TO SUPPORT THE NATIONAL CHURCH RESIDENCES’ APPLICATION FOR LOW INCOME HOUSING TAX CREDITS FOR THE KIWANIS VILLAGE APARTMENTS.

Mr. Urbanski moved to adopt the Resolution, seconded by Mr. J. Slough. Ayes: Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Monday. The Resolution was declared adopted and is recorded in Resolution Volume XXXI, Page 15-2009, and is hereby made a part of the record.

**ORDINANCES:**

ORDINANCE NO. 2009-16

Third reading

Adopted

AN ORDINANCE AMENDING SECTION 925.16 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

Mr. J. Slough moved to adopt the Ordinance, seconded by Mr. Van Dyne. Ayes: Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Monday, Schedel. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-16, and is hereby made a part of the record.

ORDINANCE NO. 2009-17

(Received three readings 2-17)

Tabled

(Referred to Appropriations Committee 2-17-09)

ORDINANCE NO. 2009-19

Second reading

AN ORDINANCE AMENDING ORDINANCE NO. 2007-106, AS AMENDED, BY ADDING PAYMENT OF AN ANNUAL STIPEND FOR THE SEWER MAINTENANCE IV CLASSIFICATION.

Second reading of the Ordinance.

ORDINANCE NO. 2009-21

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, WHICH PREVIOUSLY WAS ZONED "B-RESIDENTIAL", TO "C-RESIDENTIAL".

Second reading of the Ordinance.

ORDINANCE NO. 2009-24

First reading

Adopted

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE SALE OF THE FINDLAY FIRE DEPARTMENT'S 1974 SUTPHEN 85' LADDER 1 AERIAL FIRE TRUCK, AND DECLARING AN EMERGENCY.

Mr. Ward moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. J. Slough seconded the motion. Ayes: J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Monday, Schedel, Seng. The Ordinance received the second and third reading. Mr. Ward moved to adopt the Ordinance, seconded by Mr. J. Slough. Ayes: M. Slough, Urbanski, Van Dyne, Ward, Monday, Schedel, Seng, J. Slough.

The Ordinance was declared adopted and is recorded in Ordinance Volume SS, No. 2009-24, and is hereby made a part of the record.

ORDINANCE NO. 2009-25

First reading

Adopted

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE 2009 STREET PREVENTATIVE MAINTENANCE PROGRAM, PROJECT NO. 328902, APPROPRIATING FUNDS THEREFORE, AND DECLARING AN EMERGENCY.

Mr. Ward moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. J. Slough seconded the motion. Ayes: Urbanski, Van Dyne, Ward, Monday, Schedel, Seng, J. Slough, M. Slough. The Ordinance received the second and third reading. Mr. J. Slough moved to adopt the Ordinance, seconded by Mr. M. Slough. Ayes: Van Dyne, Ward, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-25, and is hereby made apart of the record.

ORDINANCE NO. 2009-26

First reading

Adopted

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A LEASE AGREEMENT TO FARM THE TWENTY-SIX (26) ACRES OF LAND OWNED BY THE CITY AND LOCATED ON CARLIN STREET, AND DECLARING AN EMERGENCY.

Mr. Ward moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. Van Dyne seconded the motion. Ayes: Van Dyne, Ward, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski. The Ordinance received the second and third reading. Mr. J. Slough moved to adopt the Ordinance, seconded by Mrs. Seng. Ayes: Ward, Monday, Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-26, and is hereby made a part of the record.

ORDINANCE NO. 2009-27

First reading

Adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Mr. J. Slough moved to suspend the Statutory Rules and give the Ordinance the second and third reading. Mr. Van Dyne seconded the motion. Ayes: Monday, Schedel, Seng, J. Slough, M. Slough, Van Dyne, Ward. Nay: Urbanski. The Ordinance received the second and third reading. Mr.

J. Slough moved to adopt the Ordinance, seconded by Mr. Ward. Ayes: Schedel, Seng, J. Slough, M. Slough, Urbanski, Van Dyne, Ward, Monday. The Ordinance was declared adopted and is recorded in Ordinance Volume SS, Page 2009-27, and is hereby made a part of the record.

**UNFINISHED BUSINESS:**

Mr. Ward: A Committee of the Whole Meeting was held on February 17, 2009, with a member of the Ohio State Auditor's office. We discussed a Performance Audit for the City. "What amount are we talking about? I recommend that the State Auditor give us a more accurate figure. We need to make a decision. This was made into a motion by Mr. Ward, seconded by Mr. J. Slough.

Mr. Hackenberg: "We have two pending annexations—Blanchard Valley Health System – Hammond Annexation and the A. Schulman Invision Annexation". "We are running out of time. State law states 120 days after the documents come down from Robert's office. April 1 constitutes 120 days for BVHS. April 9 City Planning Commission meeting will be the date for looking at these annexations. Council needs to adopt an annexation ordinance on March 17 and adopt an ordinance to zone later on. May 4 constitutes 120 days for the Schulman Annexation. Council will be able to give the annexation ordinance three readings and adopt an ordinance to zone later on.

Mr. Ward: **APPROPRIATIONS COMMITTEE MEETING – TUESDAY, MARCH 10 – 4:30 PM – THIRD FLOOR CONFERENCE ROOM.**

Mr. J. Slough: Moved to excuse the absence of Mr. Collette. Mr. Van Dyne seconded the motion. Motion carried.

President Schuck adjourned the meeting at 8:10 PM.

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CLERK OF COUNCIL  
Martha Stelzer

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PRESIDENT OF COUNCIL  
Robert E. Schuck