

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

March 21, 2017

COUNCIL CHAMBERS

PRESENT: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson

ABSENT: Frische, Wobser

Council Clerk Denise DeVore opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

Council Clerk Denise DeVore asked for a motion to appoint a President Pro-Tem for tonight's meeting. Councilman Klein moved to appoint Councilman Russel as President Pro-Tem. Councilman Hellmann seconded the motion. All were in favor. Filed.

President Pro-Tem Russel explained why he is the President Pro-Tem for tonight's meeting. Mayor Mihalik is absent tonight, as well as, President Slough. When the Mayor is absent, the President of City Council becomes the Acting Mayor, but since the President is also absent, President Pro-Tem Monday becomes Acting Mayor which leaves the President Pro-Tem position open. In this situation, Council nominates a Councilmember to be the Acting President Pro-Tem.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ON:

- Letter from Service-Safety Director re: Community Foundation K9 Fund (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*)
- Ordinance No. 2017-029 = Community Foundation K9 Fund (*LEGISLATION section*)

ACCEPTANCE OR CHANGES OF MINUTES AND PUBLIC HEARINGS:

Councilman Harrington moved to accept the March 7, 2017 Regular Session City Council meeting minutes. Councilman Shindledecker seconded the motion. All were in favor. Motion carried. Filed.

PROCLAMATIONS: – none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Zoning amendment request – 527 West Sandusky Street

Russel Drerup would like to change the zoning for 527 West Sandusky Street to M2 Multi-Family High Density. It currently is zoned as R3 Single Family High Density. Referred to City Planning Commission and Planning & Zoning Committee.

WRITTEN COMMUNICATIONS:

ADAMHS Chair John Kissh – support of position statement

The ADAMHS Board is seeking support for the position statement prepared by the Opiate Task Force and approved by the Community Partnership on February 21, 2017.

The current opioid epidemic threatens to destroy the very fabric of our community and has reached into practically every home. The number of admissions at Blanchard Valley Hospital due to drug overdose continues to rise each year. Ohio leads the nation in opiate overdose deaths. In 2016, Hancock County had sixteen (16) overdose fatalities due to heroin or opiates.

In 2013, the Board designed and prepared a "Preamble for Care in Hancock County." This document serves to align healthcare with the principles of recovery. It was recognized that the Preamble should be amended to include specific reference to the opiate crisis. Accordingly, the Opiate Task Force developed "A Community Position on the Value of Life in Hancock County." A copy of this document is attached.

This document is a statement of beliefs, founded in the most current science, regarding the disease of addiction; the necessity of compassionate support from the community, friends and family; and providing appropriate support for individuals to recover and lead a productive, healthy life. In our community, there are many agencies, clubs, and civic groups who are motivated to address the opiate crisis. In light of this, this document was created in order to share their position and encourage that a common language and unified message is used when discussing the opiate crisis.

Accordingly, they respectfully request that City Council pass a Resolution of support for this. It is essential to the overall health and well-being of this community. Resolution No. 010-2017 was created.

ORAL COMMUNICATIONS:

ADAMHS Chair John Kissh – support of position statement

Mr. Kissh is before City Council to seek their support for the position statement that the ADAMHS Board has recently announced regarding the community position on the value of life in Hancock County. Four (4) years ago, the Board started implementing an addiction recovery program within the County called the Recovery Oriented System of Care (ROSC) program. It is to have a many-faceted approach using many different organizations and entities throughout the community to help citizens get through their addiction problems. At that point in time, the Board approved a Preamble of Building Recovery in Hancock County-Core Definitions. It implemented all the philosophies that were inherited in the ROSC program. Now, with the epidemic of opioid and Heroin addictions across the state and union, the ADAMHS has come together and developed another statement that deals with the use of opiates and how to deal with it and the recovery process. No one is expendable. Addiction is a chronic disease of the brain. Recovery is possible with the proper medical support given out to all the first responders throughout the community to help save lives. Part of that is how the message is presented to the community. The Board's goal is to enact their position statement, which provides information on different groups who present different arguments to the community on how to cure the addiction problem. It is a listing of philosophies, language, and recommendations that can be used when discussing the issue so that it is more received in a better scientific fashion. This treatment philosophy does work. They are having a town hall meeting scheduled for Monday, March 27, 2017. It is the Board's desire to submit the statement to the public and publish it. They are asking for Council's support on how they are communicating addiction problems to the public.

John Caris – bicycles on Downtown sidewalks

Mr. Caris is before City Council tonight to talk about the proposed law, that if it were passed, it would prohibit bicycle riding on sidewalks in downtown Findlay which is a continuing problem. Until last year, he walked between his residence and the public library on a regular, if not daily basis in which he encountered three (3) problems: the amount of time it took for him to walk from his residence on Springbrook Drive to the library which took an hour. He had only done so because at the time, he was trying to limit the use of his vehicle. He was also facing four (4) seasons of foul weather. Also, the amount of bicyclists that were using the sidewalks at that time where they were riding them towards him and approaching from behind him and not letting him know they were coming, so he felt threatened with physical harm. He feels that bicycles used on the sidewalks has been a growing problem for two (2) reasons: when gasoline prices began to spike in 2008 to the point where it was around four dollars (\$4.00) per gallon which caused those on a limited income to ride bicycles as a necessity to save on gasoline. Another reason is because of the increase in the transient population in Findlay who utilize the City Mission on West Main Cross. The bicycle racks there are always full which is an indicator of how many are riding bicycles on the sidewalks in Findlay.

The purpose of the bicycle has changed over the years. He brought a copy of the 1908 Sears and Roebuck Company catalog. Back then, bicycles were not listed along with toys in the catalogs for a long time because they were not considered to be toys, but were considered to be modes of transportation. After World War II when the amount of spending money and the amount of leisure time increased, people looked at bicycles less as modes of transportation and more as recreational vehicles. Bicycle companies such as Schwinn, Huffy, and BF Goodrich started to manufacture bicycles for children as young as five (5) years old, which he feels was a fatal mistake because children that young are not mature enough or experienced enough to be riding bicycles on sidewalks or on streets where there is motor vehicle traffic that could lead to unfortunate results. The first real bicycle that he had was a Huffy model that he received as a gift back in 1968 when he was nine (9) years old. Before he received it, bicycle companies have realized the number of injuries and deaths among children who are riding bicycles had increased which is why his bicycle came with an owners manual that listed what children were not supposed to do while riding bicycles (i.e. no passengers, no tailgating, etc.).

The ordinance is a good proposal, but it is limited to the downtown area. His encounters have been outside of the downtown are (2100-2300 blocks of North Main Street, and the 100 block of North Main Street). He would like to have it be expanded to all sidewalks within the corporate limits of the City of Findlay.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Police Department Activities Report – February 2017. Filed.

Findlay Municipal Court Activities Report – February 2017. Filed.

Board of Zoning Appeals Minutes – January 12, 2017. Filed.

Treasurer's Reconciliation Report – February 28, 2017. Filed.

Findlay Fire Department Activities Report – February 2017. Filed.

City Engineer Brian Thomas – WPC SCADA System Upgrade, Project NO. 35662200

By authorization of Ordinance No. 2016-010, a bid opening was held for this project on March 9, 2017. Bids were received from three (3) potential contractors with bid amounts ranging from \$151,515.15 to \$199,977.00. The lowest and best bid was received from Dmytryka Jacobs Engineers of Toledo, Ohio. The project is included in the 2017 Capital Improvements Plan, and the total project estimate is within the budgeted amount. Previously, \$150,000 was appropriated to the project based on a preliminary estimate. At this time, an appropriation for construction and a contingency is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2017-022 was created.

FROM:	Sewer Fund	\$ 30,000.00
TO:	WPC SCADA System Upgrade <i>Project No. 35662200</i>	\$ 30,000.00

Field.

Service-Safety Director Paul Schmelzer – 2nd quarter appropriations

In an effort to minimize the financial impact on the beginning of the year Capital Improvements – CIT Fund balance, the fund appropriation requests were split into quarterly breakdowns. The first quarter appropriation requests were authorized on February 7, 2017 with Ordinance No. 2017-006. Legislation to appropriate funds for the attached is requested. Ordinance No. 2017-025 was created. Filed.

City Auditor Jim Staschiak – income tax revenue de-appropriation

One of the primary roles of the City Auditor is to monitor receipts and appropriations throughout the year to ensure the City complies with State Budgetary Law. Over the last several years, the receipts have met or exceeded projections, so no action was required until we approached the end of the budget year. Over the past several budget years, the City Income Tax (CIT) appropriation was increased during a City Council meeting just prior to the end of the fiscal year.

Year to date income tax receipts are coming in lower than expected and projected for 2017. Currently receipts are down approximately six hundred thousand dollars (\$600,000.00). In order to be prudent and comply with his statutory duties, he is reducing the income tax revenue projection. This reduction in revenue necessitates an immediate de-appropriation of fund within the City Income Tax Administration Fund. This de-appropriation will have the effect of reducing the transfer thereby reducing the projected General Fund year-end balance by the same amount and will have no impact on CIT operations. Legislation to de-appropriate funds is requested and to waive statutory rules and pass the legislation as an emergency. Ordinance No. 2017-026 was created.

FROM: CIT Administration #27047000-other	\$ 400,000.00
TO: CIT Administration Fund	\$ 400,000.00

Filed.

City Engineer Brian Thomas – 2017 Sewer Lining Project #35674400

The Sewer Maintenance Department and Engineering Department have been working to repair a collapsed sanitary sewer found in the Park Street area. In the 2017 Capital Improvements Plan, there is two hundred thousand dollars (\$200,000) budgeted for the Sewer Lining project and forty-five thousand dollars (\$45,000) has been appropriated. During the cleaning of the sewer, it was discovered that a couple sections of the sewer had collapsed. This resulted in extra time to clean and repair the sewer before it can be lined. At this time, an additional appropriation to cover the extra cost of cleaning and repairs of this sewer is being requested. The remaining project construction funds will be requested after bids are received. Legislation to appropriate funds is requested. Ordinance No. 2017-022 was created.

FROM: Sewer Fund	\$ 9,000.00
TO: 2017 Sewer Lining Project #35674400	\$ 9,000.00

Filed.

City Engineer Brian Thomas – 2017 Resurfacing Program (Contracts A & B) Project No. 32875600

Beginning in 2016, the resurfacing program was split into two (2) separate contracts: Contract A for concrete, and Contract B for asphalt. On March 9, 2017, bids were opened for Contract A. Bids were received from three (3) potential contractors with base bid amounts ranging from \$680,900.56 to \$764,323.60. Bids were also received for four (4) alternates totaling \$140,529.63 to \$149,837.84. The lowest and best bid was received from B&J Concrete and Construction of Toledo, Ohio.

Also on March 9, 2017, bids were opened for Contract B. Bids were received from four (4) potential contractors with base bid amounts ranging from \$486,455.85 to \$515,990.85. Bids were also received for five (5) alternates ranging from \$120,961.60 to \$142,452.10. the lowest and best bid was received from M&B Asphalt of Tiffin, Ohio.

Due to the bid prices that were received, Engineering would like to complete all the alternates and add to (2) sections of Two (2) roads to the program. Adding the additional sections of road would allow for the entire length or roadway to be completed this year instead of half this year and the rest next year. The additional cost to complete all the alternates and add the extra two (2) sections of road is \$250,000.

This project is included in the 2017 Capital Improvements Plan and the total project estimate is within the budgeted amount. Previously, an amount of \$20,000 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. 2017-027 was created.

FROM: CIT Fund – Capital Improvements Restricted Account	\$ 1,480,000.00
TO: 2017 Resurfacing Program Project No. 32875600	\$ 1,480,000.00

Discussion:

Service-Safety Director Paul Schmelzer had anticipated questions on what the \$250,000 addition consists of, so City Engineering Project Manager Jeremy Kalb is putting together a map that shows all the pavement programming. He will get that to Council before any action is taken on this. President Pro-Tem Russel asked if the \$250,000 still keeps it within the proposed requests for this year and if the savings were that great or if there were additional monies because of the \$250,000. Service-Safety Director Paul Schmelzer replied that the original capital plan was \$1,250,000. When looking at the unit price, they want to take advantage of all the additional projects plus add to it. It is an additional \$250,000 on top of what was requested in the capital plan. President Pro-Tem Russel asked why we are getting such good pricing. Service-Safety Director Paul Schmelzer replied that people like working for the City. The City gets the work out and pays, and they get a lot of work to do. We are one of the first projects to hit the street, so they like locking in the work early. This is a new contractor. They researched them and found that they have a good reputation and have the lowest price on curbing that he has seen in a long time. Filed.

City Auditor Jim Staschiak – summary financial reports

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

- Summary of Year-To-Date Information as of February 28, 2017
- Financial Snapshot for General Fund as of February 28, 2017
- Open Projects Report as of February 28, 2017
- Cash & Investments as of February 28, 2017

Discussion:

City Auditor Staschiak pointed out that the General Fund snapshot on the third (3rd) page notes the requested reduction of \$400,000 to the General Fund and shows a potential projected year-end balance with that reduction in place. If those receipts do not level off and continue to come in as they are now, this may have to be done a couple of more times this year, but at this point, there is no new information he can share on what is going on since he spoke during the last City Council meeting. Filed.

Service-Safety Director Paul Schmelzer – National Joint Powers Alliance

The City of Findlay can receive a discount on equipment purchases, materials, supplies and services by becoming a member of the National Joint Powers Alliance "NJPA" purchasing program. In order to do so, the City of Findlay will need to enter into a joint cooperative purchasing program agreement with NJPA which will exempt from any bidding requirements otherwise required by law.

This is important because there are equipment items for which there is no State Bid. For example, the dump trucks we purchase do not have a state bid, so we either need to become a member of a purchasing alliance like NJPA to assure competitive pricing, or we have to formally assemble, advertise, bid, review, and award a contract for a dump truck. This is cumbersome and a waste of time when we can receive the same product through such an alliance.

Legislation to enter into an agreement with NJPA is requested. Ordinance No. 2017-023 was created.

Discussion:

Councilman Klein asked if there is a fee for this. Service-Safety Director Schmelzer there is not.

City Auditor Staschiak was going to request that this Ordinance be passed on an emergency tonight to assist with some of the things going on, but cannot do so tonight. Council may want to consider giving it its third reading next City Council meeting. It is a good program that has the potential to save the City a lot of money. The sooner it is passed, the sooner the equipment can be ordered while the prices are good.

Councilman Hellmann asked if the reason it cannot be passed as an emergency tonight is because of the limited number of Councilmember present. President Pro-Tem Russel replied that it takes eight (8) Councilmembers to suspend the rules and pass on an emergency. With Councilman Monday serving as Mayor, he does not have voting rights, which leaves only seven (7) Councilmembers voting. Filed.

Acting Chief of Police John Dunbar – appropriation of funds

On Friday, March 20, 2017, the Police Department received a check in the amount of nine thousand dollars (\$9,000) from the Community Foundation K9 Fund from Grant 2017097. Legislation to appropriate funds to purchase an additional K9 for the Police Department is requested. Ordinance No. 2017-029 was created.

FROM:	General Fund (Community Foundation K9 Fund)	\$ 9,000.00
TO:	Police Department #21012000-other	\$ 9,000.00
	(\$6,500 = \$551300-Dog)	
	(\$2,500=\$448101-Registration)	

Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Joe VanDenEynde to vacate Lippincott Avenue being the north/south alley between Fishlock Avenue and Williams Street, beginning at the south right-of-way line of First Street and going south to the north bank of Lye Creek.

We recommend approval of the request. Ordinance No. 2017-019 was created.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Joe VanDenEynde to vacate Lippincott Avenue between Fishlock Avenue and Williams Street (street vacation).

We recommend approval of the request. Ordinance No. 2017-020 was created.

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 to review the proposed zoning code revisions.

We recommend to continue discussions of the proposed changes with additional language and corrections.

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

Discussion:

Councilman Harrington thanked those who attend the meetings on this subject matter on a regular basis. It is quite an endeavor that will help the City in the future.

President Pro-Tem Russel added that there is a final draft that includes City Planning Commission's comments and changes that the Planning and Zoning Committee made. The next Planning and Zoning Committee meeting this Thursday, March 23, 2017 at 4:00pm and the results of that meeting provided to Council in April. He thanked Todd Richard and the group on for all their hard work on this.

All were in favor. Filed

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service-Safety Director to discuss the City's share of the Ohio 629 Roadwork Development grant funds from the Ohio Development Services Agency.

FROM: CIT Fund – Capital Improvements Restricted Account \$ 25,000.00
TO: Ohio 629-Rowmark Project #31955300 \$ 25,000.00

We recommend approval of the above request. Ordinance No. 2017-024 was created.

Councilman Hellmann moved to adopt the committee report. Councilman Klein seconded the motion.

Discussion:

Councilman Harrington asked if the \$25,000 being requested for this is the City's co-pay for the project. Service-Safety Director Schmelzer replied that is correct.

All were in favor. Filed

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 009-2017 (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 Harrington moved to adopt the Resolution, seconded by Councilman Watson. Ayes: Harrington, Hellmann, Klein, Niemeyer, Russel, Shindledecker, Watson. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

RESOLUTION NO. 010-2017 (City support of ADAMHS Board position statement)

first reading

tabled

A RESOLUTION OF THE FINDLAY CITY COUNCIL SUPPORTING THE POSITION STATEMENT PREPARED BY THE OPIATE TASK FORCE THROUGH THE ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES (ADAMHS).

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

Discussion:

Councilman Harrington noted that this subject matter is important to him and a lot of individuals in this community. There are some that feel that those who have addictions or are drug abusers should not be given the help that they need. He applauds the ADAMHS and their efforts in eliminating the scourge on our community, our youth, and our citizens, and strongly supports their statement.

Councilman Shindledecker noted that prior to tonight's meeting, there have been some discussions on whether the language of the resolution might put our healthcare insurance at risk in some way. He asked if that has been resolved. Acting Law Director Hackenberg replied that this is the first time he has seen this resolution and is the first time he has been asked that question, so he is not familiar with it. Councilman Harrington added that the paragraph in question is where the position statement lists that addiction is a chronic disease of the brain (item #2). The concern is that if it is listed as a disease if it forces insurance companies to cover it. Right now, they have the option based on the type of coverage. In his opinion, it is a disease. He doubts that the position statement from the ADAMHS Board will really make a difference.

President Pro-Tem Russel asked if Council approves this Resolution if it will have any affect on current any drug and alcohol policies or on insurance coverage. Without Law Director Rasmussen and Human Resources Director Don Essex present tonight, he is unable to get some answers to his questions on this and would like to table the Resolution to get those questions answered. Acting Law Director Hackenberg replied that the answers to those questions will not be yes or no answers. In trying to interpret it, there will be some discussions and it may be prudent to table it for those questions to be researched.

City Auditor Staschiak added that the City's health insurance has a superb broker who has been a wonderful resource and will have no problems answering any questions Council has such as if the adoption of this resolution will cause any obligations on the current health plan.

John Kissh from the Audience added that the Surgeon General of the United States of America came out recently and made the proposed statement which passed all the way down. It is up to each insurance company to take that information and adopt their policies and coverage from it. They believe it is a disease of the brain. Dr. Bundy has been teaching classes on it at the University of Findlay. He is unsure how it affects the City's health policy. It is an idea that needs to be presented to the public.

Councilman Hellmann asked if Council is being asked to approve the community's position on the value of life in Hancock County, as well as the two (2) page preamble. Mr. Kissh replied that the preamble was done in 2013. It was the initial piece that had to do with addiction in total. The new one is a discussion of the current information/principals/guidelines dealing with opioid overdoses and the epidemic. It is an amendment to the preamble. Councilman Hellmann then asked if the preamble was approved by Council. Mr. Kissh replied it was. The County Commissioners approved the recent position statement (amendment to the 2013 preamble) which means they feel it is worthwhile to present this information to the public in this fashion.

Councilman Shindledecker moved to table the Resolution, seconded by Councilman Russel. Ayes: Hellmann, Klein, Niemeyer, Russel, Shindledecker, Watson. Nays: Harrington. The Resolution was tabled.

ORDINANCES

ORDINANCE NO. 2017-012 (*Rowmark Rd improvements (Ohio 629)*)

third reading

adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

President Pro-Tem Russel asked that since this will not be able to be passed on an emergency basis tonight if it will affect the project. Service-Safety Director Schmelzer replied it will not.

Ayes: Klein, Niemeyer, Russel, Shindledecker, Watson, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-012 and is hereby made a part of the record.

ORDINANCE NO. 2017-016 (*Dorney Plaza project*)

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-018 (*Clearwell Retaining Wall project*)

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-019 (*Lippincott Ave alley vacation*)

first reading

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

First reading of the Ordinance.

ORDINANCE NO. 2017-020 (*Lippincott Ave street vacation*)

first reading

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

First reading of the Ordinance.

ORDINANCE NO. 2017-021 (*bicycle riding in Downtown Business District*)

first reading

AN ORDINANCE AMENDING SECTION 373.11(a)(2) OF CHAPTER 373 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2017-022 (*WPC SCADA System upgrade; 2017 sewer lining project*)

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2017-023 (*NJPA joint cooperative purchasing program agreement*)

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT WITH THE NATIONAL JOINT POWERS ALLIANCE (HEREINAFTER REFERRED TO AS "NJPA") TO PARTICIPATE IN A JOINT COOPERATIVE PURCHASING PROGRAM OPERATED BY NJPA, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2017-024 (*Rowmark Rd Improvements (Ohio 629) – City's share*)

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2017-025 (2nd qtr 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 2017 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. 2017-026 (income tax revenue de-appropriation)

first reading

AN ORDINANCE DE-APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2017-027 (2017 Resurfacing Program (Contracts A & B) project)

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2017-028 (2016 Codified Ordinances updates)

first reading

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2017-029 (Community Foundation K9 Fund)

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS:

City Auditor Staschiak pointed out that the legislation to transfer CIT Funds to the Dorney Plaza project will receive its third reading at the next City Council meeting. Those buildings that are adjacent to Dorney Plaza were originally bought with public monies and sold at auction. When they sold, there was no clear definition on who owns the buildings other than LLCs. There is no layout of the names of the owners of the LLCs. If a certain percentage of ownership in those LLCs have a public affiliation with governmental entities, certain ethic laws or rules may apply. If this funding does happen and the ground is improved, as it is talked about in the ethics law about improving public property adjacent to other properties, that everything is right and proper. Councilman Hellmann asked if the ownership of those properties end at the face of the building. Service-Safety Director Schmelzer replied that it ends at the boundary of the property which is close to the face of the building if not on it. There should be a survey on record at the Courthouse. Councilman Hellmann was not sure if it ended into the plaza. City Auditor Staschiak replied that it is the adjacent seat to the plaza that creates the question. Councilman Harrington noted that elected officials have to fill out an Ohio Ethics Commission form each year indicating any ownership in anything that would be questionable to what is being asked. That information is public record. If any elected official has any ownership in that property even though its an LLC, they would have to disclose that on the form which is a way to determine if that is true or not. City Auditor Staschiak replied that the rule Councilman Harrington is referring to applies to elected officials. The ethics rule applies to more than elected officials. He suggested this be explored before the next City Council meeting to make sure everything is right and proper. He is not questioning it, but from reading the ethics rules and looking at the ownership and doing some research in case the question is asked at an audit, it would be very difficult without someone verifying that they checked into it and determined that it is right and proper. He suggested asking for a public records request to disclose it, but he is unsure if it could be obtained in a timely fashion.

Service-Safety Director Schmelzer requested discussion on Ordinance No. 2017-021 (*bicycle riding in Downtown Business District*). There has been a lot of conversation on this subject, so he would like to give his perspective from his conversations with the Todd Richard and from when Council brought it to the Streets, Sidewalks, and Parking Committee. He pointed out that the word "ban" does not appear anywhere in the ordinance. This Administration, as well as members of Council, have had discussions on it as recent as last night that have been very proactive in trying to encourage alternate modes of transportation for both pedestrian and bicycles. The TAP project that we are about to undertake is one. Improvements on Cory Street are designed to encourage bicycling downtown. The TAP project that was approved that we are going to design soon is a multi-purpose path on Blanchard Street and Lincoln Street from Emory Adams Park to the current trail north of the river. This ordinance is focused on the language that is in the current code. It states: "When riding on sidewalks within a business district, bicycle riders shall use the right side of the sidewalk insofar as adjacent to the street, and shall turn corners slowly and in such a manner as will prevent collision with pedestrians legally using the intercepting sidewalk." He asked what that means. His interpretation of it is that you are supposed to ride your bicycle about as close to the buildings as you can. On Main Street, the front doors are at the edge of the walk. Council needs to determine if the current law makes any sense. The intent is to encourage pedestrian and bicycle activity in a safe manner. This ordinance does not ban bicycles from downtown. The alleys will be significantly improved. It is only to limit bicycle traffic and peddling bicycles on Main Street. This Ordinance is just to address that section of law that to him makes no sense. The TAP, as designed, has many bike racks scattered throughout downtown. Anyone who thinks the motive behind this is to keep people from riding bicycles is not understanding the intent.

Councilman Shindledecker pointed out that the recommendation from the Streets, Sidewalks & Parking Committee was not for approval or denial of this particular request. It was to request legislation be drafted so that Council would have an opportunity to look at it. He and several Councilmembers have received some calls on it. No recommendation on the propriety of legislation was given, only that legislation be drafted so that Council could look at it. President Pro-Tem Russel added that he has heard from a few individuals on it and have had some discussions on it. He was asked where bicycle racks and bicycle parking will be after the TAP. Service-Safety Director Schmelzer replied the racks will be located around the corners on the side streets and will not be located on the Main Street sidewalk path, but will be located around the corners closer to the buildings. President Pro-Tem Russel asked if the racks will be at every east/west street. Services-Safety Director Schmelzer replied that is correct. President Pro-Tem Russel asked if they will also be on Sandusky Street. Service-Safety Director Schmelzer replied that he believes so. He will provide him with a copy of the plan. Councilman Hellmann asked if the TAP encourages bicycle riding in the street. Service-Safety Director Schmelzer replied it does not. The TAP on Main Street does not encourage bicycle riding on Main Street, but there is nothing to prohibit it or changes the way someone can interact on Main Street compared to how they do now. The TAP was successful in creating two (2) projects: one that was pedestrian focused on Main Street and bicycle centric on Cory Street. They wanted to create that corridor for bicyclists. It was a logical connection between the University and downtown on Cory Street with improvements consisting of alterations to the curb, creating more pedestrian space on the sidewalk, centralizing the landscaping and benches, and creating bumpouts so that there are shorter spans to cross the street. All of these are ODOT initiatives for pedestrian safety. Councilman Niemeyer asked if the reference to the right side in the current ordinance will switch as bicyclists switch directions. Service-Safety Director Schmelzer replied that is why he read what the current ordinance states because it does not make sense to him. He cannot provide a legal interpretation of it. He and the Law Director argued about it. He also argued about it with the Acting Law Director. It is not clear. A decision has to be made on the existing language to either leave it as is, change it or eliminate it as it does not give clear direction. Acting Law Director Hackenberg replied that he has been one of the City's Prosecutors for the past twenty-two (22) years and has never had to defend or prosecute anyone under this ordinance as it exists right now. He is unsure how he would establish the elements of the offense because he does not think the he or the court would know what those elements would be based on what the right side of the sidewalk is and if it depends on what direction someone is going. There is also language in that Ordinance about turning corners slowly to prevent collision and he has never had the word "slowly" defined in the law. There are better terms to use to describe the kind of behavior the City is trying to encourage. The time is right to update this ordinance and get it to a point where it is acceptable to the community so that that the Police Department and the Prosecutor's Office can enforce the ordinance that Council wants to come up with.

NEW BUSINESS:

Councilman Shindledecker noted that last weekend, he attended the Findlay High School annual musical production of Grease. He has attended most of the musicals that they have performed in the last twenty-five (25) years, but this one blew him away. The music, choreography, the set, accompaniment, and costumes were fabulous. The kind of talent that was displayed on the stage was great. At one time or another throughout the musical, there were probably one fifty (150) different students participating on, as well as off, stage. He congratulated the high school. President Pro-Tem Russel added that he also attended it. The program mentioned that everyone who tried out, got a part. Councilman Shindledecker added that there were special needs students among them who did a fantastic job. Other students took care of them and were happy to have them onstage with them.

Councilman Harrington made a motion to excuse the absence of Councilwoman Frische, Councilman Wobser, and President J. Slough. Seconded by Councilman Niemeyer. All were in favor. Filed.

President Pro-Tem Russel noted that although Council tabled the ADAMHS resolution (Resolution No. 010-2017), Council's deliberations do not hinder the fact that they support the work the ADAMHS does in this community and their work on this epidemic. There is a community-wide meeting on Monday, March 27, 2017 that he hopes ends up being a full house.

President Pro-Tem Russel adjourned Council at 8:30pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL PRO-TEM