

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

June 21, 2016

COUNCIL CHAMBERS

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

ABSENT: Watson

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 Harrington moved to accept the June 7, 2016 Regular Session City Council meeting minutes. Councilman Shindledecker seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ONS:

- Email from Street Department – 235 Ellis Ave sidewalk variance (**REPORTS OR MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)

REPLACEMENTS:

- ORDINANCE NO. 2016-058 – WPC effluent flow meter (**LEGISLATION** section)
 - FROM: Sewer Fund \$ 234,021.00
 - Should be:
 - FROM: Sewer Fund \$ 22,000.00
 - TO: WPC #25061000-other \$ 234,021.00
 - Should be:
 - TO: WPC #25061000-other \$ 22,000.00

REMOVALS:

- Letter from HRPC - RLF Diversified Machine & Welding LLC (**REPORTS OR MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
- Ordinance No. 2016-066 - RLF Diversified Machine & Welding LLC (**LEGISLATION** section)

PROCLAMATIONS: – none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS: - none.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS:

Tony Grotrain – 911 Good Samaritan Law; Opiate Task Force

Mr. Grotrain came to Council last fall and passed around a petition that almost everyone in the room tonight signed in favor of the 911 Good Samaritan Law. This past October, he went down to testify on behalf of the issue with an envelope of 2,700 signatures on the petition. He thanked everyone and noted that it helped.

Mr. Grotrain handed out invitations to Councilmembers and the Administration for the Hancock County Opiate Task Force Stakeholder's meeting to be held on Monday, June 27, 2016 beginning at 5:00pm at the Winebrenner Theological Seminary. This meeting will take place prior to Representative Latta's Forum focusing on the opiate epidemic. Both Congressman Latta and Senator DeWine will be in attendance. There is a pre-meeting that Councilmembers and the Administration are invited to. There will be updates on the local conditions affected by the opiate epidemic, as well as what the current initiatives are that are activated by the Hancock County Opiate Task Force. Stakeholders input and engagement for sustainability of community-based efforts are encouraged.

Councilman Monday moved to adjourn into executive session to discuss collective bargaining contracts (Ordinance No. 2016-068). Councilman Harrington seconded the request. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser. Council adjourned into executive session at 7:36pm. Council reconvened into regular session at 8:15pm. Councilman Russel moved to adjourn out of executive session. Councilman Monday seconded the motion. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Municipal Court Activities Report – May 2016. Filed.

Findlay Police Department Activities Report – May 2016. Filed.

Findlay W.O.R.C. Financial Analysis Report – January 1, 2016 through May 31, 2016. 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 May 31, 2016
- Financial Snapshot for General Fund as May 31, 2016
- Cash & Investments as of May 31, 2016
- Open Projects Report as of May 31, 2016

Filed.

Findlay Fire Department Activities Report – May 2016. Filed.

Board of Zoning Appeals Minutes – May 12, 2016. Filed.

Water Pollution Control Center Superintendent David Beach – effluent flow meter

Water Pollution Control Center is requesting funds be transferred for the purchase of a dedicated effluent flow meter at final outfall 001. Currently, the effluent flow rate is a calculated number derived from two sources: the plant influent flowmeter and the Bright Road pump station. It is important that the effluent flow data be as accurate as possible, as it is used to determine NPDES effluent loading limits compliance. Funds to purchase this equipment will be covered through the Equipment Replacement Fund for WPCC. A request to transfer \$22,000 from the Sewer Fund WPC Equipment Replacement Account to WPC #25061000-551300 Outlay-Equipment. Ordinance No. 2016-058 was created. Filed.

Discussion:

Councilman Wobser requested the letter be read in full. The Council Clerk read the letter in its entirety. Filed.

Treasurer's Reconciliation Report – May 31, 2016. Filed.

Service-Safety Director Paul Schmelzer – Marion Township Revenue Sharing Agreement

The project to construct a new industrial park south of CR 212 has been very successful. Much has been made of the state-of-the-art distribution facility that McLane is constructing. The collaboration between the City, Township, and economic development groups required to bring this project to fruition has proved to be very strong.

The Service-Safety Director has spoken many times about being positioned for projects. In many cases, this includes annexation. Along with annexation comes the City's commitment of utilities and infrastructure maintenance. Many corporations do not want to wait for the potential annexation of their properties. They want land that is ready for site development.

McLane was one of those properties. The Marion Township Trustees worked along with the City on expedited annexation for the McLane project. In addition, the City annexed more acreage than required for the McLane project so that the entire industrial park would be in the City. As part of the expedited annexation process, the Service-Safety Director is committed to Marion Township and to working on developing an agreement to extend the terms of the revenue sharing agreement. This would apply to the McLane project and any other project in the future where the City is desirous of annexing large tracts of land to prepare it for development. The revision extends the revenue share from twelve to fifteen (12-15) years. The share will start after any CRA abatement has expired. NOTE: this is not for all annexed parcels, only those where the City requests annexation before development.

The County Auditor will track the abatement and the revenue share. The Service-Safety Director is pleased with our ability at the municipal and county government levels to work together to proactively position ourselves for smart growth. It is one example why Findlay is the #1 Metropolitan City. Filed.

Service-Safety Director Paul Schmelzer – final Health Department merger items

The Hancock County Health District has hired a new Executive Director. Karim Baroudi was hired by the Board to fill the position in May. He will play an important role, along with Deputy Health Commissioner Barb Wilhelm in moving toward accreditation.

There are two (2) outstanding issues remaining to complete the merger. First, to partially satisfy the merger agreement, the City paid \$484,258 toward matching the County carry-forward balance. It was agreed to, at that point, that a final payment would be made after all costs associated the merger were finalized and assets from each entity were accounted for. That process has now been complete.

To finalize the requirements in the agreement, the City must remit \$211,770.98. Based on initial estimates, the merger project was funded. There is \$176,991.58 remaining in the project. The difference is \$34,779.40. Legislation to transfer funds to complete the funding of the merger is requested. Ordinance No. 2016-059 was created.

FROM: General Fund \$ 34,779.40
TO: Health Department Merger Study, Project #31947200 \$ 34,779.40

The second item is an MOU regarding the only member of the City Health Department that was hired under the old pay scale. This MOU will ensure that upon her retirement from the County, she will be treated as though she were a City employee for the purposes of sick leave payout. In the event she has no sick leave remaining, there will be no payout and the County will have absorbed the sick leave payments over the course of her employment with the district. Legislation authorizing the execute the Memorandum of Understanding is requested. Ordinance No. 2016-060 was created. Filed.

City Engineer Brian Thomas – 2016 Sanitary Sewer Lining Project 35660500

By authorization of Ordinance No. 2016-010, a bid opening was held for this project on May 19, 2016. Bids were received from two (2) potential contractors with base bid amounts of \$208,370.00 and \$240,120.00. Bids were also received for four (4) alternates totaling \$166,451.25 and \$184,195.00. The lowest and best bid was received from LiquiForce of Romulus, Michigan.

Currently in the 2016 Capital Improvements Plan (Sewer Fund), there is a budget amount of \$300,000 for the 2016 Sewer Lining Project and \$148,000 for the 2016 Sewer Cleaning Project with \$10,000 previously appropriated to each of the projects. In order to complete the four (4) lining alternates, reducing the cleaning budget amount and transfer the funds to the lining project is needed. Legislation to appropriate funds is requested. Ordinance No. 2016-061 was created.

FROM: Sewer Fund \$ 400,000.00
TO: 2016 Sanitary Sewer Lining Project No. 35660500 \$ 400,000.00

Filed.

Service-Safety Director Paul Schmelzer – 3rd quarter appropriations

In an effort to minimize the financial impact on the beginning of the year CIT Capital Improvements Fund balance, the appropriation requests were split into quarterly breakdowns. The first and second quarterly appropriation requests were authorized on February 2, 2016 with Ordinance No. 2016-010, and on April 5, 2016 with Ordinance No. 2016-024. Legislation to appropriate funds is requested. Ordinance No. 2016-062 was created.

FROM: CIT Fund – Capital Improvements (restricted account) \$ 65,000.00
TO: Fire #21014000-other \$ 30,000.00
TO: Municipal Building #21022000-other \$ 20,000.00
TO: Street Department #22040000-other \$ 15,000.00

FROM: CIT Fund – Capital Improvements (restricted account) \$ 25,000.00
TO: Wood Shop Roof Replacement #31961700 \$ 20,000.00
TO: CR 212/CR 236 Widening (startup) #32864600 \$ 5,000.00

FROM: Sewer Fund \$ 150,000.00
TOP: SPC SCADA System Upgrade #35662200 \$ 150,000.00

Filed.

Service-Safety Director Paul Schmelzer – Downtown Revitalization (Main St and Cory St improvements) Project No. 31942400; ODOT PID 98797

As we continue to move forward with the Downtown Revitalization project, we have become aware of additional consulting tasks that need to be included in the project design; most importantly, irrigation systems for the landscaped areas and wayfinding signage.

To date, Marathon has contributed \$340,000 towards the design phase and they are also committed to reimbursing the City for these additional items. Legislation to appropriate funds is requested. Ordinance No. 2016-067 was created.

FROM: CIT Fund – Capital Improvements (restricted account) \$ 50,000.00
TO: Downtown Revitalization Project #31942400 \$ 50,000.00

Filed.

City Auditor Staschiak - Bond Counsel various purpose bonds

In 2008, the City of Findlay issued \$8,200,000 in various purpose bonds with a final maturity of 2033. Recent market conditions afford an opportunity to do an advance refunding of this debt prior to the call date savings the City interest cost. In order to take advantage of this opportunity, Council passed Ordinance No. 2016-022 on March 1, 2016.

Bond Counsel has done a thorough review of this debt along with our financial advisor and the Auditor's Office. In order to structure the debt in a way which is most advantageous to the City a modification is required to Ordinance No. 20106-022. Market conditions continue to be volatile and can change quickly so legislation is before you which includes the emergency clause that has been prepared by bond counsel and reviewed by our financial advisor and Law Director Rasmussen. The City Auditor requests Council consider suspending the Statutory Rules and give this Ordinance all three (3) readings. Passing it during the June 21, 2016 City Council meeting would enable the City Auditor to move forward and complete the refunding process to take advantage of the current market conditions. Ordinance No. 2016-069 was created. Filed.

Email from property owner at 235 Ellis Avenue – sidewalk variance

The property owner at 235 Ellis Avenue emailed the City Street Department asking for a sidewalk variance. This property, along with two (2) other properties on that street are on the dead end portion of the street. It is a one-lane street with no curbs and no sidewalks. The driveway at 235 Ellis Avenue is in extremely bad shape and needs repaired and widened due to no street parking in this neighborhood. The property owner needs to obtain a sidewalk permit and install a concrete sidewalk through their asphalt driveway to meet Findlay's rules and regulations. They were told by the contractor that they will not do driveways and that contractors do the concrete work first and then the asphalt in which most times, the sidewalks end up cracked because of the equipment. The sidewalk portion of this project will be an additional \$1,000. Referred to Streets, Sidewalks, & Parking Committee.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Philip Rooney to vacate the north-south alley located between Lots 1164-1167 and Lot 1191 in the Byal's 2nd Addition, bounded on the south by East Lima Street on the north by the east-west alley between South Main Street and Beech Avenue.

We recommend approval of the alley vacation. Ordinance No. 2016-063 was created. Filed.

Discussion:

Councilman Russel asked what Councilman Hellmann's vote is on this as it is not indicated on the committee report. Councilman Hellmann replied he is in favor of it.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Van Horn, Hoover & Associates, Inc. on behalf of Jean Dove (Habitat for Humanity) to rezone 1101 North Blanchard Street from R2 Single Family Medium Density to R3 Single Family High Density.

We recommend approval of the application. Ordinance No. 2016-064 was created. Filed.

Discussion:

Councilman Hellmann noted that his wife is on the board for Habitat for Humanity and asked if he should recuse himself. Law Director Rasmussen replied his recommendations is that he do so on this issue.

Councilman Harrington moved to adopt the committee report. Councilman Shindledecker seconded the motion. All were in favor except for Councilman Hellmann abstaining. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Theresa Heidlebaugh and Marcus Price to vacate the Connell Avenue from Fishlock Avenue east to the north-south alley located between Fishlock Avenue and Williams Street (60 ft x 160 ft).

We recommend this be tabled per City Planning action. Filed

Councilman Harrington moved to adopt the committee report with confirmation of the three (3) Councilmembers' vote of aye or nay. Councilman Shindledecker seconded the motion.

Discussion:

Councilman Shindledecker noted that committee members did not register a vote on this committee report because they were instructed not to because of the action that City Planning Commission gave it prior to this meeting. The request has to go back to the City Planning Commission. Law Director Rasmussen added that no action was taken during the Planning and Zoning Committee meeting, so it will go back to them after it has gone to the City Planning Commission again. There was no course of action to vote on, so it was tabled. Councilwoman Frische asked if Council is to accept this committee report or not. Law Director Rasmussen replied that Council can accept it, but the request was tabled with no action taken.

Council President Slough asked the Law Director if he recommends letting this committee report go. Law Director Rasmussen shook his head in agreement.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Van Horn, Hoover & Associates, Inc. on behalf of Roger Best to rezone Kennington Drive (Complete legal description is available in the Council Office) from R2 Single Family Medium Density to CD Condominium.

We recommend approval of the application with property owner requested to contact adjacent property owner of intentions. Ordinance No. 2016-065 was created. Filed.

Councilman Shindledecker moved to adopt the committee report. Councilman Harrington seconded the motion.

Discussion:

Councilman Wobser asked if Councilman Hellman's vote can be made part of the record for all of today's Planning & Zoning Committee reports. Councilman Hellmann replied that he voted in favor of all of them. He made the motion but forgot to check off the "aye" box.

Councilwoman Frische asked what the committee approved as the recommendation and if they are approving the zoning change. The recommendation by the committee is confusing. Mayor Mihalik replied that the adjacent property owners have been contacted. There was some discussion at the City Planning Commission meeting on it with concerns on drainage with the adjoining property owners if the rezone request were to go through. Law Director Rasmussen added that there is a private road that would be a drive-through to one of the properties, so the Planning & Zoning Committee recommended that property owners be contacted to let them know about that private road.

Councilwoman Frische then asked if everything is good to go and if everyone is on the same page (i.e. number of condos being put in, changing the zoning) and that there is nothing that we are waiting on. Mayor Mihalik replied that Council is being asked to approve the committee report which recommends approval of the zone change.

All were in favor. Filed.

LEGISLATION: RESOLUTIONS – none.

ORDINANCES

ORDINANCE NO. 2016-046 (*Miracle Field contribution*)

third reading

adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Klein.

Discussion:

Councilman Wobser noted that there have been lots of discussions about this Ordinance over the last month. He appreciates the time that was put into it. His main problem with it is that the City is giving money to a 501C3 for no specific asset to be built. Given the situation where we are at in building this, it will end up being a great asset to the community. If anything were to be done differently with this, it would be inefficient as far as money goes to get the rest of the restroom built, he is changing his vote from last time it was voted on to now be in favor of it.

Councilwoman Frische noted that after a lot of discussion and doing more research on it, she supports the Miracle Field project. The City has already donated \$225,000 towards it which was earmarked for the restroom, but now it has changed and is just a donation from the City and an additional \$50,000 is being asked to be donated by the City. She has requested quotes and bids to see where the project is at, but since that cannot be provided at this time due to it still being in the estimate stage, it is as if the City is throwing money at something without having the full numbers to justify it when using public dollars. For that reason, she does not support the additional \$50,000 but does feel it is a great project. Service-Safety Director Schmelzer clarified that it is very specific as to which project it is going to. Those funds are not released until the expenditures are proven by both the Project Manager of the 501C3 (Jim Brooks) and the Engineering Department. The money is not going from the General Fund to a 501C3. It is going to a project for a very specific purpose. He was provided with the restroom numbers which are not estimates. They are actual costs for the restroom. Councilwoman Frische noted that during the meeting last month, it was specifically said that the \$225,000 the City donated was not earmarked for a restroom. She is in favor of it being used for the restroom. She can justify using public dollars for a restroom for the entire complex because it is City property. The numbers that the Service-Safety Director obtained from Brad and that she requested were not what she is looking for. She is looking for actual bid numbers. They were trying to break it out of the whole project. If she can see actual bid numbers and who we are paying what for, she can then justify the additional \$50,000 donation if it is needed. At this point, the \$225,000 is a lot for a restroom. The non-profit was originally told that they had to raise all the money on their own, but she does feel that restrooms are something the City could help with and could justify using public dollars for, but when previous Council before her said that City dollars and non-profit do not mix, it appears that is what is being asked for on this. She is fine with the \$225,000 that the City already donated. She hopes it goes towards the restroom and is sure it will. When she talked to Brad, \$41,000-\$46,000 was still needed to meet their full amount but hoped to get it through the fundraiser that is coming up. She thinks the project looks great, but cannot support giving more funds until an actual number is provided for an additional above and beyond. Service-Safety Director Schmelzer replied that he can provide that information, but it is irrelevant for the vote tonight. The numbers that Council has are broken out showing the categories where the funds are being spent. The contractor has prices for toilets, walls, block, mortar, etc if anyone wants to go through it with them. If so, he will set up a meeting with them. The funds that were in the Capital Plan were put into the plan well before the project was even fully conceived. When the Miracle League project was talked about, there was \$250,000, \$25,000 of which was for planning for two (2) additional fields, so he does not agree with Councilwoman Frische's statement that the money was put in and was an ask after request. The group always knew that there was a contribution from the City and that the City wanted the project, at least that was their impression. Councilwoman Frische added that this project will be an asset for the community and she thinks it is great that the non-profit raised the majority of the money. She tried to compare it to other projects at the CUBE, but did not find where we have ever been in this situation before other than the football field. As projects are completed at the CUBE by non-profits, they are donated back to the City. She is not in favor of the extra \$50,000 donation.

Ayes: Hellmann, Klein, Monday, Russel, Shindedecker, Wobser, Harrington. Nays: Frische, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-046 and is hereby made a part of the record.

ORDINANCE NO. 2016-047 (*429 Walnut St/420-422 Prospect 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 429 WALNUT STREET AND 420-422 PROSPECT STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "R4 DUPLEX TRIPLEX RESIDENTIAL".

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Klein, Monday, Niemeyer, Russel, Shindedecker, Wobser, Frische, Harrington, Hellmann. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2016-047 and is hereby made a part of the record.

ORDINANCE NO. 2016-048 (*Toledo-Lucas County Port Authority grant*) **third reading** **adopted**
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO SIGN AND EXECUTE A COOPERATE PROJECT MANAGEMENT AGREEMENT WITH THE TOLEDO-LUCAS COUNTY PORT AUTHORITY, AND TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO RECEIVE AND ADMINISTER A GRANT SUB-AWARD THROUGH THE TOLEDO-LUCAS COUNTY PORT AUTHORITY IN THE AMOUNT OF THREE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$355,000.00), AND DECLARING AN EMERGENCY.

Councilman Monday moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Klein. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-048 and is hereby made a part of the record.

ORDINANCE NO. 2016-053 (*1001 Blanchard Avenue demo*) **second reading** **adopted**
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR AND ACCEPT BIDS FOR THE DEMOLITION OF 1001 BLANCHARD AVE, AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its third reading. Councilman Wobser seconded the motion. Ayes: Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The Ordinance received its third reading. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-053 and is hereby made a part of the record.

ORDINANCE NO. 2016-054 (*2015 ordinances & resolutions updates*) **second reading**
AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its third reading. Councilman Shindledecker seconded the motion. Ayes: Shindledecker, Wobser, Frische, Hellmann, Niemeyer. Nays: Harrington, Klein, Monday, Russel. Motion defeated.

Second reading of the Ordinance.

ORDINANCE NO. 2016-056 (*Police Dept radios*) **second reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading. Councilman Klein seconded the motion. Ayes: Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker. The Ordinance received its third reading. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Monday. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-056 and is hereby made a part of the record.

ORDINANCE NO. 2016-058 (*WPCC effluent flow meter*) **first reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Monday seconded the motion. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-058 and is hereby made a part of the record.

ORDINANCE NO. 2016-059 (*final Health Department merger items – complete funding for the merger*) **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2016-060 (*final Health Department merger items – execute MOU*) **first reading** **adopted**
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) AGREEMENT WITH THE COMBINED GENERAL HEALTH DISTRICT (CGHD) TO ALLOW A FORMER CITY OF FINDLAY HEALTH DEPARTMENT EMPLOYEE TO CARRY FORWARD ACCUMULATED UNUSED SICK LEAVE, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Russel pointed out that this ordinance affects one employee, Barb Wilhelm from the Health Department. As the Service-Safety Director mentioned in his update, she has been instrumental in merging the Health Departments. When he has had the opportunity to work with Barb, she has explained things to him making it easy for him to understand. He supports this and is pleased that it is getting all three (3) readings tonight.

Councilwoman Frische asked for clarification on what dollar amount is being carried forward and if it affects anything for the City down the road. Service-Safety Director Schmelzer replied that the MOU would obligate the City if she has sick leave above and beyond what the County paid out at the end of her career to mimic what she would have been awarded if she were still a City employee. There is nothing that is defined at this point in terms of the dollar amount. The County will pay the first quarter 960. It is an obligation that the City would have had, but now the County is taking it on. If Ms. Wilhelm were to use all of her sick leave while she is employed by the County, then the City's obligation would be zero (\$0). If she never uses another day of sick leave and continues to accumulate through a long career or through accreditation of the Health Department, then the City's obligation would be to pay the difference between the first quarter of 960 that the County will pay, and the difference is outlined in the agreement which mimics the City's payroll ordinance for someone of her tenure. Councilwoman Frische then asked if money should be put into a reserve account for this. She asked how much Ms. Wilhelm will be paid from the City. Service-Safety Director Schmelzer replied it will be somewhere between \$0-\$40,000.

Councilman Shindledecker noted that this may sound similar to the controversy over the City's former Fire Chief payout, but is entirely different. Ms. Wilhelm was an employee of the City, and as the merger took place, she became a County employee where she was caught between a rock and a hard place. This is something that is totally justified.

Ayes: Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Klein. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-060 and is hereby made a part of the record.

ORDINANCE NO. 2016-061 (2016 Sanitary Sewer Lining Project 35660500)

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. Councilman Klein seconded the motion. Ayes: Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-061 and is hereby made a part of the record.

ORDINANCE NO. 2016-062 (3rd quarter appropriations)

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2016 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2016-063 (E Lima St vacation)

first reading

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS EAST LIMA STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2016-064 (1101 North Blanchard Street rezone – Habitat for Humanity)

first reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 1011 NORTH BLANCHARD STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY MEDIUM DENSITY" TO "R3 SINGLE FAMILY HIGH DENSITY".

First reading of the Ordinance.

ORDINANCE NO. 2016-065 (Kenningston Dr rezone – condo complex)

first reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS KENNINGSTON DRIVE REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY MEDIUM DENSITY" TO "CD CONDOMINIUM".

First reading of the Ordinance.

ORDINANCE NO. 2016-067 (Downtown Revitalization project)

first reading

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. Councilman Monday seconded the motion. Ayes: Shindledecker, Frische, Hellmann, Klein, Monday, Niemeyer, Russel. Nays: Wobser, Harrington. The motion was defeated.

First reading of the Ordinance.

ORDINANCE NO. 2016-068 (OPBA contract renewal)

first reading

adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO THREE (3) YEAR CONTRACTS WITH THE OHIO PATROLMANS BENEVOLENT ASSOCIATION ON BEHALF OF THE DIVISIONS OF DISPATCH, PATROL OFFICERS, SERGEANTS AND LIEUTENANTS IN THE FINDLAY, OHIO POLICE DEPARTMENT, EFFECTIVE JANUARY 1, 2016, AND EXPIRING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische thanked the Service-Safety Director for going through the detail of this with Council. With this being six (6) months into the calendar year already, it is worth suspending the rules to keep that department moving.

Councilman Harrington thinks it is important to also thank the Police Department and all their representatives in this matter. The City has gone through a lot the last few years. It is great to see both the Administration, Police Department, and the Fire Department work together to come to an agreement that satisfies both. They work hard every day putting their lives on the line and are pushed to the limit dealing with the amount of drugs that are in our community. He thinks it is great that they can be compensated accordingly. He commends not only what they did, but also for their cooperation with the Administration and the citizens of Findlay.

Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-068 and is hereby made a part of the record.

ORDINANCE NO. 2016-069 (Bond Counsel amendment)

first reading

adopted

AN ORDINANCE AMENDING ORDINANCE NO. 2016-022 TO AUTHORIZE THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$6,900,000 FOR THE PURPOSE OF DEFEASING AND ADVANCE REFUNDING (AS APPLICABLE) ALL OF THE CITY'S BONDS ISSUED IN JULY 2008 FOR THE PURPOSE OF (I) IMPROVING C.R. 236 BY WIDENING, CONSTRUCTING, RECONSTRUCTING, GRADING, PAVING, REPAVING AND CONSTRUCTING DRAINAGE IMPROVEMENTS AND RELATED INFRASTRUCTURE WITH LANDSCAPING, TRAFFIC CONTROL DEVICES, LIGHTING, AND OTHER APPURTENANCES THERETO; (II) CONSTRUCTING AND IMPROVING ATHLETIC FIELDS AND A PERIMETER WALKWAY FOR THE HANCOCK RECREATION CENTER FIVE PLEX SPORTS COMPLEX, INCLUDING GRADING, LANDSCAPING, IRRIGATION, PAVING, FENCING, LIGHTING, SIGNAGE, AND ALL OTHER IMPROVEMENTS AND APPURTENANCES THERETO; (III) RENOVATING, CONSTRUCTING, RECONSTRUCTING, AND EXPANDING THE HANCOCK RECREATION CENTER, INCLUDING ACQUISITION OF APPROXIMATELY 5.5 ACRES OF LAND AND INTERESTS IN LAND ADJACENT TO THE HANCOCK RECREATION CENTER FURNISHING AND EQUIPPING SAME, AND ALL APPURTENANCES RELATING THERETO; AND (IV) ACQUIRING RIGHT-OF-WAY ALONG C.R. 236 BETWEEN U.S. RT. 224 AND S.R. 12 TO BE USED FOR THE C.R. 236 WIDENING PROJECT; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Wobser seconded the motion. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-069 and is hereby made a part of the record.

ORDINANCE NO. 2016-070 (Marion Township revenue sharing agreement - McLane)

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT WITH THE BOARD OF TOWNSHIP TRUSTEES FOR MARION TOWNSHIP, HANCOCK COUNTY, OHIO, FOR REFVENUE SHARING PURSUANT TO RESOLUTION NO. 19-1995.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS: - none.

NEW BUSINESS:

Councilman Harrington asked to reconsider Ordinance No. 2016-067. He requested to change his vote. Councilman Russel moved to reconsider the Ordinance. Seconded by Councilman Hellmann. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Harrington, Hellmann. Nays: Wobser, Frische. Councilman Harrington moved to suspend the statutory rules of Council and give the Ordinance its second and third readings. Seconded by Councilman Russel. Ayes: Monday, Niemeyer, Russel, Shindledecker, Harrington, Hellmann, Klein. Nays: Wobser, Frische. The motion was defeated.

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

President J. Slough adjourned Council at 9:00pm.

CLERK OF COUNCIL

PRESIDENT OF COUNCIL