

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

April 5, 2016

COUNCIL CHAMBERS

PRESENT: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser
ABSENT: none

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 Klein moved to accept the March 15, 2016 public hearing minutes for the rezoning of 133 Hillcrest Avenue (Ordinance No. 2016-019). Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Wobser to accept the March 15, 2016 public hearing minutes for the rezoning of a portion of North Cory Street (Ordinance No. 2016-020). Councilman Watson seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the March 15, 2016 Regular Session City Council meeting minutes. Councilman Niemeyer seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ONS:

- New FOP Lodge sidewalk variance letter (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
- Ordinance No. 2016-038 – debt compliance (**LEGISLATION** section)

REPLACEMENT:

- Ordinance No. 2016-027, AS AMENDED (**LEGISLATION** section).
 - Removed "DESIGN SERVICES FOR" in the header and replaced it with "CONSTRUCTION OF"
 - Removed "design services for" in the header and replaced it with "construction of"

PROCLAMATIONS: – none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PROCLAMATIONS: - none.

PETITIONS:

Petition for Annexation – East of the City of Findlay on Williams Street, owned by Tina L. Morger and Terri L. Arrington

A petition for annexation to the City of Findlay filed by Philip Rooney on behalf of Tina L. Morger and Terri L. Arrington on March 26, 2016. A legal description for said property is attached with the petition. The property requested to be annexed is in Marion Township, Hancock County. Referred to Law Director for a Resolution of Services. Resolution No. 014-2016 was created.

Discussion:

Councilman Russel asked why annexations are done one (1) parcel at a time and if that is a common practice. Service-Safety Director Schmelzer replied they are done one (1) parcel at a time because the petition for annexation is done by the owner. Councilman Russel then asked what would happen if the City denies an annexation request. Service-Safety Director Schmelzer replied the City does not have to annex, but there is an agreement in place if the applicant wants the City's utilities. If the City denies an annexation, they will not get the City's utilities either. Councilman Russel then asked if this property currently has City utilities and if they are requesting to tap into them. Service-Safety Director Schmelzer replied that if they want to, they will be required to annex into the City so they are contiguous. Councilman Russel then asked if there are any additional costs (i.e. redoing the maps, etc). Service-Safety Director Schmelzer replied that costs are minor, but do have to make sure that the changes are represented properly on the maps and on the County Auditor's website. Councilman Russel asked who pays for all the costs associated with an annexation. Service-Safety Director Schmelzer replied that he is not aware of anyone being charged to modify the website. There is a minor cost relative to our ability to obtain potential income tax from a residence that would be constructed and gives the City the ability to grow outwards if the resident or developer requires utilities. When they tap, they are required to extend the utilities across their property line which opens up additional service area.

City Auditor Staschiak added that the true cost of an annexation is the City agreeing to provide its services (Police, Fire, streets, water, sewer, storm, etc.) to an additional geographical area. Council determines if they want businesses, residential, or a balanced approach for long-term planning to grow the community, and how big they want Findlay to be. These concerns need to be discussed especially due to the topics being discussed at the state level on the income tax long-term. Depending on what happens with that, how Findlay grows could significantly impact the City's long-term revenues. As part of the long-term capital planning, Council needs to determine how the City is to grow geographically because it has a direct impact on operational and capital costs.

Councilwoman Frische asked what the difference is between Forest Lake and Liberty Township when extending water there and then they pay a higher fee. Service-Safety Director Schmelzer replied they are not contiguous. Referred to City Planning Commission and Planning & Zoning Committees. Filed.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS: - none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Stix Restaurant, located at 110 East Sandusky Street & 419 South Main Street Rear Patio, Findlay, Ohio for a D5 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Stix Restaurant, located at 110 East Sandusky Street & 419 South Main Street Rear Patio, Findlay, Ohio. A check of the records shows no criminal record on the following:
Renz Rainer D. Salanga

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

Service-Safety Director Paul Schmelzer – Applebee’s donation

The City of Findlay Police Department received a generous donation of \$1,136.80 from Applebee’s Restaurant. The funds will be used to purchase cameras for use by Patrol Officers. The funds have been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2016-029 was created. Filed.

FROM: General Fund	\$ 1,136.80
TO: Police Department #21012000-other	\$ 1,136.80

N.E.A.T. Departmental Activity Report – February 2016. Filed.

Treasurer’s Reconciliation Report – February 2016. Filed.

Service-Safety Director Paul Schmelzer – Capital Improvement Appropriation

The 2016 Capital Plan included a transfer of \$1,500,000.00 from the General Fund to the Capital Improvements-CIT Fund. The Engineering Department continues to bid out large paving projects for start-up in the spring. The influx to the Capital Fund allows for the execution of this strategy and leaves funds for other projects. Legislation to transfer \$1,500,000.00 is requested. Ordinance No. 2016-030 was created. Filed.

FROM: General Fund	\$ 1,500,000.00
TO: Capital Improvements-CIT Fund	\$ 1,500,000.00

Service-Safety Director Paul Schmelzer – Blanchard River Sediment Control, Project No. 31954800

Funds were appropriated in 2015 for a study to reduce sediment in the Riverside Park dam area. The City and County both participated at fifty percent (50%) of the total project cost. The initial study is complete and a report has been submitted by the consultant. In order to continue with the project, a mussel study is needed. This type of study is done in May. The County is also considering to split the funding on these additional tasks. Legislation to appropriate funds is requested. Ordinance No. 2016-031 was created. Filed.

FROM: General Fund	\$ 7,250.00
TO: Blanchard River Sediment Control Project No. 31954800	\$ 7,250.00

City Engineer Brian Thomas – Fostoria Avenue Drainage (Phase II) – OPWC Project No. 32593600

On February 18, 2016, bids were opened for this project. Bids were received from seven (7) potential contractors with bids ranging from \$407,777.00 to \$492,293.00. The lowest and best bid was received from JDR Excavating, Inc. of Findlay. The project is included in the 2016 Capital Improvements Plan and the total project estimate is within the budgeted amount. Previously, an amount of \$25,000 was appropriated to the project for design and startup. An appropriation for construction, inspection and a contingency is needed at this time to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2016-032 was created. Filed.

FROM: OPWC Grant	\$ 252,500.00
Stormwater Fund	\$ 257,500.00
TO: Fostoria Avenue Drainage (Phase II) Project No. 32593600	\$510,000.00

City Engineer Brian Thomas – 2016 Resurfacing Program (Contracts A & B), Project No. 32861200

Beginning this year, the resurfacing program was split into two (2) separate contracts – Contract A for concrete and Contract B for asphalt. On March 17, 2016, bids were opened for Contract A. Bids were received from two (2) potential contractors with base bid amounts of \$597,742.00 and \$598,923.75. Bids were also received from four (4) alternates totaling \$153,694.95 and \$163,126.35. The lowest and best bid was received from Newcomer Concrete of Norwalk, Ohio.

On March 18, 2016, bids were opened for Contract B. Bids were received from four (4) potential contractors with base bid amounts ranging from \$245,469.50 to \$313,888.50. Bids were also received for three (3) alternates ranging from \$89,070.90 to \$126,292.65. The lowest and best bid was received from M&B Asphalt of Old Fort, Ohio.

The project is included in the 2016 Capital Improvements Plan, and the total project estimate is within the budgeted amount. Previously, an amount of \$10,000 was appropriated to the project for design and startup. At this time, an appropriation for construction and inspection is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2016-033 was created. Filed.

FROM: Capital Improvements – CIT	\$ 1,200,000.00
TO: 2016 Resurfacing Program Project no. 32861200	\$ 1,200,000.00

City Engineer Brian Thomas – Santee Avenue & Ely Avenue Emergency Sanitary Sewer Replacement Project No. 35665500

Earlier this month, residents in the area of Santee and Ely Avenues were experiencing problems with their sanitary sewers. The Sewer Maintenance Department discovered several problems which require immediate repairs. Due to the urgency of the project, informal bids were requested from several local contractors. Pricing ranged from \$41,161.00 to \$57,805.00. The lowest and best pricing was received from Helms & Sons Excavating of Findlay.

Currently in the 2016 Capital Improvements Plan (Sewer Fund), there is a budget amount of \$200,000 for the 2016 Sewer Cleaning project. In order to avoid any delays, this amount is proposed to be reduced by \$52,000 and the funds will be transferred to the Santee and Ely Sanitary Sewer project. Legislation to appropriate funds is requested. Ordinance No. 2016-034 was created. Filed.

FROM: Sewer Fund	\$ 52,000.00
TO: Santee & Ely Sanitary Sewer Project No. 35665500	\$ 52,000.00

Service-Safety Director Paul Schmelzer – Greystone/Stonehedge Neighborhoods project donations/contributions

The City of Findlay has received grant monies in the amount of \$2,500 from the Findlay-Hancock County Community Foundation and also contributions in the amount of \$575 from the residents involved in the Greystone/Stonehedge Neighborhoods project organized by the City's Shade Tree Commission. Legislation to appropriate these funds into the Parks Maintenance Department's budget to reimburse for expenses paid toward the project is requested. Ordinance No. 2016-029 was created. Filed.

FROM: General Fund (contributions)	\$ 3,075.00
TO: Parks Maintenance Department #21034000-other	\$ 3,075.00

City Planning Commission agenda – April 14, 2016; minutes – March 10, 2016. Filed.

Findlay Fire Chief Joshua Eberle – Findlay Fire Department grant/donations

Each year, the Findlay Fire Department submits an application to the Ohio Department of Public Safety for a one thousand five hundred dollars (\$1,500.00) grant which is used to purchase EMS supplies. The Findlay Fire Department is required to submit invoices for items that have been ordered and received by the Fire Department in order to receive a reimbursement.

On March 30, 2016, the Findlay Fire Department received eight hundred forty-seven dollars and eighty-four cents (\$847.84) as a reimbursement. Legislation to transfer this donation to the Findlay Fire Department's First Aid/EMS Supplies line item #321102 is requested. Ordinance No. 2016-029 was created. Filed.

Hancock Regional Planning Commission Director Matt Cordonnier – CHIP grant

The Ohio Office of Community Development offers counties and cities the opportunity to compete for funding to be used to provide certain housing services to low and moderate income residents through the Community Housing Improvement Program or CHIP.

The State of Ohio has made changes to the CHIP program for Program Year 2016 that present an opportunity to significantly increase the resources available to the county and city to address housing needs. Specifically, the County and City may form a partnership to increase a potential grant award from \$400,000 to \$850,000.

The partnership is limited to the CHIP program and would only apply to the Program Year 2016 CHIP, which would be in operation from September 1, 2016 – October 31, 2018.

The CHIP funds may be used for several different activities such as owner rehab, rental rehab, tenant based rental assistance, emergency home repair, down payment assistance, and Habitat for Humanity builds.

In 2014, the County received a \$400,000 CHIP grant and that money has been used for emergency repairs, home owner repair, tenant based rental assistance and Habitat for Humanity builds. The program has been very successful. Legislation authorizing the Mayor to enter into a partnership agreement with the County to apply for a combined CHIP grant application is requested. Ordinance No. 2016-036 was created. Filed.

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

Traffic Commission minutes – March 21, 2016. Filed.

Service-Safety Director Paul Schmelzer – Cory Street Transportation Alternative Plan

The City is currently working on construction documents for the Main Street/Cory Street Transportation Alternative Plan (TAP). The adopted plan calls for the section of Cory Street that is currently two-way between the University of Findlay and Front Street to be changed to a one-way in a northerly direction. It has been confirmed with ODO that the funding for this project will not be impacted if this change is made. Legislation to make this change in order to maintain two-way traffic is requested. This project is already in the planning stages, therefore, direction from City Council is requested. Ordinance No. 2016-037 was created.

Discussion:

Councilman Russel noted that Cory Street narrows south of the railroad tracks and asked how two-way sharrow lanes will work in the narrow portion of the street. Service-Safety Director Schmelzer replied that there are no changes in basic curb dimensions, so the width of the street along the entire alignment for the traffic TAP project, both the two-way section and the one-way north section, will have the same curb dimensions, so it will be a narrower sharrow lane in that area. Filed.

Evan Ramage, Secretary of FOP Lodge #20 – sidewalk variance

The Fraternal Order of Police Lodge #20 is in the process of building a new lodge at 1769 Romick Parkway. They are requesting a variance to not install sidewalks at the property. There are no adjoining sidewalks to the east or west of the building, nor any sidewalks leading up to the property. Referred to Streets, Sidewalks & Parking Committee.

**LEGISLATION:
RESOLUTIONS**

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

Councilman Russel moved to adopt the Resolution, seconded by Councilman Klein.

Discussion:

Councilman Monday noted that he will be voting against this because of the many comments he has received from his constituents along East Sandusky Street and other side streets who are opposed to this. If the grant is approved he will have other reasons why, but in the meantime, he is not in favor of this because he would not be adequately representing his constituents.

Ayes: Frische, Harrington, Hellmann, Klein, Niemeyer, Russel, Shindledecker, Watson, Wobser. **Nays:** Monday. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

RESOLUTION NO. 014-2016 (*Williams Street annexation – services City of Findlay will provide*) **first reading adopted**
A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST QUARTER (¼) OF SECTION 20, T1N, R11E, A TRACT OF LAND CONSISTING OF 0.172 ACRES OF LAND, MORE OR LESS.

Councilman Harrington moved to adopt the Resolution, seconded by Councilman Hellmann.

Discussion:

Councilman Monday asked if this requires a public hearing before it can be adopted. Law Director Rasmussen replied it does not. The public hearing comes later. This is the initial step for the County to put on the agenda for their hearing. They need the City to list what services we will provide if they in fact are annexed into the City.

Councilman Russel asked if Council will see this annexation again. Law Director Rasmussen replied yes, Council will see the entire annexation (Ordinance to accept and approve the annexation, Ordinance to rezone) later after the County has their hearing to approve the annexation. Once they do, their documents will then come over to our Auditor's Office where they will sit for the required sixty (60) days for inspection.

Councilman Hellmann asked if all the utilities are already there for this and if it will cost the City anything. He asked if the City will have to extend water or sewer lines. Service-Safety Director Schmelzer replied he is unsure if all the utilities are already in front of this parcel as he did not look that far into it. Utilities to service the parcel will not be extended to this property at the City's cost.

Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. **Nays:** Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

ORDINANCES

ORDINANCE NO. 2016-024 (*2016 Capital Improvements*) **third reading adopted**
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2016 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Wobser. **Ayes:** Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-024 and is hereby made a part of the record.

ORDINANCE NO. 2016-027 AS AMENDED (*Runway 18/36 Rehab (AIP-26) Project No. 35264900*) **second 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, CONSTRUCTION OF RUNWAY 18/36 REHABILITATION, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2016-028 (*YMCA operate Riverside Swimming Pool renewal*) **second reading** **adopted**
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.

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

Discussion:

Councilman Russel feels this is a great partnership with the YMCA. The fact that the City can have a stop-loss on a potential loss of operating the swimming pool is fantastic. The YMCA provides great outreach with running the pool. He looks forward to this continuing and he appreciates the YMCA's support.

Councilman Wobser agrees with Councilman Russel and added that he has used the Riverside Swimming Pool for many years when the City was running it. The City tried very hard to do a good job of running it, but the YMCA has done a much better job over the years. This is a great opportunity for the City, plus the YMCA offers scholarships to kids in this community to be able to get swimming lessons.

Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-028 and is hereby made a part of the record.

ORDINANCE NO. 2016-029 **first reading** **adopted**
(*Applebee's donation; Greystone/Stonehedge Neighborhoods project donations/contributions; FFD grant/donations*)
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the statutory rules and give the Ordinance its second and third readings. Seconded by Councilman Watson. Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Monday. Ayes: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-029 and is hereby made a part of the record.

ORDINANCE NO. 2016-030 (*Capital Improvement appropriation*) **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2016-031 (*Blanchard River Sediment Control project*) **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2016-032 (*Fostoria Ave drainage (Phase II)*) **first reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings. Seconded by Councilman Klein. Ayes: Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel. The ordinance received its second and third readings. Councilman Klein moved to adopt the Ordinance, seconded by Councilwoman Frische. Ayes: Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-032 and is hereby made a part of the record.

ORDINANCE NO. 2016-033 (*2016 resurfacing program (Contracts A & B) Project no. 32861200*) **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if passing this Ordinance tonight would allow a head start, and if all goes well and if money is available, extend the road work. Service-Safety Director Schmelzer replied it possibly could. The bids last year had a start date of mid-May, but were not split so the concrete contractor could get started sooner. If Council passes this tonight, Ordinance No. 2016-030 would also have to be passed tonight.

First reading of the Ordinance.

ORDINANCE NO. 2016-034 **first reading** **adopted**
(*Santee Ave & Ely Ave emergency sanitary sewer replacement Project No. 35665500*)
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Watson moved to suspend the statutory rules and give the Ordinance its second and third readings. Seconded by Councilman Monday. Ayes: Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson. The ordinance received its second and third readings. Councilman Monday moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-034 and is hereby made a part of the record.

ORDINANCE NO. 2016-035 (HWE Franchise Agreement)

first reading

AN ORDINANCE GRANTING TO HANCOCK-WOOD ELECTRIC COOPERATIVE, INC. ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF FINDLAY, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY AND OTHER SERVICES TO PARTS OF THE CITY OF FINDLAY AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH AND ACROSS SAID CITY OF FINDLAY, STATE OF OHIO, SUBJECT TO AND IN COMPLIANCE WITH THE CERTIFIED TERRITORIES FOR ELECTRIC SUPPLIERS ACT (OHIO REVISED CODE SECTIONS 4933.81 TO 4933.90).

Discussion:

Councilman Russel asked the Law Director for his opinion on this. Law Director Rasmussen replied that the state code trumps what we are doing here and that the matter really belongs with the PUCO. He understands what they are attempting to do, but does not feel that these changes to this particular franchise agreement will in any way amend AEP's franchise agreement, but there is an overlap whenever a territory is annexed. HWE's position is that they want the language in it so they can go to the PUCO and say that the City intends to only allow the different companies to operate in their own territories. If that is what Council wants to have happen, then that language will probably help them with the PUCO. If Council does not want that to happen, then he suggests not putting this in it, but instead give them City-wide territories.

Councilman Hellmann was not at the last City Council meeting but knows that American Electric Power was at that meeting and requested this go to a COMMITTEE OF THE WHOLE meeting. He suggested Hancock Wood Electric have the same opportunity to present at a COMMITTEE OF THE WHOLE MEETING before Council votes on this. Council President Slough noted that if Council wants a COMMITTEE OF THE WHOLE MEETING on this, it will need to be scheduled during Unfinished Business.

Councilman Wobser asked if PUCO will give this back to Council to make the decision. Law Director Rasmussen replied that the PUCO is looking for Council's preference, but will make the determination if territorial limits should pertain or not. He has nothing to do with what the City intends to do, but Council does. Putting this in it does indicate what the City wants to do. It is a change from the previous one and the PUCO will look at it and see that the City has changed it. Councilman Wobser then asked if Council does not pass this, will the PUCO give it back to Council for a decision. Law Director Rasmussen replied that the PUCO will still make a decision either to abide by the territorial limits or not to abide by them. They are not going to dictate to the City what our franchise agreements have to say because we have the right inside our municipality to control those agreements. HWE will make the argument with the PUCO.

Councilman Klein asked if the PUCO will make a decision based on the current ordinances in place. Law Director Rasmussen replied that they will on the ordinances that are in place at the time. They will consider the past ordinance and this current ordinance, if it is passed, which will show some shift in what the City is doing.

Councilwoman Frische noted that the municipal franchise for AEP allows them to trump the territorial franchise that HWE has. HWE's verbiage trumps AEP's municipal franchise which is why they do not want the change made. If Council does not want to get in the middle and create competition but instead show a history of everyone working together for the benefit of the business, Council should have a territorial franchise. She asked what AEP would lose if they serviced territories only. She asked if their territories are all in the City limits. Law Director Rasmussen replied that under the current franchise, it states the City, so whenever the City annexes into HWE's territory under their franchise agreement, it is now inside the City of Findlay. Councilwoman Frische then asked if the municipal franchise is removed and each is given a territorial franchise, would the City be in the middle of it and would HWE and AEP maintain their territories so that if they want to swap properties, Council would not be involved. If a supplier makes a small change to the agreement, it will trump the municipal franchise which is why AEP does not like it, but they do like to be able to trump HWE. Law Director Rasmussen replied that the agreement states that they are allowed to operate within the City of Findlay, so when a property is annexed, if that annexed property is within their territory, there is no issue. If it is in HWE's territory, then it creates the conflict of who is going to service that account because HWE is in their territory and has City-wide, and AEP has City-wide. It is a decision Council has to make on how they want to proceed. The franchise agreement that HWE proposed is a starting point that may render a COMMITTEE OF THE WHOLE meeting to discuss the issue. This legislation was prepared by him because he received a request to do so by a Councilmember.

Councilman Wobser asked if the language is approved as it is if it would increase competition because both HWE and AEP can compete inside the City. Law Director replied that HWE can compete inside the City, but they are choosing not to compete in AEP's territory that is within the City. By leaving it the way it is now signifies that Council does not want AEP in any City property that is in HWE's territory. Council would be restricting competition.

First reading of the Ordinance.

ORDINANCE NO. 2016-036 (HRPC's CHIP grant)

first reading

**adopted during
New Business**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO PARTNER WITH HANCOCK COUNTY BY ENTERING INTO A PARTNERSHIP AGREEMENT FOR THE ADMINISTRATION OF THE COMMUNITY HOUSING IMPACT AND PRESERVATION (HEREINAFTER REFERRED TO AS "CHIP") PROGRAM FOR THE PURPOSE OF ADDRESSING LOCAL HOUSING NEEDS WITHIN HANCOCK COUNTY, OHIO, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2016-037 (Cory St TAP)

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ALTER THE CORY STREET TRANSPORTATION ALTERNATIVE PLAN (TAP), AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

AUTHORIZING THE REPEAL OF SECTION 127.01 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Monday asked both the Law Director and the City Auditor to comment on this Ordinance.

Law Director Rasmussen apologized for not getting this Ordinance to Council before tonight. He spoke with Paul Rutter, who is on Bond Counsel with Bricker & Eckler LLP, about Section 127.01. He asked Mr. Rutter to send him a letter to share with Council and he offered to craft an Ordinance for us as well. Mr. Rutter invited him to look at it and research some of the sections he was talking about. Law Director Rasmussen did so and feels it does do what we want it to do. In the midst of preparing some collective bargaining agreements all last week, this was not given to the Council Clerk, therefore Council did not see it until now. This began in 1995 and now has a lot of security rule changes, and the undertakings where the filings/information that Council has to provide has significantly changed as well. Some of the requirements are different with different issuances. In Mr. Rutter letter, he listed six (6) bullet pointed reasons of why 127.01 is necessary. If 127.01 stays the same and these changes are not made, we might be violating our own ordinance, but not violating any IRS regulations or securities exchanging rules and regulations. This ordinance clears it up, but we still have numerous regulations that we have to comply with that are required. This is not asking Council to do anything other than get rid of it and move on and abide by whatever requirements are for each issue going forward.

City Auditor Staschiak highlighted some of the bullet points that Law Director Rasmussen mentioned. They created an electronic municipal market access port where we do a lot of reporting. In 2012, Council passed an ordinance that puts responsibility for compliance on debt issuances post issuance directly with the City Auditor's Office. It is a significant responsibility, especially when his office does some of the quarterly reviews. Section 127.01 sets the terms as that deny the City the flexibility of adjusting the mechanics of its compliance with the Rule in the contractual agreement for each undertaking. Repealing Section 127.01 now as an emergency measure, which is what the ordinance is requesting, allows the City to avoid having to tie its upcoming issuance refunding the bonds into Section 127.01, and also does not negatively impact the City's existing debt, so there is no impact on what we have now. Section 127.01 incorporates a 180-day deadline that is unnecessarily brief and does not coordinate well with the City's typical fiscal calendar, and many issuers have a longer timeframe (typically around 270 days) to prepare and file their annual continuing disclosure reports. Section 127.01 is inconvenient for Council, and every time that the SEC modifies the Rule, Council would need to modify Section 127.01. It is very unusual for an issuer to have legislation such as Section 127.01 that attempts to incorporate compliance with the Rule into the issuer's Codified Ordinances. Standard market practice is to use contracts to handle the compliance with the Rule, and the SEC's standard expectations for compliance are also based on contract law.

Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-038 and is hereby made a part of the record.

UNFINISHED BUSINESS:**OLD BUSINESS**

Councilwoman Frische asked if the FYI letters that are at Councilmembers' seats be added to the Council packets so that it is on the record that they were submitted. Law Director Rasmussen replied that can be done if someone makes a motion to do so. Councilwoman Frische made a motion to add the four (4) FYI letters to tonight's minutes.

Councilman Hellmann made a motion to have a COMMITTEE OF THE WHOLE meeting to discuss Ordinance No. 2016-035 (HWE Franchise Agreement) in further detail. Seconded by Councilman Klein. Councilman Monday asked if the COMMITTEE OF THE WHOLE meeting would include inviting Hancock Wood Electric and/or American Electric Power, or if it would just be a discussion amongst Councilmembers. Councilman Hellmann replied that since HWE already presented to Council during a COMMITTEE OF THE WHOLE meeting, AEP would like the same opportunity. Council President Slough noted that he is under the impression that AEP does want that opportunity.

Councilman Wobser suggested both HWE and AEP be in present at the COMMITTEE OF THE WHOLE meeting so that Council can get answers from both of them. HWE presented at a COMMITTEE OF THE WHOLE meeting and AEP presented at the last Board meeting.

Councilman Russel added that COMMITTEE OF THE WHOLE meetings are open meetings, so if HWE and/or AEP want to attend, they can do so, and Council/committee members have the right to ask both of them to speak during the meeting.

Council President Slough asked Councilman Monday if there is an Appropriations Committee meeting next Tuesday, April 12, 2016. Councilman Monday replied he has one (1) item to discuss, so there will be a meeting. A letter was received from Findlay High School We The People asking the City to financial support their constitutional debate. This should not take a long time to discuss, so the COMMITTEE OF THE WHOLE could start by 4:30pm.

Law Director Rasmussen noted that he will be out of state on April 12, 2016, so he will not be able to attend.

All were in favor of having the COMMITTEE OF THE WHOLE meeting on April 12, 2016 at 4:30pm.

Councilman Monday: **APPROPRIATIONS COMMITTEE** meeting on April 12, 2016 at 4:00pm in the third floor conference room beside the Mayor's Office (CR1).

- agenda: 1. Findlay High School We The People constitutional debate
- 2. Blanchard River sediment control project

Council President Slough: **COMMITTEE OF THE WHOLE** meeting on April 12, 2016 at 4:30pm in the third floor conference room beside the Mayor's Office (CR1).

- agenda: HWE Franchise Agreement (Ordinance No. 2016-035)

Councilwoman Frische asked who pays for the hook up to City utilities. Resolution No. 014-2016 does not indicate who. Service-Safety Director Schmelzer replied the resolution does not indicate that the City will extend anything to properties. It states what services are available and does not dictate how far they have to go to get them. It is standard language on what the applicant is able to obtain if they are annexed into the City. Approval of construction drawings and signing off on water and sewer is a function of the Engineering Department. Any funds that go towards it would have to be approved by the Water and Sewer Committee.

Councilman Russel asked Matt Cordonnier from the audience if he has anything he wants to add for Ordinance No. 2016-036 (HRPC CHIP grant). Matt Cordonnier replied that it is a wonderful opportunity. By partnering with the City, the County will be able to apply for \$850,000 instead of just receiving \$400,000. CHIP provides owner-occupied emergency home repair, owner-occupied home remodeling, tenant-based rental assistance, and other various programs. Councilman Russel asked if the County is using these funds for Habitat for Humanity projects. Mr. Cordonnier replied that through the state programs, the state has partnered with Habitat for Humanity. Some of those dollars can be used for new construction of Habitat homes as was done with the 2014 grant. Up to \$40,000 can go to Habitat for Humanity. Councilman Russel asked what the grant cycle on this is and when the application has to be turned in. Mr. Cordonnier replied that the grant application is due May 6, 2016. The grant cycle is every two (2) years. Councilman Russel then asked if the ordinance for this would need to be approved now or the next City Council meeting on April 19, 2016. Mr. Cordonnier replied that tonight would be great, but it can wait until the April 19, 2016 meeting in which he would indicate that in another letter for that meeting.

NEW BUSINESS

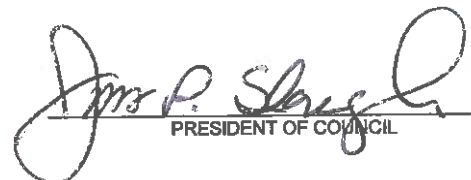
Councilman Klein noted that last year, there was an extensive alley program (i.e. maintenance, servicing, etc.) and asked if that will continue this year. Service-Safety Director Schmelzer replied it is scheduled for this summer which is one of the reasons why the second capital allocation (Ordinance No. 2016-030) was requested.

Councilwoman Frische asked if there will be any meetings with Council to discuss what financial obligations the City might be considering for flood plan. Mayor Mihalik replied that at this point, there is no financial obligation on the part of the City's behalf. There are a lot of things that have to occur and fall in line in order for the City to be able to take advantage of the situation. It is complex and is ever-changing daily. There was a significant step taken today with the Conservancy District on voting to continue or assist the Hancock County Commissioners with the development of a plan. The Conservancy District has the ability to assist us with some geotechnical surveys which are going to be necessary to help determine what the costs actually are in the project. There will be things done over the next month or so that will help us do that. Right now, the County Commissioners have issued Request For Qualifications (RFQ) from design and engineering consultants to design the diversion channel. She has been asked if "dumping" the Corp means starting over again, which is not the case. The Corp will continue to be a regulatory partner. We will utilize all of the information and the data that has been collected to this point which has been good in that it has gotten us to the point where we know what our preferred alternative is, which is the diversion channel. It lowers the base flood elevation within the City of Findlay and downtown approximately 4.6' which changes the flood of 2007 to 14' or 15' flood instead of an 18.5' flood. Significant steps are underway. It is unique that Council and the County Commissioners will have an opportunity to do something that was neglected back in the 1960s. There will be lots of conversations to come, but there is a path forward that we are executing. Service-Safety Director Schmelzer added that working with ODOT for multiple years on conversations regarding the combination of the two (2) projects. Recent discussions have begun to pick up steam. An excavation of 1.2 million yards, and the highway needs about 600,000 yards is needed. Years ago when ODOT was talking about this project, the preliminary conversations did not go anywhere for a number of reasons (i.e. logistics). ODOT was looking at the possibility of moving the timeline for the highway project up to the point where it would not be feasible for us to combine it. Conversations years ago were preliminary which is his job to take a look at how we can combine public projects together. There were no covert meetings. There was one (1) meeting with ODOT in February to discuss the logistics of it because they were interested in what this was going to look like and wanted to determine if we were going to be able to deliver plans by the end of 2017. There is still a lot of discussions that have to take place around that. While there is no doubt that it is aggressive and will be difficult, it is still incumbent on us to try to make that happen if we are going to do this project. Mayor Mihalik noted that if anyone has questions or concerns about the process, both the Administration and the County Commissioners are capable and willing to have those discussions either individually or at a COMMITTEE OF THE WHOLE meeting. There is a lot that yet needs to be determined and there is a lot to communicate. Councilwoman Frische noted that there is a lot happening that Council should have a role in, so if anything comes to the Administration and not Council, she would like it to be shared with Council. Mayor Mihalik replied she will keep Council informed. The City has a role to play in supporting the County Commissioners, but we do not have the authority outside of the municipal corporation boundary. The City will have a role in helping to determine funding for the project because we are a community that stands to benefit from the project. There are a lot of things being discussed right now relative to state assistance, but a lot of that revolves around getting a better idea of exactly what the cost is. It may be less than what the Corp is saying. The City is not leading it. She talks a lot about it because she represents the community that stands to benefit the most which is what she was elected to do. As CEO of the municipal corporation, it is her responsibility. This community's future is dependent upon us being successful in this charge. Right now, she is just pulling for support for the project and supporting the County Commissioners in a way that will hopefully eventually get us to a point where we can see successful flood mitigation in Findlay.

Councilman Russel moved to suspend the statutory rules and give Ordinance No. 2016-036 (CHIP grant) its second and third readings. Seconded by Councilman Watson. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance. Seconded by Councilman Shindledecker. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-036 and is hereby made a part of the record.

President J. Slough adjourned Council at 8:32pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

February 29, 2016

Jim Slough
Council, President, Findlay City Council
318 Dorney Plaza, Room 114
Findlay, Ohio 45840

FYI

Dear Mr. Slough:

I hope this letter finds you well. I wanted to write you in regards to the Findlay High School We The People team. If you may not know, the We The People program is national program sponsored by the Center for Civic Education that works to promote civic competence and civic responsibility. In Findlay City Schools, it is a curriculum that students are engaged with in the Advanced Placement American Government course. Not only do the students complete the curriculum as part of the course, the students also compete in the state and national We The People competitions. In these competitions, the students are given a variety of questions that relate to various concepts found within the government and the Constitution. The competition is set in a style similar to that of a congressional hearing in which students prepare a short answer to the questions provided and then undergoes follow up questions from a panel of competition judges, which can include current and former government officials, education professionals, attorneys, and courtroom judges.

Findlay has competed in the We The People competition since 1987, and has won 25 of the 29 state competitions. Out of the four years that the team was not the state winner, the team did not compete for two of those years. They have been very successful in competition, and this year's group of students scored the highest total of points ever. As per the rules of the state competition, the winner will represent the state at the national competition in Washington D.C. The competition will take place at the University of Maryland and on Capitol Hill from April 22nd-April 25th. In order for the team to compete at nationals, enough money has to be raised in order to cover the costs of the trip and the competition. While we have enjoyed the support of Findlay City Schools and other various donors, we are still short of the amount needed to allow the students to compete at the national competition. Each of the students have paid almost \$500 each to provide support for the trip, and 12 students have worked as precinct election officials throughout Hancock County to further help raise funds for the trip.

Would you be willing to help support the Findlay High School We the People team's trip to the national competition? Any monetary support would be greatly appreciated and would help us further our goal of being able to compete once again at the national competition. If you have any questions, I would be happy to answer them about We the People, our fundraising efforts, and other questions in general. Please feel to contact me by email or by phone.

Thanks for your consideration!



Mark Dickman
Findlay We the People Advisor
mdickman@fcs.org
419-425-8289



1399 Business Park Drive South • North Baltimore, OH 45872-0190 • Phone: 419-423-4841 • Toll Free: 800-445-4840 • www.hwe.coop

March 18, 2016

James Slough, president
Findlay City Council
318 Dorney Plaza, Room 114
Findlay, Ohio 45840

FYI

Dear Jim:

Following Findlay City Council's March 25, 2016 meeting, I would like to reiterate Hancock Wood Electric Cooperative, Inc.'s request for a clarification of the intent of the City of Findlay regarding Hancock-Wood's Franchise Agreement. Based on what was presented, I now request that City Council move forward with the process to clarify its intent with respect to the Franchise Agreements granted to both American Electric Power of Ohio (AEP) and Hancock-Wood on their rights to distribute electrical power within the City of Findlay municipal boundaries. This is consistent with the presentation given by Randy Payne, Community Affairs Manager for AEP, who clearly stated that it was not the intent of AEP to compete with Hancock-Wood.

Hancock-Wood asks for specific language to clarify the original intent of the City in granting the franchise to allow our co-op the right to serve all electric loads located within our certified territorial boundaries. The original intent was that electric suppliers within the boundaries of the City honor the territorial boundaries established under the Certified Territories for Electric Suppliers Act (Ohio Revised Code §4933.81 to §4933.90).

Until our recent loss of a major Findlay commercial customer to AEP, despite its location within the designated Hancock-Wood service territory, both utilities respected the territorial boundaries. In fact, in cases where it has better served our members and the City, both utilities agreed to swap service territory – with approval by the Public Utilities Commission of Ohio (PUCO). Unfortunately, because of AEP's recent actions, the need is apparent for Findlay City Council to explicitly clarify its original intent, so we all can know our operating parameters. The requested action is not a change in what the City originally intended when the franchise was originally granted in 1982, rather a clarification to prevent actions by either utility, which are a deviation from past understandings.

I attach a statement from our former President and CEO John Cheney, who was directly involved in the original 1982 franchise request, after the territorial boundaries were established in 1978. At that time, Findlay granted Hancock-Wood the right to serve within its PUCO-certified territorial boundaries. Mr. Cheney's statement reflects what the cooperative and the City originally intended and is entirely consistent with the franchise modification that we now request from the City.

It is crucial that electric suppliers confine their service to mutually-agreed-upon territorial boundaries so each can make the long-term investments in electric infrastructure necessary to serve all members/customers within their service territory – including residential and small commercial members/customers – and not limit service to more attractive, large commercial accounts. This prevents disagreement or delay each time a new member/customer locates within the City and eliminates this barrier to economic development. It also removes the potential for unsightly and hazardous duplication of utility poles and wires throughout Findlay. Clarification of who is responsible for providing services was the reason the territorial act was adopted by the Ohio Legislature in the first place.

AEP's unprecedented actions to unilaterally move forward in serving the aforementioned customer without any discussions with HWE remain at odds with Hancock-Wood's history of utility interaction to find mutually-agreeable resolutions, and is what precipitated our reaching out to you for help to prevent a recurrence.

Finally, our request will benefit Findlay as well as utilities involved in that, after the franchise agreement is clarified, there will be a clear process for how overlapping non-exclusive franchises in HWE's service territory should be administered for the period of time the franchise is in effect. It seems also in the City's best interest to clarify its intention because under the Home Rule provisions of the Ohio Constitution, it is precisely the City's intentions that matter most – and what PUCO would investigate to resolve disputes – and what would prevent the City from cumbersome involvement in every single decision of which supplier should serve what incoming members/customers.

We thank you for the time and attention you have given to this request. If you need further information, I am at your service.

Cordially,

A handwritten signature in blue ink, appearing to read "George Walton", is written over a blue scribble.

George Walton
President and CEO

John A. Cheney
1852 Needles Road North
Baltimore, Ohio 45872
419-257-2388

FYI

March 16, 2016

Dear Findlay Council Members:

I have been reading about the discussions the Findlay Council is having regarding the franchise agreements involving American Electric Power (AEP) and Hancock-Wood Electric Co-operative (HWE) in 'The Courier'. As a retired employee and former President & CEO of HWE I asked present President and CEO George Walton if I could be of any assistance, since I was involved with the HWE and City of Findlay franchise discussions in 1982. He explained to me that the members of Council were very interested in what was the intent of the 1982 Council when the HWE franchise was approved. I believe I can provide some information regarding the intent of their approval.

First, perhaps a summary of my background with HWE would be in order. In 1939, HWE began providing electric service the parts of Hancock County that Central Ohio Light and Power (COL&P) either refused to serve or was not interested in serving. I began my employment with HWE in 1954 as a cartographer. During the next 25 years, during which I served as the HWE Engineer and later the Operations and Engineering Manager, I was involved with HWE's efforts to counter the loss of HWE traditional service territory and members to an aggressive COP&L and later to Ohio Power Company (OPC) as Findlay grew and expanded, particularly to the East. During this unregulated period several unofficial territorial lines were developed between HWE and OPC but the erosion of the HWE territory continued until 1979, when the Certified Territories for Electric Suppliers Act was passed by the Ohio Legislature. This act ordered the investor owned electric utilities (IOU) and the electric cooperatives to develop maps that defined the service area of each electric utility doing business in Ohio. These maps were produced by a joint effort of each utility. Representatives of each utility met and together they determined and agreed on where the midpoint between the respective electric facilities fell. This agreement became the basis of the territory maps that were then completed and certified by the Public Utilities Commission of Ohio (PUCO). I was in charge of the mapping and negotiations for HWE.

I became President and CEO of HWE in 1981 and held that position until I retired at the end of 1995. In 1982, as Findlay continued to grow and annex more property on the East side of Findlay HWE determined that it was time to approach Findlay to request a franchise to serve the portions of Findlay that were in the HWE's designated service area. We worked with Mayor Keith Remick and the Findlay Council to explain the need for a HWE franchise. I was present at each of the two Council meeting at which the resolution was approved. The first reading of the franchise took place and at the next council meeting the second and third reading took place. This was after Mayor Remick recommended the second and third readings take place by saying, as I remember, "We all are familiar with the service that Hancock Wood provides."

My answer to the question of the 1982 Council's intent is: When the Findlay City Council took action on the franchise in 1982 the PUCO territorial maps were about 3 years old and was Ohio law and there were no exceptions to the law at that time. The maps could only be changed by joint agreement of the serving utilities and as approved by the PUCO. Since these conditions existed there would have been an understanding by the Council that only HWE would be allowed to provide electric service in their territory and OPC in their territory, unless they each agreed to a change, and the PUCO approved the change. It is my belief that the Mayor and the Council knew enough about HWE and its history and capabilities that they were comfortable granting a franchise that protected the historic service territory of HWE.

I appreciate the opportunity to provide my recollections and interpretation of the actions that took place in 1982. If you should need any further information from me I would be pleased to provide it.

Yours truly,


John A. Cheney



FYI

Honorable City Council Members:

We, the members of the Hancock Pathways Group, as signed below, would like to affirm our support for the original Cory Street plan, which converts the street to one way and adds two dedicated, five foot wide bike lanes.

This position highlights our belief that such a conversion creates an optimal environment for all street users in the City of Findlay. Our group's endorsement of this option reflects the new standard for 'more livable' cities in which the systems of transportation work equally well for all users, and car traffic is not always favored over pedestrians and bikers.

Having Cory Street become a safe transportation route to the center of town and reverse sends a message to the entire community that city leadership is serious about establishing a new standard for shared use of streets—one that matches the trend of shared use in more progressive towns and cities. Also accomplished in this option is assurance of safe access to the Blanchard River Greenway Trail, which our group is unrelentingly working on to improve.

It should be emphasized that not only will the University of Findlay's four thousand students benefit from dedicated bike lanes, but this option also adds to the quality of life and property values of residents living in neighborhoods contiguous to Cory Street.

In conclusion, we are asking you to give careful consideration to the benefits of the designated bike lanes and their ability to get the community excited about this positive transformation to our city.

Steve Mills

Michael Reed, Professor, The University of Findlay

Gary Pruitt, Director, Hancock Parks

Brett Gies, Landscape Architect, RCM Architects

Jessica Siefker, Hancock County Health Educator

Paul Craun, citizen

Amy Leach, Director, Corporate PR & Marketing, Blanchard Valley Health System

Amy Jordan, Graphics Coordinator, Corporate PR & Marketing, Blanchard Valley Health System

Chuck Hardesty, V.P. Hancock Handlebars Bicycle Club



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March 23, 2016

VIA EMAIL

Donald J. Rasmussen, Esq., Director of Law
City of Findlay
318 Dorney Plaza, Room 310
Findlay, Ohio 45840

Re: Repeal of Section 127.01 of the Codified Ordinances of the City of Findlay

Dear Don:

Per our phone conversation, please find attached an ordinance for the purpose of repealing Section 127.01 ("Section 127.01") of the City of Findlay's (the "City") Codified Ordinances. The attached ordinance is structured to be passed by City Council as an emergency measure at its April 5, 2016 meeting.

As discussed in the introductory "whereas" clauses of the attached ordinance, Section 127.01 was initially adopted in 1996 in response to the addition of continuing disclosure provisions to Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule"). Section 127.01 was subsequently amended in 2011 to address certain amendments that had been made to the Rule.

Since the continuing disclosure requirements of the Rule became effective in 1995, the procedures for complying with the Rule have undergone many changes. The creation of the Electronic Municipal Market Access ("EMMA") portal by the Municipal Securities Rulemaking Board ("MSRB") was one of the biggest changes, and it went into effect on July 1, 2009. All issuers, including the City, are now required to post all continuing disclosure filings on EMMA.

The Rule contemplates that a separate agreement, certificate, or other form of contractual undertaking (commonly referred to as "Undertakings" under the Rule) would be created for each specific municipal debt issue that is subject to the Rule. This is the standard practice in the municipal debt marketplace. It is thus very unusual for an issuer to circumvent this process by incorporating the basic provisions of an Undertaking into their local laws, which is essentially the function that Section 127.01 serves. Even so, the City still has to specify in the proceedings for each of its bond issues the "annual information" that the City is required to provide annually pursuant to the Rule and Section 127.01.

Another significant change that has occurred since Section 127.01 was adopted is increased enforcement of the Rule by the SEC. The foremost example of the SEC's heightened enforcement is the Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative") that was announced in March 2014. The MCDC Initiative encouraged issuers to report themselves to the SEC if they failed to properly disclose any continuing disclosure failures made in an offering document

during the previous five years. The MCDC Initiative even incentivized underwriters to report their issuer clients for such failures.

In light of these changes and the City's current debt situation, it is recommended that Council adopt the attached ordinance to repeal Section 127.01 of the City's Codified Ordinances. Rationales for and benefits from adopting the attached ordinance include:

- Section 127.01 has set terms that deny the City the flexibility of adjusting the mechanics of its compliance with the Rule in the contractual agreement for each Undertaking. As the Rule changes or its interpretation and enforcement change, the inflexibility of Section 127.01 becomes a liability.
- Repealing Section 127.01 now as an emergency measure allows the City to avoid having to tie its upcoming issue of refunding bonds into Section 127.01. The City currently has only one issue of outstanding debt that is subject to the Rule and Section 127.01, which is the City's \$8,200,000 Various Purpose Bonds, Series 2008, dated July 23, 2008. Because those 2008 Bonds already have an Undertaking associated with them, the removal of Section 127.01 also does not negatively impact the City's existing debt.
- Section 127.01 incorporates a 180-day deadline (the "Filing Date" as defined in Section 127.01) that is unnecessarily brief and that does not coordinate well with the City's typical fiscal calendar. Most issuers have a longer timeframe (typically around 270 days) to prepare and file their annual continuing disclosure reports.
- Section 127.01 is inconvenient for Council and the City in that every time the SEC modifies the Rule, Council would need to modify Section 127.01 in response. That process opens the possibility to securities law liability for the City if the proper amendments and adjustments are not made in a timely manner and reflected in the City's continuing disclosure compliance procedures and filings.
- The existence of Section 127.01 adds a layer of complexity to each of the City's debt issuances, and that complexity does not come with any compensating benefits.
- It is very unusual for an issuer to have legislation such as Section 127.01 that attempts to incorporate compliance with the Rule into the issuer's codified ordinances. Standard market practice is to use contracts to handle the compliance with the Rule, and the SEC's standard expectations for compliance are also based on contract law.

In summary, it is easy to find reasons to repeal Section 127.01, but it is difficult to come up with any benefits that justify retaining it.

If you have any questions regarding these matters, please do not hesitate to call me at (614) 227-2372. After the ordinance has been passed, please email me a signed copy of the ordinance.

Very truly yours,

Paul S. Rutter, Esq.

Enclosures