

# FINDLAY CITY COUNCIL AGENDA

**REGULAR SESSION**

**March 1, 2016**

**COUNCIL CHAMBERS**

## **ROLL CALL of 2016-2017 Councilmembers**

### **ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:**

Acceptance or changes to the February 16, 2016 Regular Session City Council meeting minutes.

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

**PROCLAMATIONS:** - none.

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

**PETITIONS:** - none.

### **WRITTEN COMMUNICATIONS:**

#### **Larry Pocock – sidewalk variance for 139 Springbrook Drive**

Mr. Pocock has written a letter to Council regarding the present rules and regulations of old driveways and sidewalks set forth by the City Engineering Department which states if a driveway is replaced, it must allow a concrete sidewalk to pass through it, separate from the drive. Mr. Pocock lives at 139 Springbrook Drive and would like to replace his old asphalt driveway with new asphalt, but has been told he has to install a sidewalk. He currently does not have a sidewalk and there are no sidewalks on Springbrook Drive. Mr. Pocock is requesting a sidewalk waiver so that he may install a new asphalt driveway under permit without installing a sidewalk.

#### **W. Rob Moden III – waive rotary fee for 10595 TR 94**

Mr. Moden and his family recently moved back to Findlay. In order to tap into the City's waterline, he will incur tap fees, line construction costs, as well as water testing costs. City Engineer Brian Thomas informed him of a \$3,190 rotary fee, and a \$43,739 rotary fee to tap into the City's sanitary sewer line. Mr. Moden is asking the City to waive these fees. Needs to be referred to the Water and Sewer Committee.

**ORAL COMMUNICATIONS:** - none.

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

**Treasurer's Reconciliation Report** – January 31, 2016.

#### **Service-Safety Director Paul Schmelzer – 2<sup>nd</sup> quarter appropriations**

In an effort to minimize the financial impact on the beginning of the year Capital Improvements-CIT Fund balance, the fund appropriation requests were split into quarterly breakdowns. The first quarter appropriation requests were authorized on February 2, 2016 with Ordinance No. 2016-010. Legislation to appropriate funds is requested. Ordinance No. 2016-024 was created.

#### **City Engineer Brian Thomas – ODOT FY16 Resurfacing (PID97385), Project No. 32847600**

On February 12, 2016, bids were opened for this project. Bids were received from four (4) potential contractors ranging from \$613,000.85 to \$635,370.05. The lowest and best bid was received from Helms & Sons Excavating, Inc. of Findlay. This project is included in the 2016 Capital Improvements Plan, however, the estimated ODOT amount was overstated by approximately \$50,000 making it necessary for additional City funds to be appropriated. Previously, \$1,000 was appropriated to the project for startup. At this time, an appropriation for inspection and construction is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2016-025 was created.

FROM: ODOT	\$ 544,484
FROM: Capital Improvements – CIT	\$ 155,516
TO: ODOT FY16 Resurfacing (PID97385) Project No. 32847600	\$ 700,000

**Traffic Commission minutes** – February 16, 2016.

#### **City Auditor Jim Staschiak – 2016 VP Refunding Bonds**

In 2008, the City of Findlay issued \$8,200,000 in Various Purpose Bonds with a final maturity of 2033. Those bonds have an optional call date in 2018. Recent market conditions afford an opportunity to do an advance refunding of this debt prior to the call date potentially saving the City a significant amount of interest cost. The rule of thumb in the municipal bond market is a three percent (3%) net savings over the current cost to justify refunding (or refinancing) the debt. In this case, that net savings would need to be just under \$200,000. In the last few weeks, the market has changed in a way which shows a potential savings well in excess of this amount. Market conditions have been volatile and can change quickly so legislation is on tonight's agenda which includes the emergency clause that has been prepared by Bond Counsel and reviewed by our Financial Advisor. Ordinance No. 2016-022 was created. Auditor Staschiak is requesting Council to consider suspending the Statutory Rules and give this ordinance all three readings. By doing so, it would enable him to move forward with the complex process that would need to occur to take advantage of the current market conditions.

**City Planning Commission agenda** – March 10, 2016.

**City Engineer Brian Thomas – Downtown Revitalization (Main St and Cory St improvements) project no. 31942400; ODOT PID98797**

The City was notified on Thursday, February 25, 2016 by the Ohio Department of Transportation (ODOT) about additional environmental studies that would be required for this project. Originally, six (6) properties were identified by ODOT that would require a Phase 1 study. An additional seven (7) properties have been identified. This project is included in the 2016 Capital Improvements Plan, however, these additional properties were not included in the budgeted amount. \$100,000 was appropriated for this project earlier this year, which was an estimate for the environmental studies and right-of-way acquisition. Legislation to appropriate funds is requested. Ordinance No. 2016-026 was created.

FROM:	Capital Improvements – CIT	\$ 60,000
TO:	Downtown Revitalization <i>Project No. 31942400</i>	\$ 60,000

**COMMITTEE REPORTS:**

A **COMMITTEE OF THE WHOLE** meeting was held on Wednesday, February 17, 2016 to discuss amendments to the Franchise Agreement between the City of Findlay and Hancock-Wood Electric Cooperative.

A **COMMITTEE OF THE WHOLE** meeting was held on Wednesday, February 17, 2016 to discuss the City's carry-over budget.

A **COMMITTEE OF THE WHOLE** meeting was held on Wednesday, February 17, 2016 to discuss an amendment to the City's salary ordinance (Ordinance No. 2016-007).

A **COMMITTEE OF THE WHOLE** meeting was held on ~~Wednesday~~ Thursday, February 18, 2016 to discuss Fiber Loop Installation options. Eight (8) Councilmembers were present for a discussion regarding participation in the F.C.S. Fiber loop Project and the City's long-term needs for a connection to its facilities. All eight (8) requested legislation for participation in the F.C.S. Loop and for authorization to enter into an agreement. Ordinance No. 2016-023 was created.

**LEGISLATION:**

**RESOLUTIONS**

**RESOLUTION NO. 011-2016** (*Main St/Cory St revitalization project*)

**third reading**

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AUTHORIZING THE USE OF TRANSPORTATION ALTERNATING PLAN (TAP) FUNDS FOR THE DOWNTOWN REVITALIZATION PID98797 - PROJECT NO. 31942400, AND DECLARING AN EMERGENCY.

**ORDINANCES**

**ORDINANCE NO. 2016-007 AS AMENDED** (*amendment to salary ordinance no 2015-100*)

**third reading**

**tabled**

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CODIFIED ORDINANCE NO. 2015-100 OF THE CITY OF FINDLAY, OHIO KNOWN AS THE SALARY ORDINANCE.

**ORDINANCE NO. 2016-015** (*2015 Codified Ordinance updates*)

**second reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2016-018** (*Davis St (U of F) waterline project*)

**second reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2016-019** (*133 Hillcrest Ave 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 133 HILLCREST AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "O1 INSTITUTIONS AND OFFICES" TO "R2 SINGLE FAMILY LOW DENSITY".

**ORDINANCE NO. 2016-020** (*N Cory 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 NORTH CORY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "R4 DUPLEX TRIPLEX HIGH DENSITY".

**ORDINANCE NO. 2016-022** (2016 VP Refunding Bonds)

**first reading**

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$6,335,000 FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF BONDS ISSUED IN JULY 2008 FOR THE PURPOSE OF (I) IMPROVING C.R. 236 BY WIDENING, CONSTRUCTING, RECONSTRUCTING, GRADING, PAVING, REPAVING AND CONSTRUCTING DRAINAGE IMPROVEMENTS AND RELATED INFRASTRUCTURE WITH LANDSCAPING, TRAFFIC CONTROL DEVICES, LIGHTING, AND OTHER APPURTENANCES THERETO; (II) CONSTRUCTING AND IMPROVING ATHLETIC FIELDS AND A PERIMETER WALKWAY FOR THE HANCOCK RECREATION CENTER FIVE PLEX SPORTS COMPLEX, INCLUDING GRADING, LANDSCAPING, IRRIGATION, PAVING, FENCING, LIGHTING, SIGNAGE, AND ALL OTHER IMPROVEMENTS AND APPURTENANCES THERETO; (III) RENOVATING, CONSTRUCTING, RECONSTRUCTING, AND EXPANDING THE HANCOCK RECREATION CENTER, INCLUDING ACQUISITION OF APPROXIMATELY 5.5 ACRES OF LAND AND INTERESTS IN LAND ADJACENT TO THE HANCOCK RECREATION CENTER, FURNISHING AND EQUIPPING SAME, AND ALL APPURTENANCES RELATING THERETO; AND (IV) ACQUIRING RIGHT-OF-WAY ALONG C.R. 236 BETWEEN U.S. RT. 224 AND S.R. 12 TO BE USED FOR THE C.R. 236 WIDENING PROJECT; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2016-023** (Fiber loop project)

**first reading**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE SAFETY OF THE CITY OF FINDLAY, OHIO, TO PARTICIPATE IN THE FIBER LOOP PROJECT, AND ENTER INTO AN AGREEMENT WITH FINDLAY CITY SCHOOLS, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2016-024** (2016 Capital Improvements)

**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 IN ACCORDANCE WITH THE 2016 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2016-025** (ODOT FY16 Resurfacing project no. 32847600)

**first reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2016-026** (Downtown Revitalization (Main St/Cory St Improvements))

**first reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**UNFINISHED BUSINESS:**

OLD BUSINESS  
NEW BUSINESS

February 19, 2016

City of Findlay

Honorary Members of City Council

Dear Members,

I am writing to you in regards to the present rules and regulations concerning replacement of old driveways and sidewalks, set forth by the City Engineering Department. Which states, if a driveway is replaced, it must allow a concrete sidewalk to pass through it, separate from the drive. I currently live at 139 Springbrook Dr. , Findlay, Ohio. And would like to replace my old asphalt driveway with new asphalt, but we have no sidewalks on Springbrook. Having to put a sidewalk through my driveway at this time, makes no sense to me.

I would like to respectfully ask the Members of City Council, to consider granting me a sidewalk waver in my case. Thus, allowing me to install a new asphalt driveway under permit, with no sidewalk for now. Thank you for your time, in this matter.

Sincerely,

Larry Peacock  
139 Springbrook Dr.  
Findlay, Ohio 45840  
419-420-1564

Findlay City Council  
318 Dorney Plaza  
Room 114  
Findlay, Ohio 45840

February 24, 2016

To Whom It May Concern,

As a lifetime resident of Northwest Ohio, I find myself incredibly blessed to have the opportunity to put down permanent roots in Findlay, OH. My spouse and I, and our three children, decided early in 2015 that we would purchase approximately 5 acres of land in Hancock County on Township Road 94 (10595 TR 94 Findlay, Oh 45840). We realized a long time dream of ours when we started construction on our future residence back in November 2015. Part of the appeal of our lot was the opportunity to have city water and potential city sewer; which brings me to the reason I write to you today.

In order to tap into the water line, we will incur tap fees, line construction costs, as well as water testing costs. In working with city engineer Brian Thomas, we were made aware of a \$3,190 rotary fee. Similarly, we have the opportunity to tap into the city sewer. Related to the sanitary line, we will incur line construction costs, tap fees, impact and capacity fees, etc. We were also made aware of a \$43,739 rotary fee related to this. I write today to respectfully ask for these rotary fees to be waived. I understand this as potential revenue for the city, but I would ask that you consider the lifetime profits related to fees that will be paid by my residence.

I appreciate the opportunity for discussion and consideration related to the waiving of these rotary fees. I am passionate about this move for my family and as my small children grow, I am excited about this community and all they will experience here.

Thanks again!  
Sincerely,



W. Rob Moden III



## TREASURER'S OFFICE

318 Dorney Plaza, Room 313  
Findlay, OH 45840-3346  
Telephone: 419-424-7107 • Fax: 419-424-7866  
www.findlayohio.com

SUSAN JO HITE  
CITY TREASURER

### Treasurer's Reconciliation for January 31, 2016

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#### TREASURER

Fifth Third Initial Balance	3,484,358.61
- Withdrawals ()	(5,416,814.79)
+ Deposits	4,649,421.12
<b>Ending Balance</b>	<b>2,716,964.94</b>

- Outstanding checks ()	(373,332.66)
Deposit in Transit	109.46
EPT in Transit	(920.97)

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Treasurer's Checking Bal	2,342,820.77
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Investment Principal	51,486,626.53
Accrued Bond Interest	3,669.99

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Treasurer's Total Cash and Investments	53,833,117.29
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#### AUDITOR

Auditor's Checking Bal	2,342,820.77
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Auditor's Total Cash and Investments	53,833,117.29
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Respectfully submitted,

Susan Jo Hite  
Treasurer

# Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

[www.findlayohio.com](http://www.findlayohio.com)

Paul E. Schmelzer, P.E., P.S.  
Service-Safety Director

February 22, 2016

Honorable City Council  
Findlay, OH 45840

RE: 2nd Quarter Appropriations

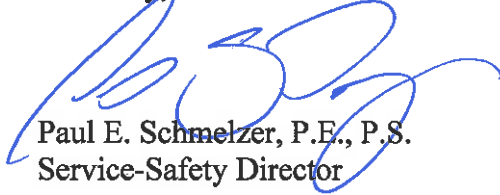
Dear Council Members:

In an effort to minimize the financial impact on the beginning of the year Capital Improvements – CIT Fund balance, the fund appropriation requests were split into quarterly breakdowns. The first quarter appropriation requests were authorized on February 2, 2016, with Ordinance 2016-10.

By copy of this letter, the Law Director is requested to prepare the necessary legislation for appropriating funds based on the attachment.

If you have any questions, please feel free to contact me.

Sincerely,



Paul E. Schmelzer, P.E., P.S.  
Service-Safety Director

pc: Donald J. Rasmussen, Director of Law  
Jim Staschiak II, City Auditor  
Engineering Department

# City of Findlay

Lydia Mihalik, Mayor

## ENGINEERING DEPARTMENT

318 Dorney Plaza, Room 304 • Findlay, OH 45840

Phone: 419-424-7121 • Fax: 419-424-7120

www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.  
Service-Safety Director

February 23, 2016

Honorable City Council  
Findlay, OH 45840

RE: ODOT FY16 Resurfacing (PID97385), Project No. 32847600

Dear Council Members:

On February 12, 2016, bids were opened for the above-referenced project. Bids were received from four potential contractors ranging from \$613,000.85 to \$635,370.05. The lowest and best bid was received from Helms & Sons Excavating, Inc. of Findlay.

The project is included in the 2016 Capital Improvements Plan. However, the estimated ODOT amount was overstated by approximately \$50,000 making it necessary for additional City funds to be appropriated. Previously, an amount of \$1,000 was appropriated to the project for startup. At this time, an appropriation for inspection and construction is needed to complete the project.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate funds as follows:

FROM:	ODOT	\$544,484
	Capital Improvements – CIT	\$155,516
TO:	ODOT FY16 Resurfacing (PID97385) Project No. 32847600	\$700,000

If Council would like to have further discussion on the additional appropriation request, please refer this matter to the Appropriations Committee.

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas  
City Engineer

pc: Don Rasmussen  
Jim Staschiak



# TRAFFIC COMMISSION

City of Findlay  
February 16, 2016

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## MINUTES

### **ATTENDANCE:**

**MEMBERS PRESENT:** Service-Safety Director Paul Schmelzer, Police Chief Greg Horne, Fire Chief Josh Eberle, City Engineer Brian Thomas, Councilman Ron Monday.

**STAFF PRESENT:** Matt Stoffel, Public Works Superintendent; Kathy Launder, City Clerk; Tom DeMuth, Traffic Signal Supervisor.

**GUESTS PRESENT:** Paul Smith, Marathon Petroleum Company; Dan Stone, Van Horn Hoover & Associates; Holly Frische-Council.

### **OLD BUSINESS**

1. Request of The University of Findlay, 1000 North Main Street, for a pedestrian activated light across North Main Street from new admissions office to the campus.

02/16/2016

Item remains tabled.

2. Request for additional signals at Sandusky Street and Main Street.

02/16/2016

Item remains tabled.

### **NEW BUSINESS**

1. Request of Marathon Petroleum Company to install a crosswalk across East Sandusky Street at Beech.

Smith stated that Marathon employees are using Beech Street to cross East Sandusky Street primarily at lunch and for after hours meetings/events.

Schmelzer stated that the intersection of Beech Street and East Sandusky Street is unsignalized. This request is looked at like a midblock crossing. If a crosswalk was installed, it would give pedestrians a false sense of security. It would definitely need to be signalized. Monday agrees with Schmelzer. Monday is opposed to midblock crossings. This intersection would need to have warning signs or signals. Schmelzer stated that the City's Engineering Department can take a look at vehicle and pedestrian traffic counts at this intersection and compare the results to the criteria in the Midblock Crossing Policy to see if it warrants a crosswalk. Schmelzer questioned as to whether an RRFB signal is permitted at intersections. Schmelzer stated that if the counts meet the midblock crossing requirements, then we will figure out how to signalize it. Stoffel stated that there could potentially be an issue with visibility of the signals due to onstreet parking in the area of the intersection. Stone stated that if you make the crosswalk on the west side of the intersection, there is better visibility for the signals/signs due to no parking in that area.

Motion to table request until Engineering Department can make an examination of the vehicle and pedestrian counts at the intersection of Beech Street and East Sandusky Street against the Midblock Crossing Policy.

2. Request of Marathon Petroleum Company to permanently remove the remaining nine parking spaces on South Main Street directly north of East Lincoln Street on the east side.

Schmelzer stated that the City needs to balance the needs of downtown parking if eliminating additional parking spaces. How does it relate to peak hours of downtown business and hotel business? Schmelzer stated that Mayor Mihalik has reservations about granting request. Schmelzer stated that the City has no concerns about the layout of the project and the pedestrian area. Administration's standpoint is very reluctant to give up parking spaces.

Monday asked if the parking spaces in front of the Marathon building will be restored once the parking garage opens. These parking spaces will be restored adding 6-8 parking spaces.

Schmelzer stated that right now we don't know the full impact of Marathon's parking garage opening which could take pressure off downtown parking. With the building of the hotel, five parking spaces will be eliminated due to drive access and safety.

Smith stated that Marathon's parking garage will be complete by May 2016. The hotel is scheduled to start construction May 2016 with a completion date of September 2017.

Schmelzer stated that all the parking spaces will be temporarily blocked during construction through an Event Permit. After construction of the hotel is complete and before restriping parking spaces, wait to see how hotel operates before we permanently remove the parking spaces. Need to make a decision based on how the hotel functions.

Motion to deny request, grant an Event Permit for temporary closure of parking spaces during construction, and look at work flow of parking spaces after construction is complete, by Schmelzer, second by Monday. Motion passed 5-0.

With no further business to discuss, the meeting adjourned. The next meeting of the City of Findlay Traffic Commission will be held on March 21, 2016, at 2:30 p.m. in the third floor conference room of the Municipal Building.

Respectfully submitted,



Kathy K. Launder  
City Clerk



# AUDITOR'S OFFICE

318 Dorney Plaza, Room 313  
Findlay, OH 45840-3346  
Telephone: 419-424-7101 • Fax: 419-424-7866  
[www.findlayohio.com](http://www.findlayohio.com)

**JIM STASCHIAK II**  
CITY AUDITOR

Thursday, February 25, 2016

The Honorable Council  
Findlay, Ohio

**It is respectfully requested this letter be read into the record of the 02/16/16 Council Meeting.**

Dear Council Members,

In 2008 the City of Findlay issued \$8,200,000 in Various Purpose Bonds with a final maturity of 2033. Those bonds have an optional call date in 2018. Recent market conditions afford an opportunity to do an advance refunding of this debt prior to the call date potentially saving the City a significant amount of interest cost. Generally speaking the rule of thumb in the municipal bond market is a 3% net savings over the current cost to justify refunding (or refinancing) the debt. In this case that net savings would need to be just under \$200,000. In the last few weeks the market has changed in a way which shows a potential savings well in excess of this amount.

Market conditions have been volatile and can change quickly so legislation is before you which includes the emergency clause that has been prepared by bond counsel and reviewed by our financial advisor. I respectfully request that this council strongly consider suspending the Statutory Rules and give it all three readings. Passing Ordinance 2016-022 on 3/1/16 would enable me to move forward with the complex process that would need to occur to take advantage of the current market conditions.

Respectfully submitted,

Jim Staschiak II  
City Auditor

# City of Findlay City Planning Commission

Thursday, March 10, 2016 - 9:00 AM

## AGENDA

### CALL TO ORDER

### ROLL CALL

### SWEARING IN

### APPROVAL OF MINUTES

### NEW ITEMS

1. **RIGHT OF WAY DEDICATION PLAT #FP-02-2016 filed by Senior Homes of Findlay, LLC, 11815 TR 145, Findlay to dedicate additional right-of-way along the south side of TR 145.**
2. **PRELIMINARY PLAT APPLICATION #PP-02-2016 filed for Glenmar Subdivision located on the west side of CR 140 in Liberty Township.**
3. **SITE PLAN APPLICATION #SP-04-2016 filed by Ohio Logistics LTD, 1800 Industrial Drive, Findlay for proposed parking lot expansion at 1995 Tiffin Avenue.**

### ADMINISTRATIVE APPROVALS

### ADJOURNMENT

# City of Findlay

Lydia Mihalik, Mayor

## ENGINEERING DEPARTMENT

318 Dorney Plaza, Room 304 • Findlay, OH 45840

Phone: 419-424-7121 • Fax: 419-424-7120

www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.  
Service-Safety Director

February 26, 2016

Honorable City Council  
Findlay, OH 45840

RE: Downtown Revitalization (Main St and Cory St Improvements)  
Project No. 31942400; ODOT PID 98797

Dear Council Members:

Yesterday, we were notified by the Ohio Department of Transportation (ODOT) regarding additional environmental studies that would be required for the above-referenced project. Originally, six properties were identified by ODOT that would require a Phase I study. An additional seven properties have been identified.

The project is included in the 2016 Capital Improvements Plan. However, these additional properties were not included in the budgeted amount. Previously this year, an amount of \$100,000 was appropriated to the project. This was an estimate for the environmental studies and right-of-way acquisition.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate funds as follows:

FROM:	Capital Improvements – CIT	\$60,000
TO:	Downtown Revitalization Project No. 31942400	\$60,000

If you have any questions, please feel free to contact me.

Sincerely,



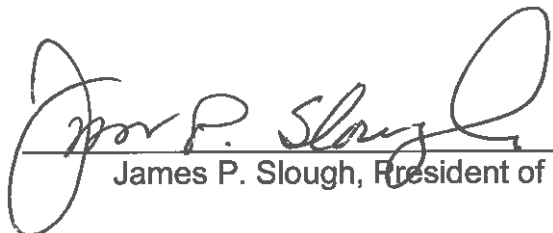
Brian Thomas  
City Engineer

pc: Don Rasmussen  
Jim Staschiak

## COMMITTEE REPORT

### THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

A **COMMITTEE OF THE WHOLE** meeting was held on Wednesday, February 17, 2016 to discuss amendments to the Franchise Agreement between the City of Findlay and Hancock-Wood Electric Cooperative.



James P. Slough, President of Council

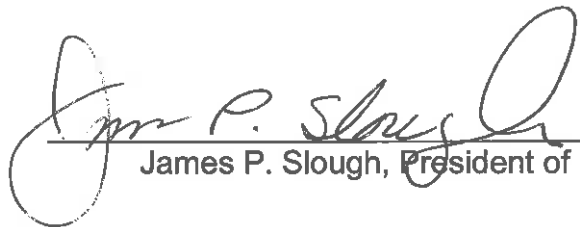
**COMMITTEE OF THE WHOLE**

**DATED: February 17, 2016**

## COMMITTEE REPORT

### THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

A **COMMITTEE OF THE WHOLE** meeting was held on Wednesday, February 17, 2016 to discuss the City's carry-over budget.



James P. Slough, President of Council

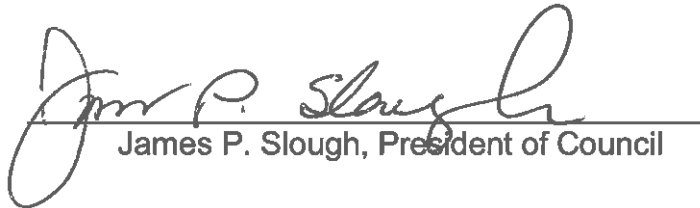
**COMMITTEE OF THE WHOLE**

**DATED: February 17, 2016**

**COMMITTEE REPORT**

**THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO**

A **COMMITTEE OF THE WHOLE** meeting was held on Wednesday, February 17, 2016 to discuss an amendment to the City's salary ordinance (Ordinance No. 2016-007).



James P. Slough, President of Council

**COMMITTEE OF THE WHOLE**

**DATED: February 17, 2016**




## COMMITTEE REPORT

### THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

A COMMITTEE OF THE WHOLE meeting was held on <sup>Thursday</sup> Wednesday, February 18, 2016 to discuss Fiber Loop Installation options

8 COUNCIL MEMBERS WERE PRESENT FOR A DISCUSSION REGARDING PARTICIPATION IN THE F.C.S. FIBER LOOP PROJECT & THE CITY'S LONG TERM NEEDS FOR A CONNECTION TO ITS FACILITIES. ALL 8 REQUESTED LEGISLATION FOR PARTICIPATION IN THE F.C.S. LOOP & FOR AUTHORIZATION TO ENTER INTO AN AGREEMENT.

  
R. Ronald Monday, President of Council Pro-Tem

COMMITTEE OF THE WHOLE

DATED: February 18, 2016

**FINDLAY CITY COUNCIL  
CARRY-OVER LEGISLATION  
March 1, 2016**

**RESOLUTION NO. 011-2016** *(Main St/Cory St revitalization project)*

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AUTHORIZING THE USE OF TRANSPORTATION ALTERNATING PLAN (TAP) FUNDS FOR THE DOWNTOWN REVITALIZATION PID98797 - PROJECT NO. 31942400, AND DECLARING AN EMERGENCY. **third reading**

**ORDINANCE NO. 2016-007 AS AMENDED** *(amendment to salary ordinance no 2015-100)*

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CODIFIED ORDINANCE NO. 2015-100 OF THE CITY OF FINDLAY, OHIO KNOWN AS THE SALARY ORDINANCE. **third reading                      tabled**

**ORDINANCE NO. 2016-015** *(2015 Codified Ordinance updates)*

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY. **second reading**

**ORDINANCE NO. 2016-018** *(Davis St (U of F) waterline project)*

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY. **second reading**

**ORDINANCE NO. 2016-019** *(133 Hillcrest Ave rezone)*

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 133 HILLCREST AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "O1 INSTITUTIONS AND OFFICES" TO "R2 SINGLE FAMILY LOW DENSITY". **second reading**

**ORDINANCE NO. 2016-020** *(N Cory St rezone)*

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 NORTH CORY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "R4 DUPLEX TRIPLEX HIGH DENSITY". **second reading**

# City of Findlay

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Director of Law

MARCH 1, 2016

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, MARCH 1, 2016 MEETING.

### **ORDINANCES**

- 2016-022      AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$6,335,000 FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF BONDS ISSUED IN JULY 2008 FOR THE PURPOSE OF (I) IMPROVING C.R. 236 BY WIDENING, CONSTRUCTING, RECONSTRUCTING, GRADING, PAVING, REPAVING AND CONSTRUCTING DRAINAGE IMPROVEMENTS AND RELATED INFRASTRUCTURE WITH LANDSCAPING, TRAFFIC CONTROL DEVICES, LIGHTING, AND OTHER APPURTENANCES THERETO; (II) CONSTRUCTING AND IMPROVING ATHLETIC FIELDS AND A PERIMETER WALKWAY FOR THE HANCOCK RECREATION CENTER FIVE PLEX SPORTS COMPLEX, INCLUDING GRADING, LANDSCAPING, IRRIGATION, PAVING, FENCING, LIGHTING, SIGNAGE, AND ALL OTHER IMPROVEMENTS AND APPURTENANCES THERETO; (III) RENOVATING, CONSTRUCTING, RECONSTRUCTING, AND EXPANDING THE HANCOCK RECREATION CENTER, INCLUDING ACQUISITION OF APPROXIMATELY 5.5 ACRES OF LAND AND INTERESTS IN LAND ADJACENT TO THE HANCOCK RECREATION CENTER, FURNISHING AND EQUIPPING SAME, AND ALL APPURTENANCES RELATING THERETO; AND (IV) ACQUIRING RIGHT-OF-WAY ALONG C.R. 236 BETWEEN U.S. RT. 224 AND S.R. 12 TO BE USED FOR THE C.R. 236 WIDENING PROJECT; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.
- 2016-023      AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE SAFETY OF THE CITY OF FINDLAY, OHIO, TO PARTICIPATE IN THE FIBER LOOP PROJECT, AND ENTER INTO AN AGREEMENT WITH FINDLAY CITY SCHOOLS, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.
- 2016-024      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 ACCORDINANCE WITH THE 2016 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.
- 2016-025      AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.
- 2016-026      AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2016-022**

**AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$6,335,000 FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF BONDS ISSUED IN JULY 2008 FOR THE PURPOSE OF (I) IMPROVING C.R. 236 BY WIDENING, CONSTRUCTING, RECONSTRUCTING, GRADING, PAVING, REPAVING AND CONSTRUCTING DRAINAGE IMPROVEMENTS AND RELATED INFRASTRUCTURE WITH LANDSCAPING, TRAFFIC CONTROL DEVICES, LIGHTING, AND OTHER APPURTENANCES THERETO; (II) CONSTRUCTING AND IMPROVING ATHLETIC FIELDS AND A PERIMETER WALKWAY FOR THE HANCOCK RECREATION CENTER FIVE PLEX SPORTS COMPLEX, INCLUDING GRADING, LANDSCAPING, IRRIGATION, PAVING, FENCING, LIGHTING, SIGNAGE, AND ALL OTHER IMPROVEMENTS AND APPURTENANCES THERETO; (III) RENOVATING, CONSTRUCTING, RECONSTRUCTING, AND EXPANDING THE HANCOCK RECREATION CENTER, INCLUDING ACQUISITION OF APPROXIMATELY 5.5 ACRES OF LAND AND INTERESTS IN LAND ADJACENT TO THE HANCOCK RECREATION CENTER, FURNISHING AND EQUIPPING SAME, AND ALL APPURTENANCES RELATING THERETO; AND (IV) ACQUIRING RIGHT-OF-WAY ALONG C.R. 236 BETWEEN U.S. RT. 224 AND S.R. 12 TO BE USED FOR THE C.R. 236 WIDENING PROJECT; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Findlay, Ohio (the "City") issued its \$8,200,000 Various Purpose Bonds, Series 2008, dated July 23, 2008 (the "Outstanding Bonds"), for the purpose set forth in the title of this Ordinance; and

WHEREAS, in view of currently prevailing lower interest rates, this Council of the City (the "Council") has determined that it is advisable and in the best interest of the City to issue the Bonds (as defined hereinbelow) to advance refund certain portions of the Outstanding Bonds (the "Refunded Bonds"); and

WHEREAS, the Auditor (the "Fiscal Officer") has certified to this Council that the maximum maturity and principal amount of the Bonds cannot exceed the maximum maturity of the Refunded Bonds; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$6,335,000 of the Bonds for the purpose described in the title of this Ordinance under authority of the general laws of the State of Ohio, including Ohio Revised Code Chapter 133, and in particular Section 133.34 thereof.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, that:

**SECTION 1.** It is hereby declared necessary to issue bonds of the City in the principal sum of not to exceed \$6,335,000, or such lesser amount as shall be determined by the Fiscal Officer and certified to this Council, which bonds shall be designated "City of Findlay, Ohio Various Purpose Refunding Bonds, Series 2016" (the "Bonds"), or as otherwise designated by the Fiscal Officer, for the purpose described in the title of this Ordinance. The Bonds may be issued in one or more series.

**SECTION 2.** The Bonds shall be issued as fully registered bonds and may be issued in book-entry form only, in such denominations as shall be determined by the Fiscal Officer, but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered consecutively from R-1 upward, as determined by the Fiscal Officer; and shall have such final terms as shall be determined by the Fiscal Officer and set forth in the Certificate of Fiscal Officer provided for in Section 3 below.

**SECTION 3.** The Fiscal Officer is hereby authorized and directed to execute on behalf of the City a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, shall be as determined by the Fiscal Officer. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Dates"), the purchase price for the Bonds (which shall be not less than 97% of the aggregate principal amount thereof), the maturity schedule for the Bonds (provided that the maximum maturity date of the Bonds shall not be later than December 31 of the year of final maturity of Refunded Bonds), the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 6.00% per annum), the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Ordinance as the Fiscal Officer shall deem appropriate.

The Council hereby instructs the Fiscal Officer and other officers of the City to only proceed with the issuance of the Bonds if, on the date that the Bonds are scheduled to be sold (the "Pricing Date") pursuant to Section 13 herein, interest rates on the Bonds will be sufficient for the City to obtain a net present value savings and benefit of at least three percent (3.00%) compared to the existing debt service on the Refunded Bonds. If interest rates are too close to this threshold savings level on the Pricing Date to determine with reasonable certainty if this threshold will be satisfied prior to the sale of the Bonds, then the Fiscal Officer shall have the sole discretion to determine whether or not to proceed with the sale of the Bonds on a scheduled Pricing Date.

**SECTION 4.** The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor (the "Current Interest Bonds") or with interest compounded on each Interest Payment Date but payable only at maturity (the "Capital Appreciation Bonds") in such proportions as shall be set forth in the Certificate of Fiscal Officer. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months unless otherwise determined by the Fiscal Officer. Unless otherwise determined by the Fiscal Officer, the Current Interest Bonds shall be in the denominations of \$5,000 or any integral multiple thereof, and the Capital Appreciation Bonds shall be in the denominations on the date of their issuance and delivery equal to the principal amount which, when interest is accrued and compounded thereon, beginning on the date of delivery to the Original Purchaser (as defined hereinbelow), and each Interest Payment Date thereafter, will equal \$5,000 or any integral multiple thereof at maturity.

**SECTION 5.** The Current Interest Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Fiscal Officer. If optional redemption of the Current Interest Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Current Interest Bonds of the same maturity will take place, the Current Interest Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Current Interest Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select Current Interest Bonds or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Current Interest Bond so selected shall be in the amount of \$5,000 or any integral multiple thereof (unless otherwise determined by the Fiscal Officer).

The notice of the call for redemption of Current Interest Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Current Interest Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each

registered holder of the Current Interest Bonds to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice or any defect therein shall not affect the validity of the proceedings for the redemption of any Current Interest Bond.

**SECTION 6.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. The Bonds shall be executed by the Mayor of the City (the "Mayor") and by the Fiscal Officer in their official capacities, provided that either or both of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Fiscal Officer on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

**SECTION 7.** The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

**SECTION 8.** The Fiscal Officer is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent (collectively, the "Bond Registrar") for the Bonds or to execute on behalf of the City a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Fiscal Officer and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Fiscal Officer in such

officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Fiscal Officer may, and is hereby authorized and directed to enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the City shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions hereof, the person in whose name any Bond shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Bond shall be made only to or upon the order of that person. Neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the City shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the City and the Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

**SECTION 9.** For purposes of this Ordinance, the following terms shall have the following meanings:

"Book-entry form" or "book-entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of Bonds and to effect transfers of Bonds, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Bonds may be initially issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Bond of each maturity, (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book-entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Bond service charges on Bonds in book-entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the City. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If requested, the Fiscal Officer is authorized to execute, acknowledge and deliver, in the name of and on behalf of the City, an agreement among the City, the Bond Registrar and a Depository to be delivered in connection with the issuance of the Bonds to such Depository for use in a book-entry system.

If any Depository determines not to continue to act as the Depository for the Bonds for use in a book-entry system, the City and the Bond Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Ordinance. If the City and the Bond Registrar do not or are unable to do so, the City and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the City or the Bond Registrar, of those persons requesting such issuance.

**SECTION 10.** There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls



due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

**SECTION 11.** The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same fall due. Notwithstanding the foregoing or any other provision contained herein, if the City determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Bonds in accordance with law.

**SECTION 12.** The City hereby covenants, pursuant to Ohio Revised Code Section 133.05(B)(7), to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges on the Bonds in each year until full payment is made.

**SECTION 13.** The Bonds shall be sold to such purchaser or purchasers (collectively, the "Original Purchaser") as the Fiscal Officer shall designate in the Certificate of Fiscal Officer, at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued, if any, to the date of delivery of the Bonds to the Original Purchaser. The Fiscal Officer is authorized to execute on behalf of the City a bond purchase agreement or term sheet with the Original Purchaser setting forth the conditions under which the Bonds are to be sold and delivered, which agreement or term sheet shall be in such form, not inconsistent with the terms of this Ordinance, as the Fiscal Officer shall determine.

**SECTION 14.** There is hereby created and established, as an account within the bond retirement fund of the City, a trust fund to be designated "City of Findlay, Ohio - 2016 Various Purpose Refunding Bonds Escrow Fund" (the "Escrow Fund"), or as otherwise designated by the Fiscal Officer, which account may be in the custody of a bank or trust company as an escrow trustee, if desired. The proceeds from the sale of the Bonds, except the accrued interest and premium thereon (if any), shall be deposited in the Escrow Fund along with such funds, if any, as the Fiscal Officer may transfer from the bond retirement fund. Such moneys deposited in the Escrow Fund may be (i) held as cash or (ii) used to purchase direct obligations of or obligations guaranteed as to payment by the United States of America of such maturities and interest payment dates and bearing interest at such rates as will, as certified by such independent public accounting firm as shall be acceptable to the Fiscal Officer and the Original Purchaser without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, be sufficient to pay the interest on, and the redemption price (including any redemption premium) of, the Refunded Bonds on the earliest optional redemption date for the Refunded Bonds. The Fiscal Officer is also authorized, if necessary or desirable to facilitate the refunding of the Refunded Bonds, to engage a consultant to verify the sufficiency of the cash or other obligations held in the Escrow Fund to refund the Refunded Bonds on such redemption date.

Any accrued interest received from the sale of the Bonds shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Bonds or as otherwise provided by law. Any premium received from the sale of the Bonds may be used to pay the financing costs of the Bonds within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund, including the Escrow Fund contained therein, in the manner provided by law.

The Fiscal Officer is hereby authorized to execute on behalf of the City an Escrow Agreement (the "Escrow Agreement") with a bank or trust company to be selected by the Fiscal Officer (the "Escrow Trustee"), setting forth the terms by which the Escrow Fund shall be held and disbursed, if the Fiscal Officer determines that an Escrow Agreement is necessary or beneficial to facilitate the refunding of the Refunded Bonds. Such an Escrow Agreement shall be in such form, not inconsistent with this Ordinance, as the Fiscal Officer shall determine.

**SECTION 15.** The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Fiscal Officer is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Fiscal Officer, which action shall be in writing and signed by the Fiscal Officer on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with Sections 141 through 150 of the Code and the Regulations.

The Fiscal Officer shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Bonds that relates to the use of such proceeds, which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Fiscal Officer is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates.

**SECTION 16.** The Fiscal Officer is authorized to make appropriate arrangements, if the Fiscal Officer deems it in the best interest of the City, for the issuance of a municipal bond insurance policy with respect to all or any portion of the Bonds, including executing and delivering a commitment therefor and certificates and other documents in connection therewith. All additional provisions required to be authorized by this Council for the issuance of a municipal bond insurance policy shall be contained in the Certificate of Fiscal Officer or in the transcript of proceedings described herein.

**SECTION 17.** The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized if the Fiscal Officer determines that it is necessary or advisable to prepare and distribute an Official Statement in connection with the original issuance of the Bonds. If the Fiscal Officer so determines, then the Fiscal Officer and any other officer of the City are hereby authorized and directed to negotiate, prepare and execute (at the Fiscal Officer's direction), on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as they deem necessary or appropriate to protect the interests of the City. The Fiscal Officer and any other officer of the City are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of an Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

**SECTION 18.** The obtaining or updating of a rating or ratings on the Bonds and the City is hereby authorized if the Fiscal Officer determines that it is necessary or advisable in connection with the original issuance of the Bonds. If the Fiscal Officer so determines, then the Fiscal Officer and all other officers of the City are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

**SECTION 19.** The Fiscal Officer, on behalf of this Council, is hereby authorized to appoint H.J. Umbaugh & Associates, Certified Public Accountants, LLP to serve as the municipal advisor to the City for the Bonds. The fees to be paid to such firm shall be subject to review and approval of the Fiscal Officer.

**SECTION 20.** This Council hereby declares that the Bonds are "obligations" within the meaning of Section 127.01 of the City's Codified Ordinances. If the Fiscal Officer determines that the Bonds are subject to the Rule (as defined in said Section 127.01), then the Certificate of Fiscal Officer or a continuing disclosure undertaking shall identify the annual financial information and operating data which will constitute the "Annual information" for purposes of said Section 127.01.

**SECTION 21.** The officer having charge of the minutes of the Council and any other officers of the Council or the City, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including, but not limited to, (i) a general certificate of the Clerk of Council and the Director of Law and (ii) a no-litigation certificate of the Mayor, the Fiscal Officer, and the Director of Law. Such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Fiscal Officer, the Mayor, the Director of Law, and any other officer of the City or of the Council are hereby authorized and directed to take such action (including, but not limited to, hiring bond counsel and such other professionals or consultants as may be needed to facilitate the issuance of the Bonds) and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be necessary or appropriate, in the discretion of the Fiscal Officer, in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

**SECTION 22.** It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

**SECTION 23.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

**SECTION 24.** The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor of Hancock County, Ohio.

**SECTION 25.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City, and for the further reason it is immediately necessary to make immediate provision for the refunding of the Refunded Bonds in order to take advantage of favorable interest rates.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
MAYOR

PASSED \_\_\_\_\_

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED \_\_\_\_\_

**ORDINANCE NO. 2016-023**

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE SAFETY OF THE CITY OF FINDLAY, OHIO, TO PARTICIPATE IN THE FIBER LOOP PROJECT, AND ENTER INTO AN AGREEMENT WITH FINDLAY CITY SCHOOLS, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.**

WHEREAS, Findlay City Council is desirous of participating in the Findlay City Schools Fiber Loop Project #31960100 by authorizing the Service-Safety Director to enter into an agreement with Findlay City Schools, and;

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Director of Public Service-Safety of the City of Findlay, Ohio be and he is hereby authorized to enter into an agreement with Findlay City Schools in order to facilitate the City's connection to the fiber loop.

SECTION 2: That to pay for project start-up and design costs, there is hereby appropriated and transferred the following sums;

FROM:	CIT- Capital Improvements	\$ 150,000.00
TO:	City Fiber Loop Installation <i>Project #31960100</i>	\$ 150,000.00

SECTION 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate funds so that this project may proceed,

WHEREFORE, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

APPROVED \_\_\_\_\_

## ORDINANCE NO. 2016-024

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 2016 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Service-Safety Director of the City of Findlay be and he is hereby authorized to advertise for bids where necessary pursuant to law and enter into contracts for construction of various projects as set forth in the capital improvements program for the year 2016.

SECTION 2: That to pay for the costs of said equipment purchases and project construction there is hereby appropriated and transferred the following sums;

FROM: Capital Improvements - CIT	\$ 361,500	
TO: Computer Services #210090000-other		\$ 36,500
TO: Municipal Building #21022000-other		\$ 15,000
TO: Parks Maintenance #21034000-other		\$ 94,500
TO: Recreation Functions #21044400-other		\$ 86,000
TO: Cemetery #21046000-other		\$ 21,500
TO: Street Dept #22040000-other		\$ 8,000
TO: Traffic Lights #22043200-other		\$ 75,000
TO: Airport #25010000-other		\$ 25,000
FROM: Water Fund	\$ 51,100	
TO: Water Treatment Plant #25050000-other		\$ 51,100
FROM: Capital Improvements - CIT	\$ 1,101,500	
TO: VoIP Phone System #31965000		\$ 65,000
TO: Network switches for Muni Bldg #31950800		\$ 30,000
TO: Fire Station #1 Roof Replacement & Facility Upgrades #31960400		\$ 61,000
TO: Fire Stations Exterior Lighting #31960700		\$ 8,000
TO: Fire Station #3 Concrete Replacement #31961000		\$ 9,500
TO: 2016 Riverside Park Lighting Upgrade #31961600		\$ 18,000
TO: 2016 Emory Adams Park Improvements #31961900		\$ 20,000
TO: 2016 Riverside Park Improvements #31962100		\$ 25,000
TO: 2016 Cooper Park Improvements #31962400		\$ 25,000
TO: 2016 Rawson Park Improvements #31962700		\$ 10,000
TO: 2016 Swale Park Improvements #31962800		\$ 25,000
TO: CUBE Batting Cage #31963000		\$ 30,000
TO: 2016 CUBE Building and Grounds Improvements #31963900		\$ 30,000
TO: 2016 Cemetery Road Reconstruction #31963500		\$ 20,000
TO: 2016 Cemetery Foundation Grounds Upgrades #31964100		\$ 15,000
TO: 2016 Cemetery Lighting Upgrades #31964300		\$ 5,000
TO: 2016 Street Preventative Maintenance #32862500		\$ 450,000
TO: 2016 Street Department Lighting #31964700		\$ 20,000
TO: W. Bigelow Ave/Northgate Blvd Intersection #32863400		\$ 125,000
TO: Tiffin Ave Poles Replacement (Phase I) #32863700		\$ 75,000
TO: 6 <sup>th</sup> St & Hanco Traffic Signal Upgrade #32864000		\$ 35,000

FROM: Water Fund	\$ 75,000	
TO: Painting @ pump stations and WTP #35764200		\$ 35,000
TO: Concrete work@ Reservoir and WTP #35763800		\$ 40,000

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that these projects may proceed expeditiously.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
MAYOR

PASSED \_\_\_\_\_

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED \_\_\_\_\_

# ORDINANCE NO. 2016-025

## AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	ODOT	\$ 544,484.00
FROM:	Capital Improvements - CIT	\$ 155,516.00
TO:	ODOT FY16 Resurfacing (PID97385) <i>Project #32847600</i>	\$ 700,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that inspection and construction costs may be paid in order to complete the aforementioned project,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
MAYOR

PASSED \_\_\_\_\_

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED \_\_\_\_\_



**ORDINANCE NO. 2016-026**

**AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	Capital Improvements - CIT	\$ 60,000.00
TO:	Downtown Revitalization <i>Project #31942400</i>	\$ 60,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that environmental studies and right-of-way acquisitions may be paid for the aforementioned project,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
MAYOR

PASSED \_\_\_\_\_

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED \_\_\_\_\_