

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

November 15, 2016

COUNCIL CHAMBERS

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

ABSENT: Klein, 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 Russel moved to accept the November 1, 2016 Regular Session City Council meeting minutes. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

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

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS: - none.

ORAL COMMUNICATIONS:

Columbia Gas of Ohio - Findlay Implementation Plan

Jill McGinn notified Council that Columbia Gas of Ohio recently selected Findlay as the 8th city in the State of Ohio to participate in the Neighborhood Energy Audit Program. They have offered audits and discounts on energy efficiency upgrades for the past seven (7) years, but never at the discounted rates they are offering now. She provided a portion of the implementation plan created for Findlay and provided an overview of what it looks like for Findlay residential customers. Findlay customers will have the opportunity to lower their natural gas usage, reduce their carbon footprint, as well as enjoy a more comfortable, quieter home. All single family homes who are residential gas heating customers are preapproved for a Home Energy Audit for only \$20. Findlay customers are only responsible for the first \$300 of recommended, qualified insulation and air sealing improvements, and are eligible to receive \$1,000 off a high efficiency furnace or boiler if recommended during their audit. Residents may receive free programmable thermostats and high-performance, energy efficient shower heads where appropriate. As part of the screening process, all customers will be screened for income eligibility to determine eligibility in the WarmChoice program. All eligible WarmChoice customers will be referred to Ground Level Solutions in an expedient manner. Customers that completed an audit in 2016 and have not yet moved forward with installation of recommended measures will also be eligible to take advantage of the qualified rates. Refunds will not be provided for the original audit fee; however, customers will be eligible to move forward with the incentives approved for Findlay.

Findlay has approximately 17,866 residential accounts. There are currently 7,046 homes in Findlay with annual gas usage of about 800 CCF that have not yet completed a Home Energy Audit. The goal for this initiative is to complete 350 audits or (5%) of that population during the initial six-month launch. With an estimated conversion rate of 49%, the conversion goal is 171 homes to install the recommended measures and a savings of 51,450 CCF of natural gas.

The process for this audit is that residential customers in single-family homes call their customer contact center and schedule an audit. The audit lasts approximately two to three (2-3) hours with evening and weekend appointments available. The auditors are staff members of CLEAResult and are BPI certified. Background checks are conducted to ensure that everyone that they send into homes are safe. They perform blower door testing, infrared thermography, and safety testing of gas appliances. At the conclusion of this audit, they provide a report outlining all the energy efficiency upgrades eligible for each customer. The customers that benefit the most from this program are those whose homes were built prior to 1975 and use over 1,000 cubic feet of gas annually, but is not to say that a newer home cannot have one. If CLEAResult makes a recommendation for a house to have insulation or air sealing measures, the most those customers ever have to pay out-of-pocket is \$300. No matter how much insulation is recommend, the out-of-pocket cap is still \$300, which is new for Findlay residences. Prior to this initiative, up to 70% of the cost was discounted, but now there is a cap. Previously, if a high-efficiency furnace was recommended, they gave \$300 off the furnace. Now it is \$1,000 for Findlay residences.

The program also offers quality control checks/referral fees for those who refer a friend. If that referral has an audit done, a \$20 thank you check is sent per recommendation, which reimburses the \$20 audit fee.

CLEAResult will be in Findlay promoting the initiative on behalf of Columbia Gas of Ohio. They do not do door-to-door solicitation.

Discussion:

Councilman Harrington asked who pays for what is left after the out-of-pocket is paid. Ms. McGinn replied Columbia Gas and it is rate-payer funded. Residential customers may not be aware that that they pay approximately one to one and a half cent to a fund every month which is included on their monthly statement. The Public Utilities Commission of Ohio (PUCO) requires Columbia Gas of Ohio to offer energy efficiency programs which is where this is coming from. Councilman Harrington asked if CLEAResult is a subsidiary of Columbia Gas. Ms. McGinn replied that CLEAResult is an energy efficiency implementer. Columbia Gas is a client of theirs who contracts with them to run their energy efficiency programs.

Councilman Wobser asked if there is a website where all of this information is available. Ms. McGinn replied it is available on the Columbia Gas of Ohio website. Once there, choose the "Ways to Save" tab. All the information is there. On the website, Findlay's standard information is not available. The website state that a home energy audit is \$50, not \$20 because that is what the rest of the state is paying. Columbia Gas of Ohio is in 61 out of 88 counties who have the \$50 charge with 70% off for the audit in most of the counties. There is marketing collateral for Findlay which is why it is only \$20.

Councilman Harrington asked how it was determined that Findlay would get the \$20 charge. Ms. McGinn replied that there are a number of factors that go into the equation to figure out what to offer cities. One of those factors is housing stock. The housing stock in Findlay is prime for this kind of savings with factors such as larger homes, older homes, general housing stock, average income, average gas usage, etc.

Councilman Russel asked if a resident will still qualify to be in this program if they are a client of a gas aggregator. Ms. McGinn replied they are. Columbia Gas of Ohio is the delivery system, so the supplier of the gas does not matter to them. As long as the gas bill is paid every month to Columbia Gas, then they are eligible for this program.

Service-Safety Director Schmelzer asked if this is only offered for those within the city corporate limits. Ms. McGinn replied it is for those with a Findlay address.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

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

Findlay Police Department Activities Report – October 2016. Filed.

Treasurer's Reconciliation Report – September 30, 2016, and October 31, 2016. Filed.

Findlay Fire Department Activities Report – October 2016. Filed.

Findlay W.O.R.C. Financial Analysis Report – January 1, 2016 through October 31, 2016. Filed.

Council President Pro-Tem R. Ronald Monday – Bed Tax Distribution Ad Hoc Committee appointment

Pursuant to his authority as Council President Pro-Tem, he is appointing an Ad Hoc Committee to study and make a recommendation to council related to the "Bed Tax Distribution". Councilman Grant Russel will be the Chairman and Councilman Dennis Hellmann and Councilman Tom Klein will serve on the committee.

Discussion:

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

Findlay Municipal Court Activities Report – October 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 October 31, 2016
- Open Projects Report as of October 31, 2016
- Cash & Investments as of October 31, 2016
- Financial Snapshot as October 31, 2016

Filed.

COMMITTEE REPORTS:

An **AD HOC COMMITTEE** met on September 29, 2016 to select Councilmembers to serve on the Raise The Bar Board.

We recommend the appointment of Councilman Jeff Wobser for the remainder of 2016 and for the calendar year 2017. Mr. Wobser will be a voting member of "The Raise The Bar" program.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Thomas Roach to rezone 516, 518, 518 ½ Liberty Street from R3 Single Family High Density to R4 Duplex/Tri-Plex High Density.

We recommend to approve as requested. Ordinance No. 2016-112 was created.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Woody Heimann to rezone a .94-acre piece of land directly east of Menards at 15110 Flag City Drive from R1 Single Family Low Density to C2 General Commercial.

We recommend to approve as requested. Ordinance No. 2016-113 was created.

Councilman Wobser moved to adopt the committee report. Councilman Hellmann seconded the motion. All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Hancock Regional Planning Director Matt Cordonnier to discuss updates to the Downtown Design Review Board regulations.
We recommend further discussion by the Planning & Zoning Committee.

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

Discussion:

Councilman Russel noted that three (3) property owners were represented during this meeting. The general feeling from Council and three (3) property owner representatives was favorable towards the legislation. There is a lot that will need to go into this legislation, so it will take a couple of meetings to go through it and make sure it is the way the committee wants to recommend it to Council. One of the biggest concerns the committee had after the first meeting was if the legislation and process is created, what kind of enforcement there will be. If there is no enforcing of the regulations that are being requested, then the committee feels it will be a waste of time. Matt Cordonnier is going to work on the enforcement process. Future meetings will be scheduled, but nothing has been set at this time. The committee will inform Council when the next meeting is.

All were in favor. Filed.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 040-2016 (*Energy Special Improvement District*)

second reading **adopted**

APPROVING BY LEGISLATIVE RESOLUTION THE PETITION AND ARTICLES OF INCORPORATION FOR THE CREATION AND GOVERNANCE OF AN ENERGY SPECIAL IMPROVEMENT DISTRICT UNDER OHIO REVISED CODE CHAPTER 1710, AND APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF FINDLAY, OHIO IN COOPERATION WITH THE CITY OF FINDLAY, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Hellmann feels this is a nice opportunity for the City of Findlay.

Councilwoman Frische also feels this is a good thing. There were discussions on verbiage at the last Council meeting. She asked if Council is moving forward with this or is amending it to add the City Auditor's request for additional verbiage. Law Director Rasmussen replied that it was not appropriate to put it in the petition, and if we did that, we would always have to remember to put it in the petition. It would be more appropriate to put it in the plan because the board defines what we can and cannot do.

Ayes: Harrington, Hellmann, Monday, Niemeyer, Russel, Shindldecker, Wobser, Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

RESOLUTION NO. 041-2016 (*no PO*)

first reading **adopted**

A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

Councilman Russel moved to adopt the Resolution, seconded by Councilman Monday. Ayes: Hellmann, Monday, Niemeyer, Russel, Shindldecker, Wobser, Frische, Harrington. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

ORDINANCES

ORDINANCE NO. 2016-105 (*415/417 Crystal Ave rezone*)

third reading **adopted**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 415/417 CRYSTAL AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY MEDIUM DENSITY" TO "R4 DUPLEX/TRI-PLEX HIGH DENSITY".

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Shindldecker. Ayes: Monday, Niemeyer, Russel, Shindldecker, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2016-105 and is hereby made a part of the record.

ORDINANCE NO. 2016-108 (*salary ordinance*)

second reading

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS, PAY RANGES, SALARY SCHEDULES AND OTHER MATTERS THAT MAY AFFECT PAY, FOR ALL NON-ELECTED OFFICERS AND EMPLOYEES OF THE CITY OF FINDLAY, OHIO, AND REPEALING ORDINANCE NO. 2016-089, ORDINANCE NO. 2016-071, AS AMENDED AND ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2016-109 (year-end appropriations)
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

second reading

Second reading of the Ordinance.

ORDINANCE NO. 2016-110, AS AMENDED (Income Tax estimated payments)
AN ORDINANCE AMENDING SECTIONS 194.07, 194.10, AND 194.13 OF CHAPTER 194 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

second reading

Second reading of the Ordinance.

ORDINANCE NO. 2016-111 (Twp Rd 94 waterline extension)
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

second reading

adopted

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading. Councilman Monday seconded the motion. Ayes: Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Monday. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance. Councilman Harrington seconded the motion. Ayes: Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Monday, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-111 and is hereby made a part of the record.

ORDINANCE NO. 2016-112 (516, 518, 518 ½ Liberty St rezone)
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 516, 518, 518 ½ LIBERTY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "R4 DUPLEX/TRI-PLEX HIGH DENSITY".

first reading

First reading of the Ordinance.

ORDINANCE NO. 2016-113 (15110 Flag City Dr rezone)
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 15110 FLAG CITY DRIVE REZONE) WHICH PREVIOUSLY WAS ZONED "R1 SINGLE FAMILY LOW DENSITY" TO "C2 GENERAL COMMERCIAL".

first reading

First reading of the Ordinance.

ORDINANCE NO. 2016-114 (zoning fees)
AN ORDINANCE APPROVING AN UPDATED SCHEDULE OF FEES PURSUANT TO 1169.01 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

first reading

First reading of the Ordinance.

UNFINISHED BUSINESS: OLD BUSINESS:

Service-Safety Director Schmelzer agrees with Councilman Russel's comments about the enforcement of the Design Review Board regulations. Some of the downtown business owners also feel the same way about the current ordinance and the fact that it exists, but is not enforced.

Service-Safety Director Schmelzer noted that during a number of Council meetings back, there were some questions asked about how many horses are allowed and where they can be within city limits. The Zoning Floodplain Administrator provided him with some information on this. He will forward it to all Councilmembers. There are approximately four to five (4-5) places in town that horses are permitted. He was unable to locate any regulations on the number of horses that can be held in those facilities. Councilman Russel is unsure if the City of Columbus/Franklin County Health Board are combined like we are, but they are looking at their regulations on urban farmscapes and similar situations including horses, chickens, and other animals. There are a lot of articles in the Columbus Dispatch on this subject. He asked if Findlay is too small of a community with the population density to consider it a big enough issue. Service-Safety Director Schmelzer added that he was involved with the Health Department merger and before the merger took place and does not recall it coming up at a board meeting. It was driven by the condition in which the facilities were held. For example, if there was a significant amount of manure or files, it would become a Board of Health issue.

City Auditor Staschiak noted that in previous City Council meetings, he had mentioned some comments on demographics when S&P did the City's rating review. He had a draft review with Moodys and will save the majority of his comments for the budget process, but noted that they will affirm S&P's position on the City's demographics. He brought up a third concern that Council should be aware of long-term which is the GASB rule that states the City's time and pension obligations will be reported on the City's CAFR (financials). Cities in the State of Ohio know that the State is going to pay the pensions for employees who retire, however, Moody's position appears to have, based on what they have done and based on how Ohio is operating, no reluctance to push money down to the City for expenses and costs and to retain revenue that they collect on our behalf which illustrates the importance of the income tax issue. There is that possibility, because there are so many pension obligations out there that are unfunded at this point. Council needs to review that part of our ratings review. He does not expect anything negative on the City's rating.

NEW BUSINESS:

Councilman Russel: AD HOC COMMITTEE meeting on November 17, 2016 at 1:00pm in the first floor Council Chambers (CC)
agenda: bed tax distribution

Councilman Russel noted that last Thursday, he attended the Blanchard River Watershed Partnership (BRWP) annual meeting. He is a board member of the BRWP because the City of Findlay contributes to that organization. He updated Council on what took place at that meeting. The City contributes \$5,000/year to the BRWP. The BRWP is an organization that champions for the maintenance of the entire Blanchard River watershed which expands through multiple counties. Their goal is to help ensure that the watershed is healthy and provides clean water. The City of Findlay is joined in supporting the BRWP with the Hancock and Putnam County Commissioners, Villages of Ottawa and Bluffton. They are also supported by the Maumee Conservancy District, Hancock and Putnam Soil and Water Conservation Districts, Hancock County Farm Bureau, as well as businesses and individuals. One of the reasons the City of Findlay is involved with the BRWP is not only because the Blanchard River runs through town, but also because the City of Findlay takes their work efforts and uses it on its MS4 (Municipal Separate Storm Sewer System) applications for its outreach and one of the most noticeable ways outreach is done is through the rain barrel decorating contest. Rain Barrels are done by local high school students who paint them; they are displayed at the Greater Findlay Home Show. Students can win cash prizes on their painted barrels. There is a lot of participation from 4H students. The water barrels are a tool to teach about the cycle of the water through the district and how rain water ends up in the river and what happens to it in that process. In working with Findlay City Schools, the BRWP created a rain garden and environmental education center at Jefferson Primary School; the Hancock Soil and Water Conservation District joined in on this project located on 7th Street. It is a way to introduce these concepts to elementary age students. Phil Martin is the Watershed Coordinator who works hard to obtain grant money for demonstration projects within the Blanchard River watershed. The BRWP has implemented best management practices on three (3) farms within the watershed. They are doing demonstrations with cover crops, 2-stage ditches, etc., putting best management practices in practice where they can study them to see what works and what does not work. The goal is to try to keep sediment from ending up in the Blanchard River which goes to the Maumee and ends up in Lake Erie. The BRWP has also been instrumental in securing funds for the Septic System Grant Program which identifies individual properties with failing septic systems and recommends replacement with the goal of keeping ground water clean. They have also worked with the City on sediment studies behind the Riverside Dam and are working towards a sediment removal behind the dam. With the McManness Avenue bridge replacement project scheduled for next year, it will be interesting to see how those two (2) projects can coincide. They have worked with the Hancock Parks District in planting over 940 trees, a \$95,000 effort along the creek beds in Findlay and Village of Ottawa. These have replaced trees that the Emerald Ash Borer took out. These trees along the river banks help keep the clean water. The BRWP is not without their challenges. The biggest one is funding the Watershed Coordinator position. They rely heavily on the State. When the BRWP was first formed, it was a State creation where the State granted money to have coordinators put together plans to manage the watersheds statewide. Since then, the continued financing for that position has been unpredictable. It usually is the last thing that gets added back into the state budget. The BRWP is a group of individuals with good intentions and big hearts who work very hard to provide a benefit to the whole watershed. The City gets a lot for the \$5,000/year that they contribute to the BRWP, especially with the MS4 application. The BRWP has monthly board meetings. They meet on the first Tuesday of the month at 6:00pm in the third floor conference room here at the Municipal Building. Those meetings are open to the public. He will email to Council the two (2) handouts that were provided at their annual meeting which shows in more detail what the partnership has done. At their annual meeting, they had a presentation by a gentleman whose company, Streamside Systems, has put in the sediment collector near our water intake on the Blanchard River. He has done a lot of efforts like this such as sand removal. He is as interested as everyone else is to see how this sediment collector works out. When sediment is removed from water out of reservoirs, it makes life that much easier and better for water departments. Service-Safety Director Schmeizer added that he can provide the annual report for the MS4 to anyone who is interested in it. It specifically mentions the public outreach efforts that we take advantage of. Councilman Hellmann asked if there is anything on sediment removal that should be included in the budget. Service-Safety Director Schmeizer replied that the BRWP meets a need as it is a requirement of the City's MS4 annual report. There are multiple criteria that they have helped with. They help the City obtain points. The public outreach effort is the most valuable. When the Stormwater Committee was first formed in response to the MS4 requirements, there were things that the City of Findlay did itself through the Engineering Department to reach out to the public via public meetings, installed fish-shaped signs on the catch basins to instruct people not to dump paint down them, etc. There is considerable effort that if done correctly, goes along with the outreach aspect. If the City were to have to do it themselves to satisfy the MS4 requirement, it would far outspend the \$5,000 that it donates to the BRWP because the BRWP reaches beyond our community, and allows us to take advantage of everything they do and include our report as an outreach effort.

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

President J. Slough adjourned Council at 8:06pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL