

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

March 15, 2016

COUNCIL CHAMBERS

PRESENT: Frische, Harrington, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser

ABSENT: Hellmann

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

ACCEPTANCE OR CHANGES OF MINUTES AND PUBLIC HEARINGS:

- Councilman Niemeyer moved to accept the February 16, 2016 Regular Session City Council meeting minutes. Councilwoman Frische seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the March 1, 2016 Regular Session City Council meeting minutes. Councilwoman Frische seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

REPLACEMENT:

- Ordinance No. 2016-028 (**LEGISLATION** section).
 - Removed all references to the \$30,000 appropriation (appropriation was already included in the budget)

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PROCLAMATIONS: - none.

PETITIONS: - none.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS:

Randy Payne, Community Affairs Manager for AEP Ohio – Franchise Agreement request from Hancock-Wood Electric Cooperative and existing Franchise Agreement with the City of Findlay and AEP Ohio.

Mr. Payne covers the northwest Ohio area. A few Councilmembers asked some questions about the Franchise Agreement AEP has with the City, and also a Franchise Agreement Hancock-Wood Electric has proposed to the City. He read AEP's official statement concerning the Hancock-Wood Electric Franchise Agreement (he provided copies of the current Ohio Power Company's Franchise Agreement via Ordinance No. 2009-013). He provided AEP's statement and opposition to Hancock-Wood Electric's franchise request stating that AEP does not oppose HWE's request to renew its franchise with the City, but does object to improper language that HWE has put in their draft ordinance. The City of Findlay has standard language that it uses when it grants a franchise to the public utility. The language the City used in 2009 renewal agreement granted the franchise renewal with AEP. The AEP franchise language is proper and lawful and the City should use the same language for the HWE franchise. The language proposed by HWE is by contrast, improper and should not be used. Most importantly, the City has granted AEP a franchise to serve customers in the entire City. The City is permitted to grant such city-wide franchises, and if they so choose, limit franchises under its constitutional home rule authority. HWE's proposal ordinance, however, purports to restrict both HWE and AEP to their respective certified territories. In Section 2 and line 3 of HWE's draft, it states that it is the intent of the City that the grantee (Hancock-Wood Electric), all other franchise grantees (SEP and all other utility companies), as well as the City, comply with and respect the Certified Territorial Act, an exclusive certified territories established by the Public Utilities Commission. The language in the draft is improper with several respects. The City has already determined that AEP should be granted a City-wide franchise. The City should not attempt to revise this determination through HWE's application for their franchise renewal. Such a retroactive change would be improper and may also be unlawful. Moreover, granting a city-wide franchise can be advantageous to the City, to the residents, economic development, and for many other circumstances. For example, there are cases when new businesses and homes in Findlay may prefer to be served with AEP but are located within HWE's certified territory. It may be easier for AEP to serve these customers if they are located in close proximity to an existing AEP line. In these situations, the city-wide franchise would allow AEP or any other franchise supplier to serve that customer. AEP is not asking the City for special treatment and have no objection to the City granting HWE the same city-wide franchise that it granted AEP, but the City should not attempt to retroactively change the city-wide franchise that it already has with AEP, but should start it down the path of providing limited franchises. AEP strongly recommends the City use the 2009 franchise agreement renewal as a template for HWE's renewal.

Discussion:

Councilwoman Frische asked if all of AEP's franchises are municipal franchises. Mr. Payne replied that is correct. Councilwoman Frische then asked Mr. Payne what he thinks the intention of AEP or the City was by having a municipal franchise and asked if he feels it was to create competition. Mr. Payne replied that the franchise agreements were basically established to allow utilities to use the public city right-of-way. It allows utility companies to use city right-of-way for their pole lines, maintain them, and saves utility companies from having to go through the permitting process (i.e. if a pole is hit by a car, AEP does not have to wait for a permit approval. They can install a replacement pole via the franchise agreement). It also allows the City to tell utility companies where they want utilities in the City right-of-ways. AEP cannot set a pole line without the City's permission. They run into this a lot with public projects. If a road is being widened and AEP is inside the right-of-way, they will move their lines at no cost to the City. Franchise Agreements have nothing to do with territorial boundaries in providing service. AEP is opposing HWE's proposal because they are wanting to put territorial boundaries in the franchise agreement. If they want to refer to themselves, AEP does not have any issues with that, but when they refer to all other franchise grantees (Section 3), that goes back retroactive to AEP's 2009 franchise agreement. Councilwoman Frische asked if it was AEP's intention to create competition or if it was more of a convenience to put up poles and not have to wait to provide service. Mr. Payne replied it was for convenience of not having to wait to provide service. Territorial boundary lines have been there since the early 80s which is how the boundary maps were established. He along with other AEP employees determined where AEP's territories end and where HWE's territories end, and also drew where the utilities were on county maps before taking them to the Public Utilities Commission who tried to split the area as fair as possible via topographical maps. Councilwoman Frische then asked if both AEP and HWE want to follow the territorial maps, but the municipal franchise is where the gray area is. She asked what the difference would be if the City gave HWE the clause that AEP does not prefer or if the City would give them a municipal franchise. The clause would override the municipal franchise. Right now, AEP would override HWE's territorial boundaries. Mr. Payne explained that the reason HWE requested the changes to the Franchise Agreement. A customer was inside the city and preferred to be inside the franchise agreement, and preferred to be serviced by AEP. Councilwoman Frische asked why AEP did not follow the regular process that they always follow with PUCO in working with HWE and the City to get both utility companies to come to an agreement and then trade property like it has been done in the past. Mr. Payne replied that they do not trade properties as much as the used to, but instead have an overlap area. It becomes complicated when trading properties. Councilwoman Frische found six (6) different cases in Hancock County and surrounding areas where AEP and HWE traded properties. In one case, ProTec wanted to be serviced by AEP, but was located in HWE's territory, so the Owens Community property was exchanged. That situation indicated that AEP and HWE did not want to create competition. The City values both AEP and HWE's services. Mr. Payne replied that he is unaware of anything to do with Owens Community College situation, but is familiar with the Pro-Tec situation. Pro-Tec is a transmission customer. Councilwoman Frische noted that both AEP & HWE were able to determine a solution by following PUCO's process on that situation without using a municipal franchise agreement. Mr. Payne added that in that case, the customer approached AEP who told them they are on the territorial side of HWE, so they needed to go to HWE to see if they will give them up so that AEP can provide services. Councilwoman Frische asked if AEP worked with HWE on that situation. Mr. Payne replied the customer approached HWE where HWE would not give them up and asked what AEP could do to which they informed them of the rule they could use that is not used very often. That started the path of home rule. If a property is inside a city franchise, the City can determine who services them. Councilwoman Frische added that it makes it hard on the City as they want to satisfy both utility companies.

Councilman Wobser asked if AEP did something different in this situation that they have not done before by leaving it up to the customer to make the decision and make the agreement for AEP. Mr. Payne replied that AEP asked the customer to get a written consent from HWE stating they would let them be AEP's customer to which HWE declined because they are in their territory. AEP was then approached by the customer because they wanted to be serviced by AEP because AEP services two (2) of their other buildings. The customer built their third building where AEP had an existing distribution line on the property line. HWE would have had to extend their facilities to serve the customer. It made more sense to have AEP service the customer since they were already there and only had to drop over one hundred feet (100') to service them. It was less expensive and the customer wanted to be served by AEP. It is not a common rule AEP likes to use and they want to be fair to HWE. With this customer, he cautioned and warned them that they could go down a path that may lead them to a commission complaint, but they were still willing to go to the commission to be AEP's customer.

Councilman Watson asked if it was done differently this time and with whom the discussions were with. Mr. Payne replied that discussions were conducted with the customer, Mr. Payne (AEP), and with the City's Economic Development organization to bring in more jobs.

Councilwoman Frische asked why AEP told the customer to go to HWE and not to go to any of the others (AEP, City, Chambers, City's Economic Development) instead of going through the regular process. She feels City Council is being put in the middle of this. One of the cases went back to the City to decide, but she does not feel it is City Council's place to make the final decision for the commission. She asked how it can be changed so that it is not up to City Council to decide. Mr. Payne noted that if this case needs to go further, he suggested it be taken to the commission so the City could stay out of it. Councilwoman Frische then asked if it would still come back to Council because of the ruling of that one case. Mr. Payne replied that the actual ruling that started this was in Delaware County. It was the same type of situation as what is being looked at today where the City determined that the coop would service the area. That case went to the commission where it was ruled that the City has the right per the franchise agreement, by home rule, to determine who can provide power to those customers. Councilwoman Frische asked if it will put the City in the middle if it goes to court. Mr. Payne replied it won't put the City in the middle. It has to do with the commission. By HWE putting the wording in their Franchise Agreement, that puts the City in the middle. Councilwoman Frische asked if the City should go back to the regular franchise and not have a municipal franchise to keep AEP and HWE equal by following the commission maps. Mr. Payne replied that if the customer wants to dispute it, then the customer will take it to the commission. Councilwoman Frische then asked if the commission will take it back to economic development and do what AEP has always done with these types of cases. Mr. Payne replied that is correct. AEP will continue down that path. A lot of this is common sense. He has been in the engineering business for twenty-seven (27) years, so he knows that when someone builds a house that has a coop within a hundred feet (100') and a utility only has to go about a mile to it, it makes sense to do so. Councilwoman Frische noted that the petitions filed to the commission that she has copies of said the exact same thing that they do not want to cause any problems. If a business or subdivision is being built, what can be traded to make it fair. Both AEP and HWE have large infrastructures they are putting in which are a lot of money. By developing an area in one direction, it allows utility companies to keep costs down for their customers, which is just as important to customers as it is to the utility companies. Mr. Payne replied it would be perfect if AEP and HWE could be on the same identical franchise agreement and not put the City in the middle. His preference is to have the commission determine the outcome. Eventually, AEP will have something in writing from the City either from the Mayor or a representative saying the City feels it is in the best interest that AEP service this customer. The process will be laid out step by step. He understands where HWE stands on this. The case he referred to was just the opposite. AEP was having customers taken away from the by HWE. This case is not a vendetta against HWE. AEP wants to be good partners with HWE. Filed.

Councilman Russel has had many Findlay residents ask him about the City's water quality, so he requested the City's Water Treatment Superintendent Jeff Newcomer (in the audience) to update Council.

Mr. Newcomer presented to the Rotary yesterday on lead and copper HABS. Lead and copper rules were instituted in 1991 by the EPA to control lead and copper in drinking water. That regulation is known as the Lead and Copper Rule (LCR). The basic requirements of this rule is for the City to monitor drinking water at customer taps. If an action level is exceeded further action to control corrosion must be taken. The action level for lead is 15 parts per billion (ppb), and the action level for copper is 1.3 parts per million (ppm). PPM is the equivalent of one inch (1") to every sixteen (16) miles, so the copper level is 1.3. The lead action level is 15 which equates to one (1) second per every thirty-two (32) years.

Many have asked him how lead gets into drinking water. Lead is rarely found in natural sources of water. Lead pipes are no longer installed for services lines or in household plumbing, and lead solder has been banned since 1986. During the mid-80s and early 90s, the City was very aggressive on replacing lead service lines from the main to the meter in anticipation of the rule. The Water Treatment Plant conducts weekly analyses on the stability of the water at the plant tap to prevent copper and prevent lead from leaking into the drinking water. The results indicated on the positive side of the langlier index (more likely to deposit a thin calcium carbonate coating on the pipe instead of getting corrosive). They are on reduced monitoring from lead and copper because they have not exceeded the action level. By being on reduced monitoring, they only have to test every three (3) years for lead and copper. 2016 is the year to test for these. The same locations are tested each monitoring period.

He recommends flushing all taps to reduce lead in drinking water because all faucets contain some lead in them. Most of the brass and chrome fittings have lead in them, but are now coming out with no-lead or reduced lead in the facets, but just to be on the safe side, he recommends residents run their taps for thirty to sixty (30-60) seconds until cold water comes out. Houses built before 1950, probably in the 1945 range, are more likely to have a lead service line. Houses built before 1945 are still questionable because if a new road was put in or if the house plumbing was changed to put a new line from the house to meter, it is a good possibility the City changed that service line. If a new water line was installed in the area of the older homes, they would have a new service line where the lead service line would have been replaced. The Water Treatment Plant notified the Mayor and Service-Safety Director expressing their concerns about their records because records in the 70s were not updated on a regular basis and were not very good. Since the recent Michigan incident, they have done more in-depth checking on past records and have questioned some of the connections. They are in the process of checking those connections.

Algae is very complicated. There are many species of algae that do not produce toxins. Some species of blue-green algae can cause Harmful Algal Blooms (HABs) which are unable to detect if algae is toxic without testing. What the Water Treatment Plant does to prevent algae blooms is keep the reservoirs isolated, and they let the river flush by before they pump into the reservoirs for four (4) or five (5) days to let the higher concentrations of nitrate and phosphorus flush by. They pump weekly for nitrate and total phosphorous which is done between November and April when there is less activity by farmers. The reservoirs are currently full. They also conduct weekly algae identification and enumeration from May to October which is the growing season for algae. They also analyze once a week for microcystin on raw and tap water from July to December. They have been proactive on the algae issue and have conducted voluntary monitoring for algae since 2013 and microcystin testing since early 2014. There has not been any microcystin detection in raw or tap water. They are conducting three (3) major capital procedures: raw water line assessment, retaining wall along the bike path, and repaint the north water tower. The Mayor has been working with the veterans on the design.

Discussion:

Service-Safety Director Schmelzer requested Mr. Newcomer to inform Council on the new EPA custom units. Mr. Newcomer replied that in the past, the Water Treatment Plant collected samples from homes, but now the EPA requires residents to collect the samples themselves which does not work well because there is a certain way the samples need to be collected. In the past, the water line would be flushed at night via the kitchen faucet, then in the morning, the water would sit idle for six (6) hours which was the first draw sample that was collected and analyzed. That has been changed to a no-flushing process. He is not sure the reasoning behind it, but feels it could throw off the results because if a resident is gone for a week with a water sample sitting while they are gone, the sample would have sat idle for that time. He does not agree with the no-flushing rule, but there is nothing he can do about it. He has heard that the lead level will probably be reduced to below 15pb, but is unsure when or what it will be lowered to. Service-Safety Director Schmelzer reiterated out some of the dates Mr. Newcomer had mentioned: 1986 solder was banned and pre 1950 lead service lines are likely. The Water Department does a great job addressing these concerns. He compared what is going on in Flint, Michigan with what is going on in Findlay stating that they are very different compositions of raw water. When Findlay is on the positive side and are making small calcium deposits on the inside of what could be a lead service line or short section of lead service line that remains, the risk is nowhere near the same. He feels the new EPA testing requirements and our Water Department reviewing what our records say for lead or copper service compared to what is found during field work, could cause additional attention to services that have short lead sections in order to meet the new testing requirements.

Councilman Russel asked if there is a possibility of small sections of lead is between the water main and the meter. Service-Safety Director Schmelzer replied there is. It is possible there are some old service line of where ninety percent (90%) of the service line was removed and replaced, but never went into the mains or replaced the entire tap. This was done many years ago for simplicity purposes. When looking at different testing limits short sections will be dealt with. Testing is done at the tap and is relied upon by the residents to participate in the testing program and to do it properly, and then the EPA looks at that tests results, which the City has no control over. It is a difficult issue, but our well water composition and the way the Water Department manages the water plant, is in no way shape or form comparable to what Flint, Michigan has going on. Councilman Russel then asked how many residences are in the testing pool. Mr. Newcomer replied that they test thirty (30) houses. In the past, sixty (60) houses were tested, but it is now done on reduced monitoring. Councilman Russel then asked how it is determined which houses are tested. Mr. Newcomer replied the same houses are tested each time. When they first found these houses (tier 1 houses) years ago, past records indicated they did not have any lead service lines, so they would go to the tier 1 houses that had a copper line with lead solder. A test strip was used at the house's solder to see if it was lead. If it was lead, it would be added as a viable site consisting of sixty to ninety (60-90) houses in case someone drops out. The last time the Water Department tested, there was a high elevation of lead or copper (sometimes both are high at the same time), so the resident provided another sample which came back normal. The first sample is what had to be reported even if it was collected incorrectly. Homeowner reliability is an issue because either the property owner did not want to provide the sample or didn't see a reason for it. Currently with the Flint, Michigan issue, Findlay residents may be more adhering to the rules in how the samples need to be collected. Councilman Russel then asked if there has been any change in lead concerns due to the reaction to current events. Mr. Newcomer has only heard that they do not know what level of lead is acceptable. He is unsure how much water has to be drank for an elevation of lead to get into someone's bloodstream. Councilman Russel then asked if there is a concern that lead remediation (i.e. lines, etc.) could have a significant capital impact on the City's Water Department. Service-Safety Director Schmelzer replied he does not think there will be a significant impact because most of this work has already been done. An audit on it is being done and they are checking in the fields to see what sections of lead services we still have, which is a small amount. The City is only responsible within the right-of-way. City Auditor Staschiak added that the City does not have general liability coverage for environmental issues. The fact that the Water Department addresses these issues as quickly and properly as they do, and conforms to the rules is a big help. There is the capital concern and the liability concern which is why the City has a self-insurance fund. As long as the City has employees that monitor levels like Mr. Newcomer's department does, we will hopefully never have to use the self-insurance fund for this issue.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Police Department Activities Report – February 2016. Filed.

City Income Tax Monthly Collection Report – February 2016. Filed.

Findlay Municipal Court Activities Report – February 2016. Filed.

Findlay W.O.R.C. Financial Analysis Report – January 1, 2016 through February 29, 2016. Filed.

Service-Safety Director Paul Schmelzer – 2016 Pool Operating Agreement with YMCA

As you know, the City of Findlay has entered into an agreement with the Findlay YMCA each year since 2010 for operation of Riverside Pool. Findlay YMCA and the City are desirous to enter into an agreement this year.

As you may recall, the agreement states that the City provides the pool and water for the season, maintains the physical structure of the pool, buildings, and surrounding grounds, pay utility costs, and pays for reasonable capital expenditures to keep the pool and grounds in good repair. Also, the City will reimburse the YMCA for any operating losses up to \$30,000. Findlay YMCA is responsible for non-utility operating costs of the pool, including custodial and paper supplies, pool chemicals, concessions, and all personnel costs. Legislation authorizing the Service-Safety Director to enter into a contract with the Findlay YMCA for operation of the pool is requested. Ordinance No. 2016-028 was created.

Service-Safety Director Paul Schmelzer – Runway 18/36 Rehab (AIP-26), Project No. 35264900

The City has the opportunity again this year to apply for grant funds from the Federal Aviation Administration (FAA). The grant funds will be used for Runway 18/26 rehabilitation. The project is included in the 2016 Capital Improvements Plan. The total estimated project cost is \$2,610,000. The expected grant amount from the FAA is \$2,349,000. In the past, the City's matching share was 10%. This year, the Ohio Department of Transportation (ODOT) may possibly contribute a 5% match. Legislation authorizing the Service-Safety Director to submit the grant application and sign the necessary agreements with FAA and ODOT is requested. Ordinance No. 2016-027 was created. Filed.

City Auditor Jim Staschiak – summary financial reports

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

- Summary of Year-To-Date information as of February 29, 2016
- Cash & Investments as of February 29, 2016
- Open Projects Report as of February 29, 2016
- Financial Snapshot for General Fund as February 29, 2016

Discussion:

City Auditor Staschiak noted that under the open projects section of the finance report, there are funds that have been appropriated but unspent. To get that amount, the third and fourth column totals (total pending purchase orders and currently available to spend) need to be added together. General Fund Projects, which are projects open on the books both this year and previously, has six million six hundred thousand dollars (\$6,600,000) that has been appropriated to those projects of which three million two hundred thousand dollars (\$3,200,000) of those appropriations remain unspent. Filed.

Mayor Lydia Mihalik – City of Findlay Revolving Loan Fund appointment

Mayor Mihalik would like to appoint Matthew Klein to the City of Findlay Revolving Loan Fund. His appointment will expire on December 31, 2017. This appointment requires Council's confirmation. Filed.

Councilman Harrington moved to confirm this appointment. Councilman Russel seconded the motion.

Discussion:

Councilman Wobser asked if Matthew Klein is qualified for this. Mayor Mihalik replied he is very qualified or she would not have requested he be appointed to this. He expressed an interest to serve. He is a local attorney. He has been an attorney for quite some time. He is a father of five (5).

All were in favor of this appointment. Filed.

City Planning Commission minutes – February 11, 2016. Filed.

Findlay Fire Department Activities Report – February 2016. Filed.

Board of Zoning Appeals Minutes – February 11, 2016. Filed.

COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the City Engineer to appropriate funds for the Davis Street Pavement and Resurfacing Project No. 32865300.

FROM: Capital Improvements - CIT

\$ 235,000.00

TO: Davis Street Resurfacing Project #32865300

\$ 235,000.00

We recommend the Administration enter into a development agreement with the University of Findlay for the reimbursement of construction costs associated with public improvements on Davis Street. Ordinance No. 2016-018 was created.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Blanchard River Watershed Partnership (BRWP) for the City of Findlay to extend its commitment of \$5,000 per year to 2020. No appropriation is needed at this time and the money will be included as part of the normal annual budget process for each of the years of commitment.

We recommend approval of the above request.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service-Safety Director to appropriate funds for the City's 2nd quarter appropriations (Ordinance No. 2016-024).

We recommend appropriate as per the request of the ordinance. Ordinance No. 2016-024 was created.

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

The **WATER AND SEWER COMMITTEE** to whom was referred a request from W. Rob Moden III to discuss waiving rotary fees for 10595 Township Road 94.

We recommend:

1. Mr. Moden pay the water rotary fee and Engineering determine appropriate amount to be put toward the waterline extension to property limits.
2. Table the sanitary rotary request.
3. Schedule a Rotary Tap Fee committee in thirty (30) days.

Councilman Watson moved to adopt the committee report. Councilwoman Frische seconded the motion.

Discussion:

Councilman Russel asked what is meant by the committee's first recommendation of Engineering determining the appropriate amount to be put toward the waterline extension to property limits. Councilwoman Frische replied that the rotary fees, the measuring of the frontage and price per square foot all goes through the Engineering Office. Service-Safety Director Schmelzer added that there is a section of waterline that this property owner is required to extend to his western property line. It is such a short amount of waterline, so it was suggested that this property owner be able to write a check for just that amount of waterline where it will be deposited in a project for the waterline so that when the waterline is extended further west, those funds could be put towards the remaining waterline development. The reason it was done this way was because the property owner should only have to pay for to mobilize and dig in the amount of the waterline they need. This will cut this property owner's costs in half and yet still contribute to the waterline even when someone takes it farther to the west. That amount will be based on current unit prices that the City has installed waterline with. The Engineering Department is going to take a look at the latest bid tabs to determine what that amount should be.

City Auditor Staschiak wants to make sure Council knows these fees are different and there may be some cases where there are agreements in place that the City will have to reimburse the developers who incurred those costs. He wants to make sure that before an agreement is reached, that Council considers and researches to make sure this does not obligate the City into a position where they might have to reimburse the developer because the person who paid the fee or who was originally obligated to pay the fee did do it. He wants to make sure that history had been explored and that records have been pulled because they are not kept by his office. Service-Safety Director Schmelzer replied that if there is an existing agreement, that agreement will be honored going forward. He does not want to honor a poor rotary policy that is in place just because of an existing agreement. Anyone that is due a reimbursement under a prior rotary, will receive that reimbursement. City Auditor Staschiak added that he wants to make sure that Council is aware that with each case that fees are waived, it could obligate the City to pay the portion that might be due to the developers. He just wants to make sure that is taken into consideration moving forward.

Councilwoman Frische noted that the Water and Sewer Committee will address a lot of this during their rotary discussions. At this point, they are not waiving any fees for Mr. Moden. He has the waterline to hook up to. It is the sewerline that he is having to get the numbers. They gave him a start. They are not looking to award him special circumstances which is why the rotary policy needs to be figured out.

All were in favor. Filed.

The **STREETS, SIDEWALKS, & PARKING COMMITTEE** to whom was referred a request from Larry Pocock to discuss a sidewalk variance for 139 Springbrook Drive.

We recommend that due to the slope of the land along the south side of Springbrook and the location of a fire hydrant in the probable path of future sidewalks, we recommend the applicant be permitted to replace his existing asphalt driveway with the condition that a concrete sidewalk be installed when and if sidewalks along abutting properties.

Councilman Shindledecker moved to adopt the committee report. Councilwoman Frische seconded the motion. All were in favor. Filed.

**LEGISLATION:
RESOLUTIONS**

RESOLUTION NO. 013-2016 (*Sandusky St widening project*)

second reading

THE FOLLOWING IS RESOLUTION 013-2016 ENACTED BY THE CITY OF FINDLAY, HANCOCK COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT.

Second reading of the Resolution.

ORDINANCES

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

third reading adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Ordinance, seconded by Councilwoman Frische. Ayes: Frische, Harrington, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-015 and is hereby made a part of the record.

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

third reading adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Ordinance, seconded by Councilwoman Frische. Ayes: Harrington, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-018 and is hereby made a part of the record.

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

third reading adopted

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".

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2016-019 and is hereby made a part of the record.

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

third reading adopted

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".

Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Klein. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2016-020 and is hereby made a part of the record.

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

second 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.

Second reading of the Ordinance.

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

second reading adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the statutory rules and give the Ordinance its third reading. Seconded by Councilman Klein. Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Klein, Monday. The Ordinance received its third reading. Councilman Klein moved to adopt the Ordinance, seconded by Councilman Wobser.

Discussion:

Councilwoman Frische asked what the dollar amount on this is. Service-Safety Director Schmelzer replied around seven hundred thousand dollars (\$700,000.00) for capital improvements resurfacing of Broad Avenue, Melrose Avenue, and another street. ODOT's part is five hundred fifty-four thousand four hundred eighty-four dollars (\$554,484) and the one hundred fifty-five thousand five hundred sixteen dollars (\$155,516) from the Capital Improvements Fund.

Ayes: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Klein, Monday, Niemeyer. Councilman Klein moved to adopt the Ordinance as amended. Seconded by Councilman Wobser. Ayes: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Klein, Monday, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-025 and is hereby made a part of the record.

ORDINANCE NO. 2016-027 (Runway 18/36 Rehab (AIP-26) Project No. 35264900)

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO EXECUTE THE NECESSARY GRANT APPLICATION(S) AND/OR AGREEMENT(S) TO RECEIVE GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR THE AIP-26, DESIGN SERVICES FOR RUNWAY 18/36 REHABILITATION, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2016-028 (YMCA operate Riverside Swimming Pool renewal)

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT (CONTRACT) WITH THE YMCA TO OPERATE THE RIVERSIDE SWIMMING POOL FACILITY AND ASSOCIATED YMCA PROGRAMS FOR PUBLIC AND RECREATIONAL USE FOR THE CITY OF FINDLAY FOR THE 2016 SEASON, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS

Councilman Monday referred the North Cory Street project to the Traffic Commission to be discussed at the next meeting on Monday, March 21, 2016.

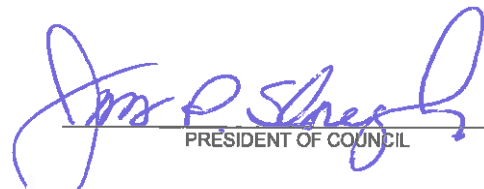
NEW BUSINESS

Councilman Klein a constituent sent him a letter requesting some directional changes on a street and some parking changes. He asked the Service-Safety Director if this should be referred to the Traffic Commission. Service-Safety Director Schmelzer replied it can.

Councilman Russel made a motion to excuse the absence of Councilman Hellmann. Seconded by Councilman Niemeyer. All were in favor. Filed.

President J. Slough adjourned Council at 8:28pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL