

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

April 4, 2017

COUNCIL CHAMBERS

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

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

ACCEPTANCE OR CHANGES OF MINUTES AND PUBLIC HEARINGS:

Councilman Hellmann moved to accept the March 21, 2017 Regular Session City Council meeting minutes. Councilman Klein 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.

WRITTEN COMMUNICATIONS:

President of Van Horn, Hoover & Associates, Inc. Daniel Stone, P.E., P.S. – Deer Landing Subdivision water extension

On behalf of their client, this letter is to serve as a formal submittal to City Council for a request for cost participation for this project. They have obtained formal bid numbers from JDR Excavating for the construction. They worked with JDR to provide the break down of the costs associated with the offsite waterline construction. The City has requested that the waterline along Williams Road and Olive Street be constructed as a 16" plastic waterline. Based on the discussions with the City, the numbers provided are based on the difference between the 16" required and an 8" plastic line.

The following is provided by JDR:

<u>Utility:</u>	<u>16" cost:</u>	<u>8" cost:</u>	<u>Difference:</u>
Waterline	\$ 348,575	\$ 216,100	\$ 132,475

Based on the above numbers, the increased cost for the water installation will be \$132,475. The developer is requesting the City participate with the increase in construction cost for the upsizing of the utilities base on half of the construction costs of the 16" waterline extension, therefore, they are request the City consider contributing \$174,287.50 which would be an increase of \$41,812.50 over the difference in the costs. Referred to the Water & Sewer Committee. Filed.

Shade Tree Commission 2016 annual report. Filed.

President J. Slough welcomed two (2) Boy Scouts in the audience. They are with Troop 304. They were Andy Thomas with First Presbyterian Church and Nicholas Ammons.

ORAL COMMUNICATIONS: - none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Bell Stores Inc. dba Bell Stores 145, located at 1215 West Main Cross Street, Findlay, Ohio for a C2 liquor permit. This requires a vote of Council.

John E. Dunbar, Acting Chief of Police – Bell Stores Inc. dba Bell Stores 145, located at 1215 West Main Cross Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Douglas S. Combs
Julie K. Burrow
Mark J. Spears
Brian D. Burrow

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

N.E.A.T. Departmental Activity Report – February 2017. Filed.

Mayor Lydia Mihalik – City’s insurance policies

The City’s insurance policies expire in July of this year. The City is desirous to re-bid these policies for the renewal period of July 2017 to July 2020. Legislation to accept bids and contracting for this and to be adopted on an emergency basis to allow for the advertising of the bid opening is requested. Ordinance No. 2017-030 was created. Filed.

City Engineering Brian Thomas – McManness Ave/McConnell St Sewer Separation, Project No. 32563600

By authorization of Ordinance No. 2016-010, a bid opening was held for this project on March 16, 2017. Bids were received from ten (10) potential contractors with bid amounts ranging from \$167,960 to \$248,227.50. The lowest and best bid was received from Hohenbrink Excavating, LLC of Findlay, Ohio. This project was included in the 2017 Capital Improvements Plan, and the total project estimate is within the budgeted amount. Previously, \$20,000 was appropriated to the project for design and startup. At this time, an appropriation for construction, inspection and contingency is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2017-031 was created.

FROM:	Sewer Fund	\$ 110,000.00
FROM:	Sewer Fund – Stormwater Restricted Account	\$ 110,000.00
TO:	McManness Ave/McConnell St Sewer Separation <i>Project No. 32563600</i>	\$ 220,000.00

Filed.

City Engineering Brian Thomas – Trenton Ave/W Main Cross St Curb Replacement, Project No. 32876200

By authorization of Ordinance No. 2017-006, a bid opening was held for this project on March 16, 2017. Bids were received from four (4) potential contractors with bid amounts ranging from \$351,939.75 to \$402,666.65. The lowest and best bid was received from Smith Paving & Excavating Inc. of Norwalk, Ohio. This project is included in the 2017 Capital Improvements Plan, and the total project estimate is within the budgeted amount. Previously, \$20,000 was appropriated to the project for design and startup. At this time, an appropriation for construction, inspection and contingency is needed to complete the project. The completion date on this project is June 9th to make sure that this project is completed prior to ODOT paving these streets this summer. With the tight construction schedule, it is requested to have the appropriation happen as quickly as possible to give the contractor enough time to complete the work. Legislation to appropriate funds is requested. Ordinance No. 2017-032 was created.

FROM:	CIT Fund-Capital Improvements Restricted Account	\$ 355,000.00
TO:	Trenton Ave/W Main Cross St Curbs Replacement <i>Project No. 32876200</i>	\$ 355,000.00

Discussion:

Councilman Russel asked the City Engineer if this project is ready to start if it gets approved. City Engineer Brian Thomas in the audience nodded yes. Filed.

City Engineer Brian Thomas – Westmoor Rd Waterline, Project No. 35762600

By authorization of Ordinance NO. 2016-010, a bid opening was held for this project on March 16, 2017. Bids were received from seven (7) potential contractors with bid amounts ranging from \$230,131.50 to \$337,579.00. The lowest and best bid was received from Helms & Sons Excavating, Inc. of Findlay, Ohio. This project is included in the 2017 Capital Improvements Plan, and the total project estimate is within the budgeted amount. Previously, \$20,000 was appropriated to the project for design and startup. At this time, an appropriation for construction, inspection and contingency is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2017-033 was created.

FROM:	Water Fund	\$ 260,000.00
TO:	Westmoor Rd Waterline <i>Project No. 35762600</i>	\$ 260,000.00

Discussion:

Councilman Wobser noted that of the three (3) requests the City Engineer has submitted tonight, at least two (2) of them did not take the lowest bid. He asked if there was a specific reason why. City Engineer Brian Thomas replied that some of them had alternates with them. They did take the lowest bid which is also taking the alternates, and there is some money in there for construction, inspection, making copies, office supplies, etc. The lowest bid was received on all three (3) of those. Councilman Wobser noted that was not readily apparent in the letters. The range was given and the appropriation is somewhere in between. Mr. Thomas replied that normally, ten percent (10%) contingency is requested and for any unknowns. He also requested some funds for the inspectors that can be charged back to the project. Filed.

Service-Safety Director Paul Schmelzer – 2017 Capital Improvements

We are on schedule with another year of capital improvements. The legislation we have currently proposed will come close to using available capital dollars, even with the forthcoming allocation. At multiple capital improvement meetings this year, the need for a portion of our carry-forward to be reinvested in the plan for 2017 was discussed. There were some disagreements about whether this would be necessary, so the consensus was to wait and see how our plans proceeded. We are on schedule and have seen great pricing on our projects. At this point, I am requesting that the previously discussed amount of \$1,500,000 be transferred to the capital fund in order to stay on schedule with the paving, fiber initiative, and other small projects. The transfer, in addition to forthcoming allocations will leave us with an appropriate level of funding for any unexpected opportunities. Ordinance No. 2017-034 was created.

FROM:	General Fund	\$ 1,500,000.00
TO:	CIT Fund – Capital Improvement Restricted Account	\$ 1,500,000

Discussion:

Councilwoman Frische requested that this letter be read. The Council Clerk read the letter in its entirety. Filed.

City Planning Commission agenda – April 20, 2017; minutes – March 9, 2017. Filed.

Traffic Commission minutes – February 21, 2017. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Hancock Regional Planning Director Matt Cordonnier to continue discussions on the Downtown Design Review Board regulations.
We recommend continued discussions on the proposed Downtown Design Review Board legislation.

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

Discussion:

Councilman Harrington pointed out that the committee has met a number of times on this and are at the point of map discussion and what's going to be included.

All were in favor. Filed

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to continue to review the proposed zoning code revisions.
We recommend adoption of all proposed changes to the City of Findlay Zoning Ordinance.

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

Discussion:

Councilwoman Frische asked if this will go to a Committee of the Whole or if she should just get information from committee members. She has not had a full understanding of it. There were quite a few changes made. Law Director Rasmussen replied that the Zoning Floodplain Administrator sent out just the changes to everyone. The ordinance could have been presented tonight, but since Councilmembers just received the changes a few days ago, it would be a lot to digest, so he wanted to give Council more time to look at it.

Councilman Russel added that he can help answer questions. Even though there are a lot of changes, he does not think there is anything that is too earth-shattering. The changes are not of the same scope or size, nor are there any huge changes in the zoning code like there was a few years back.

All were in favor. Filed

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 010-2017 (ADAMHS Board renewal)

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).

ORDINANCES

ORDINANCE NO. 2017-016 (Dorney Plaza project)

third reading

adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische noted that Council received this in the packet three (3) readings ago and asked that labor hours for our Street Department be put in. She asked what is being budgeted within the Street Department for labor hours, how many days, etc. Mayor Mihalik replied that the total amount of savings is approximately forty-five thousand dollars (\$45,000). They were hoping to start on this a couple of weeks ago, but had to wait until Council approved the budgeted line item. With the decreased contribution from the County, the Community Foundation's two hundred thousand dollars (\$200,000) contribution is dependent upon the City's contribution on what has been planned for the last couple of years. The City is trying to save money because one of the entities involved is now contributing less than what was originally agreed upon a couple of years back. She is not sure what the total cost is, but knows that it will be significantly less than what was originally looked at with a private contractor. She has a full accounting of hours and time spent available for those who want to see it. Councilwoman Frische asked if the forty-five thousand dollars (\$45,000) is for labor. Mayor Mihalik replied it is the estimate that is associated with the cost of demolishing of the necessary pieces of the plaza in order to ready the site for the construction. Councilwoman Frische replied that she is trying to figure out what the spending is per department. Mayor Mihalik replied it will be significantly less than that. Councilwoman Frische asked for a ball park figure. Mayor Mihalik replied thousands as opposed to forty-five thousand (\$45,000). Councilwoman Frische would like to see those numbers come through Council. Mayor Mihalik replied she will not know those numbers until after the project is done. She can provide an estimate of what time and what equipment associated with this would be. Councilwoman Frische replied she would like to see budgeted man hours that are being taken off other projects since the budget in the Street Department was not increased. Mayor Mihalik replied the Street Department is capable of balancing a lot of different projects throughout the year. They were asked to help with the project in order to allow for a cost savings for the Dorney Plaza renovation.

Councilwoman Frische asked what the County Commissioners Office's decision is on the abutting properties on Dorney Plaza and how they are handling that. She asked what those property owners are contributing to the project. Mayor Mihalik replied she does not know if a resolution with the adjoining property owners has been met to the Commissioners satisfaction. She realizes that the adjoining property owners were sold that property given its encroachment into Dorney Plaza, but she is unsure where they stand at this point. Councilwoman Frische noted that they are going to benefit tremendously in that area. The property abuts the door entrance to those properties and there needs to be easements put in place. That did not happen before moving this project forward. Mayor Mihalik replied the City is not responsible with managing the County's responsibilities relative to the property owners on Dorney Plaza. Councilwoman Frische replied that the City is responsible to know who all has skin in the game and what is going on. Law Director Rasmussen replied that we do know the owners of those properties and everyone involved. Councilwoman Frische replied that by this point in the game, she feels Council should know everybody that is part of this project and what their responsibility is. Property owners on Main Street are responsible for sidewalks on Main Street. It's their easement. They remove snow, maintain the concrete, keep it clear, and can put patio furniture on it.

Mayor Mihalik replied that is not necessarily true. Law Director Rasmussen agreed that is not true. The property owner does not own the sidewalk. Councilwoman Frische replied she did not state they own it. She did not use those words. She said they maintain it. Its an easement. Mayor Mihalik agreed that they maintain it. The City clears the sidewalks in downtown Findlay. Councilwoman Frische replied in a certain area which wasn't originally maintained by the City. Mayor Mihalik replied that is the City's contribution for in-kind with the Downtown Findlay Improvement District that we are committed to. Councilwoman Frische noted that those who live on a street with sidewalks are responsible for snow removal, etc. That to her is important to this project. The property is owned by the County and not the City. There has been a lot of confusion on that. Mayor Mihalik replied that the City owns a certain portion of Dorney Plaza. Councilwoman Frische replied up to a certain section, but asked about the main corridor. Mayor Mihalik replied there are two (2) main corridors in Dorney Plaza. Councilwoman Frische asked about the corridor to Main Street where the main project area is. Mayor Mihalik replied the City maintains their responsibility and owns a portion of the total project. Councilwoman Frische replied that the majority is owned by the County. The property was originally owned by the City and asked if the City swapped the properties for the CUBE. Mayor Mihalik replied that is correct. Councilwoman Frische reiterated that the County owns the majority of the property and asked if the roles were reversed and the City was only going to contribute eighty-five thousand dollars (\$85,000) to the project instead of two hundred fifty thousand dollars (\$250,000), would the County be expected to pick up the remainder of the tab. The County is getting a good deal and asked if they would do that deal for us if the roles were reversed. Mayor Mihalik replied she cannot begin to even pretend to know what the County would do for us if the roles were reversed. It is a tale of two (2) completely different organizations. At the beginning of this project, the Community Foundation, the City, and the County Commissioners, represented by one Commissioner, had indicated at the time that the cost of project would be split into thirds (1/3). As the project has moved along, it has gone through many different iterations. At this point of time, that will help commemorate the significant impact that Dale Dorney has had on this community, and will create a plaza that is worthy of his honor. The City of Findlay is committed to do a significant portion of this project in partnership with the Community Foundation. She cannot control what the County Commissioners can and cannot contribute to this project. She only knows what has been given to her. She is thankful that the Community Foundation, even with the decrease of the County's commitment, has continued to contribute to this project at a very high level. The City of Findlay and its residents will benefit from a much more safe environment than what it is now. The bricks are heaving. It is in total disrepair and has not been touched for twenty plus (20+) years. It is incumbent upon us to take care of things we own. At this point in time, the County is only able to contribute seventy-five thousand dollars (\$75,000) to the project. The scope and cost of this project has been decreased from the very beginning and this is something that we can get done as a community and be able to celebrate together with our different partners. The contributions from the adjoining property owners and the easements associated with the plaza are out of the City's control. They are something the County Commissioners are responsible for dealing with. If the roles were reversed, she would have bonded the project before the private sector work even happened on Dorney Plaza, but that wasn't done. If it were something the City was managing, that is how it would have been handled and would have been properly accounted for financially. Councilwoman Frische replied that is not properly accounted for right now. Mayor Mihalik replied it is not the City's responsibility. It is the County's responsibility. The City has no skin in the game in the County's portion of the plaza. The City does not have the responsibility of enforcing whatever property rights the County believes that they have or don't have relative to those property owners. That's not our fight. Councilwoman Frische replied she did not ask for a fight. She just asked for the information because smart money management is completely understating this project. She supports improving Dorney Plaza, but does not know what the latest design is. She asked if it'll be grass or concrete. Everything keeps changing and Council keeps hearing different plans and different numbers. Money was planned towards this project, but has not been appropriated yet which is what we're hear for tonight. She asked if it would be smart, management-wise, to be putting more money into a property that the City does not own. While we want to be a good community partner, she does not see why the City is contributing more than the County is and why it is not known who all has skin in the game on this project. Mayor Mihalik replied that the City's portion of the project is significantly more detailed than what the County's is at this point. The area by the Courthouse is an elevated grass area with cherry trees which will commemorate the relationship that we've had with Japanese companies for almost thirty (30) years. The City's portion of this project is significantly more enhanced. New pavers, concrete, and drainage will be going in. There will be a new place for the Christmas tree with new landscaping surround it. There will also be new lighting. The City's portion is worth what we are contributing. The County's portion, which was much more significant than what it is now, is grass and trees. The County is taking care of what they are responsible for. Councilwoman Frische asked who will maintain Dorney Plaza after the project. Mayor Mihalik replied it will either be just the City's crew maintaining it because the City's portion will be significantly more of the overall downtown landscape, or it will be a partnership with what we have now which is the Parks District who helps maintain the courthouse.

Councilman Wobser appreciates what the Mayor is saying about the plaza area needing improved and does not believe anyone debates that. He asked if the County's money is going for a specific part and the City's money is going for another part of the project. Mayor Mihalik replied we are all in this together. It is not just a County or a City project. The Community Foundation has committed two hundred thousand dollars (\$200,000) to this project even with the decrease in the scope. This project had a much larger scope and enhancement at the very beginning than what it is now. The Community Foundation could have decreased their potential investment in this project, but they didn't. The City has stood firm in what has been planned for the last couple of years. The City's budgeted amount has been in the Capital Plan since 2014. The Community Foundation did the same. The only change is the scope on the County's portion and a decrease in their contribution. The City does not control the financial purse strings of the County. This project is worthy of the City's contribution. Councilman Wobser asked if the County has reduced their portion of the entire project and scope of Dorney Plaza. Mayor Mihalik replied that is correct. The property that the County owns will look significantly different than what was originally proposed and agreed upon. Councilman Wobser noted that the original designs had monuments, etc., but Council has not heard anything since then. He asked what other changes have been made to the original design. Mayor Mihalik replied there has been a change in the way the traffic flows into Dorney Plaza and from the time security changes were done to the south side of the building. Pedestrians currently walk on a narrow four foot (4') sidewalk to access the plaza when coming off the Crawford Street parking lot. The plan is to take down the existing brick wall, enhance the Chloe statue, and have an angled approach from the alley into the plaza that meets with the same angled approach that is going to be coming off of Main Street. That was done because of the scope change and the decrease in the costs of the project because of the County's contribution. This will be a much more welcoming and open walkway into our civic center than what we have now. It is sometimes difficult to pass by even one person on the narrow sidewalk that we have now to walk in. There will be some drainage improvements. Right now, after it rains, the gutters that come off the roof are not tied into the storm sewer and causes a major drainage issue within that alley. The back side of the buildings will have improvements made to their trash areas so that they are better concealed so that when there is a thirty to forty (30-40) mph wind, their dumpsters are not rolling across the plaza and being caught by our Maintenance employee. Overall, this project is significantly different than what was originally intended. The City is doing the best they can with the allocation of resources that we have. The changes that are going to happen to downtown Findlay with the Transportation Alternative Plan (TAP) and the continued improvement by the private sector will only enhance what we have in the area. Councilman Wobser agrees that something needs to be done with Dorney Plaza, but he also struggles with the fact that the County is essentially pulling out of this project. Seventy-five thousand dollars (\$75,000) versus the original investment they were going to make leaves very little left for a property that the City does not own. He has a hard time getting involved in a project that the City will spend \$215,000 plus whatever costs will be associated with labor on a property that the City does not own, given the other parties involvement.

Council President Slough pointed out that Jerry Murray with RCM Architects is in the audience if anyone has any questions they wish to ask him.

Councilman Russel asked Mr. Murray if he has any drawings of what the improvements will look like and if he has any way to indicate what is City-owned and what is County-owned. Mr. Murray handed out drawings.

Councilman Hellmann is very much in favor of this and feels it is long overdue. He asked if there have been any talks about adding some of the amenities back in as monies become available. A lot of the amenities and attributes have been eliminated that made it a classy entry way and now it is down to bare bones. Mayor Mihalik replied that the changes that have been made are just an evolution from discussions they've been having for the past two (2) years. It started out with a group of community individuals who were interested in beautification of the plaza into something different than what it is today which is a sad sight. Shame on us for not maintaining a better place of where Dale Dorney's legacy could be celebrated. There are two (2) entities involved in this project, one of which is struggling right now which is why they are unable to get the financial support of all three (3) Commissioners. They have other priorities that they want to try and take care of at this point. We have some changes that we would like to make to the plaza in order to properly acknowledge the plaza and Dale Dorney for who he was and what he continues to do for this community. While she was not around when he gave his gift to the city, but she knows the City can do better than what we have. Collectively as a group, the City is getting a tremendous value working together as opposed to doing things on our own. That is the reason why we should be moving forward and not necessarily thinking of ways to get out of it because one of our partners has fallen on hard times and can't necessarily provide the funding that is needed for it. We had to fight pretty hard to get more than just a grass patch out in the main entrance of Dorney Plaza. We had to fight for trees which is only about five thousand dollars (\$5,000) of the project. She is unsure if there will be a time when a seating area can be added, the water feature, or the fountain in front which was what had been planned. Maybe some day, those can be added to the plaza, but it is not in the short term plan.

Councilman Shindledecker has some serious concerns, many of which have already been voiced during tonight's meeting. There are some compelling reasons to do something and to do it now. The Commissioners are going to have to tear some of the plaza up to deal with their foundation issues. The Community Foundation money is predicated on completing this project in time for a fall celebration this year and with the Main Street project going on, there are some compelling reasons to do this right now. While it is not anyone's fault and that it just happened this way, the City is backed into a corner and has to make a decision now or in the extremely near future in order to get this accomplished in order to avail ourselves of the money from the Community Foundation and for a fall celebration. He is very concerned with the fact that the financing involving the other two (2) entities is not known a little bit more than it is already, having said that, he was prepared two (2) weeks ago to vote no on this project. He walked through Dorney Plaza and realized that it is an eyesore. Something does need to be done. He has serious concerns with the way this has worked itself out. He does not think it is anybody's fault, it just happened to be that way. The concerns about the money and the urgency of approving this concerns him very much.

Councilman Monday thought about this issue for a long time. In one sense, he was going to vote against it because it would have been the politically correct thing for him to do personally because by voting yes, he is going to be put to blame again by some individuals as he has been in the past, but he can take it. In the nineteen (19) years he has been on City Council, his vote has never been because it was politically correct to do so. He has always voted for what was best for the City and he is not going to quit voting that way today. He read a statement that he requested be put in the record:

The current Administration, as well as previous Administrations, has long talked about revitalizes the downtown area. It's finally happening. If you doubt it, come down town on a Saturday night and try to find a parking spot on Main Street. He has been a Findlay resident all his life, which is seventy-three (73) years, and the downtown is starting to look like the downtown he remembers a few decades ago. The center piece of Dorney Plaza can become a place for downtown visitors, or can be left to further deteriorate. The City has an opportunity to work with the County and leverage two hundred thousand dollars (\$200,000) from the Community Foundation to make the plaza a gathering place for people and events that we can be proud of. If the City was in financial straights and was laying off safety forces and other City employees, he would oppose any expense like this, but the City is fortunate not to be in that position. It has also been said that the City is helping the businesses adjacent to the plaza. The same thing could be said everytime the City does a major street, curb, or other enhancement adjacent to a business such as the TAP project, which will start soon. After that project is completed, it will look nicer and will help the businesses. Should the City not do it because it would help the businesses? He does not think so. He is in favor of this project. It will make downtown something that we can all be proud of. He has been asked who owns the property. When visitors come downtown from out of town or even from within town and see that property, they make an assumption. That's the City's property and look how terrible it looks, so he thinks we need to make it look nice regardless of who owns it. Let's do what's good for the downtown and good for the City.

Councilman Russel asked Jerry Murray where the City's responsibility is for the Dorney Plaza project. Jerry Murray from the audience replied that the actual property line is just west of the properties that RCM Architects occupies and also west of the Courthouse. He pointed to the property line on the diagram he handed out. Everything west of the line is City property and everything east of the line is County property.

Councilman Wobser asked how far the City's property line extends to. Jerry Murray replied it extends to this line (referring to the diagram) which is the City right-of-way line. The County owns from that right-of-way to this property line. The City owns up to the Municipal Building. Councilman Wobser then asked who owns north. Jerry Murray replied that from the dark line behind the monument (north side of the monument). The double-dash lines are property lines.

Councilman Russel asked the significance of the angle or red lines that are off-centered. Jerry Murray replied they were trying to give it some interest. They were meeting a five hundred fifty-six thousand dollar (\$556,000) budget. They were trying to make an enhancement on the property by simply having it a right angle to the property, they thought it was dull. They also had to try to avoid Chloe. In the old plan, they were going to move it, which was costing money and was a risk to the sculpture, so it was decided to leave it and enhance it. The diagram he handed out tonight shows a seat wall. If it was left as it is, it would be like walking through Chloe. By angling it, it brings the attention of the entranceway to the words that say southgate which is a direct line with the alley that comes in off the parking lots which is the new entrance into that area. By angling the other way, they were able to give more grass area that can be used for events and other activities. They also added three (3) rows of cherry trees that gives some color and scale to the property in the springtime and honors our neighbors. It gives the area interest without cost. The stone wall that has Dorney Plaza written on it is a stone tablet in the front which is sandstone to match the Courthouse. There is another one on the Municipal City lot in this location, also made of sandstone. The base of the sculpture surrounding will be sandstone and there are some other benches that are being bid as alternates to have those be sandstone as well. They are trying to blend between the brick pavers of the plaza that will have a color that will be complimentary to the Municipal Building and the sandstone will be complimentary to the County Building. They are trying to blend those two together to make a pleasant plaza.

Councilwoman Frische asked if there will be benches. Jerry Murray replied there will be no seating on any property on any parts other than Chloe. The other benches, which are stone benches, are being bid as an alternate to see if we can afford anymore. Mayor Mihalik added that the County was not interested in having benches in Dorney Plaza. They do not want anyone accumulating next to the Courthouse.

Councilman Russel asked if the County's desire is to not have anyone up next to the Courthouse, then why don't they build a fortress. Mayor Mihalik agreed and added that those conversations about the project have been going on for two (2) years now. From her perspective, this is our home, the public's home, the City's home, the community's home, but the Courthouse has security concerns. The diagram Jerry Murray passed out tonight is of several iterations from several individuals at the County level who have voiced their ideas on what they would like to see and what their concerns are on security. They did a court security assessments at Common Pleas Court. This plan looked a lot different at first. It now accommodates the wishes of those and all the feedback they got from those at the County level that wanted it. About a month ago, it was just a big grass patch, but the City thought it was worth more than that to this community.

Councilwoman Frische asked what the lighting plan is and if there are any lights. Jerry Murray replied there is lighting, but does not have that on tonight's diagram. Councilwoman Frische asked if it is still the rope lighting. Jerry Murray replied it is not. That went away. There will be post lights in Dorney Plaza that will light the path in the common area. There will be a row of lights that will be on the east side of the southgate boulevard. There will be lights on both of the Dorney Plaza signs. There will be lights at the base of Chloe. When you leave tonight and see the base light, that will be lit again, so it won't be a sculpture in the dark. There will be lights on the major trees. The monument that is at the north of the Dorney Plaza area will have landscaping. They will remove the concrete there to give it some softness. There will be two (2) cherry trees there. There will be three (3) cherry trees around Chloe and eleven (11) in the common area of Dorney Plaza. It will be well-lit without being obnoxious. There are residents who sleep nearby who also want to be safe, so there needs to be a good balance of light in the plaza.

Councilman Wobser added that he is frustrated because there have been allowances made to this project for what the County wants and needs, but yet they cut their part of the funding and the City has to fund the majority of it and not get what we want. The City is paying money and will get a project that the County wants and only has to put in eighty-five thousand dollars (\$85,000). If the City were to spend all of their part of the funding just up to the property line, he would vote for it tonight and let the County deal with their problems. While he understands that is not a possibility, it is still ridiculous. Mayor Mihalik replied that about a month ago, she had thoughts of only making the City's property really pretty, but that is not how we do things. We do things together. Councilman Wobser replied that he understands, but the more it is talked about, the more mad he gets.

Don Malarky from the audience addressed some of the financial issues. He pointed out that he and Jerry Murray are very frustrated with the process that they have been working on for the past two and a half (2 ½) years. He is also disappointed with the County in not being able to fund what they had initially indicated. The compelling reason for him and what he would like Council to consider in order to move forward with this project is that even if the numbers are sliced and diced, the amount of work that would be done to the City's property and on County's property has percentages. The amount of the City's contribution is a lower percentage than the percentage of work to be done because the Community Foundation is participating in this project. They will only participate if it is done together by the City and County. While he wants the County to fund more than they are able to, it is imperative that it is done with Community Foundation participation because it will cost the City more to do it on their own. If the City wants to do just their portion of their property, it will cost more because the Community Foundation will not be a part of it, which is a compelling reason to do it now from a money standpoint.

Councilman Wobser asked if the Community Foundation's offer is contingent that the whole project include both the City and County property. Don Malarky replied absolutely. They looked at dividing the renovations up and only do the City's part by itself. It was not part of the Community Foundation's scope. It was not part of what they look at the overall plaza to represent and did not feel that it was honorary enough for the namesake of Dale Dorney, which they would not support.

Councilwoman Frische agrees that there is an urgency because the City has an opportunity available, but she does not feel voting against it is a political thing. She is uncomfortable with it not going to formal bid yet making the hard numbers not be available yet. The hardest thing is to justify property. It is similar to someone wanting to fix someone's front yard because they do not like the way it looks because it represents the community. That is how a lot of the community looks at this project. It's not the City's property, but the City wants to be a team player. The City cannot slice or dice it. The City gets the benefit from the County. She asked what the City can do to keep this moving forward and allow the City to still get the numbers and true details. Details have changed since the last time the drawings were presented to Council. For example, the lighting and trees have changed. Council did not know of these changes. The last design Council saw was string lights and concrete, then the budget numbers changed, so Council does not truly know what they are voting for. Council also wants to be teamplayers, as this will be the entrance to our property, but it's not our property. The County does not want to put benches, but with the society we live in today requires us to consider them. The County's reasoning for not fully funding this is because they need to put money somewhere else in public safety, but the City also has to juggle those numbers everyday too. The City also needs to be responsible for what they are putting into it and she needs to be able to explain it when someone asks her as a Council representative. The last she knew, benches were going to be put in for a place for pedestrians to eat or stop and sit down. Council really needs to know this project inside and out, know what the City is paying for, why we are doing it, and how we can justify it. Since we do not have the bids yet, what can Council do to justify it to the community that we want to be a teamplayer even though the County is not taking care of their own property at the full amount because they are looking at other areas, which the City needs to do as well. She asked if there is something the City can do to move forward. She asked if the eighty-five thousand dollars (\$85,000) can be appropriated from the County and the City match it while we wait to get the numbers back with an absolute final design. We really do not have a final design. Mayor Mihalik replied this is the final design. This is what the Community Foundation agreed to fund. Councilwoman Frische added that she had not seen these changes until tonight. What she last saw was different.

City Auditor Staschiak added a historic perspective saying that in the past, when projects are bid like this, Council would initially pass the design, the desire in concept and approve the Administration to go out and get bids in a timely fashion with the caveat that they would come back a second time for the appropriation. The purpose of that was to avoid a situation like tonight's. In doing that, Council does not normally go forward with the bid unless it is the majority's intention to do the project. It sounds like Council likes the idea of improving Dorney Plaza, but asked if they would take that kind of approach if it could be done timely enough to allow the project to be completed and have a final approval at the full appropriation in one of the couple future meetings. Mayor Mihalik replied that is an accurate historical perspective, however, the City is not managing this project. The City is one of three entities who are contributing to the development of this project. The Hancock Regional Planning Commission is the contracting entity that is taking funds from all three groups. The City has done that with projects that we are in full control of, but not for this particular project. There are alternates in the bid that we're taking a look at for potential additional cost savings. Jerry Murray elaborated by saying the notice for bids just went in the paper today. They are due April 20, 2017. They will open those bids and review them. It is their intention to be able to present to Council during the April 25, 2017 City Council meeting the final results of those bids and decide which alternates they are proposing to accept and not accept. On that same day, they plan to be on the County Commissioner's agenda to let them know bids are in and this is what has happened. There is a committee made up of City, County, Regional Planning, downtown merchants, etc. that have helped to guide the process to make sure everything is included. They will review those together and will come back and present them to Council. In the meantime, he can go over anything Council wants to know about. He can show Council the ultimate and the reasons. They have already shown the grand vision to Council. That vision was a million dollars (\$1,000,000), but did not have that money then, so they reduced it, but it is not a poor solution. It is a very nice improvement to downtown Findlay. Materials will be hauled in. There will be permeable pavers, new lighting, new drainage below the plaza, fixing of utility and electrical issues, and have irrigation bids as an alternate.

It is a very good project for the City that is within five hundred fifty-six thousand dollars (\$556,000). He would be happy to review anything with Council, but any additional changes made will cause delays. He has to be done by September 15th in order to not miss the planning season. He would like to bid it soon and give the awarded contractor the permission to start on May 1st. He does not have a lot of time left to make this happen. Mayor Mihalik added that the Community Foundation is insisting on meeting the deadline which is to commemorate the anniversary of the fund. This project is consistent with the way the City has done things over the last five (5) years. We do not do them independently. When the City does large scale community projects like this, they are done with one another. This is a perfect opportunity to leverage City dollars with County dollars, plus a generous contribution from the Community Foundation. It is not Council's fault that we are in the situation that we are in, but the scenario is such that it is time for us to get moving. Anyone can walk out these doors and figure out that we need to make some change out front. It is our responsibility because we own a portion of this plaza and the County owns the other portion. This plan will be a significant improvement from what we have today.

Councilman Monday asked if the bids will be on the 20th. Jerry Murray replied he gave an incorrect date. City Council meets next on the 18th, so that is when they will receive bids. Councilman Monday would like to see the bids too. He asked Mr. Murray if he is able to get the bids and go through the process if Council tables this. Mayor Mihalik replied that the process can move forward, but that they wanted to do the demo of the plaza two (2) weeks ago. There are some things that the Street Department needs to get done. The demo can start now or within the next couple of days if Council approves this. Waiting will cause a reallocation of resources within the Street Department. Waiting another month to start is only going to delay the project even further.

Councilwoman Frische asked if the ordinance could be amended to what Councilman Monday is saying since we have budgeted for the funds. She asked if the ordinance could state that we are budgeting for it contingent on bids coming in. Even though the Mayor stated it has been done this way for the last five (5) years, she wants to have more involvement and see the numbers to understand it so that she can explain it. She asked if there is a way to make it a resolution for what Councilman Monday stated so that they can move forward with bids and then Council could always suspend the rules at the next Council meeting or pull the original ordinance off the table and pass it.

Councilman Watson asked if there is a motion on the table. Council President Slough replied there is. Councilman Watson called for the question.

Councilman Russel called for a point of order. He asked if a Councilmember calls the question if it requires Council to then vote. He would still like to make comments. He asked if the call for the question stops all discussion. Law Director Rasmussen replied that there has been a motion to adopt made. Councilman Russel withdrew his point of order and suggested Council go ahead and call the question.

Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindedecker, Watson. Nays: Frische, Wobser. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-016 and is hereby made a part of the record.

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

third reading

adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Klein moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindedecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-018 and is hereby made a part of the record.

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

second reading

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

Second reading of the Ordinance.

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

second reading

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

Second reading of the Ordinance.

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

second reading

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

Second reading of the Ordinance.

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

second reading

adopted during
OLD BUSINESS

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

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

Discussion:

Councilwoman Frische asked if she is correct that the City is not doing anything with this company, but that it is just an outlet for the City to get pricing like we did with the fire. Mayor Mihalik replied it is a cooperative purchasing alliance similar to state bids that we utilize now. It will be a larger pool of entities that we can bulk buy and have the opportunity to buy at a lower rate. Councilwoman Frische then asked if he is still looking at both options when he gets pricing. Mayor Mihalik replied that is correct.

Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-023 and is hereby made a part of the record.

ORDINANCE NO. 2017-024 *(Rowmark Rd Improvements (Ohio 629) – City's share)* **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-025 *(2nd qtr appropriations)* **second reading**
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2017 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-026 *(income tax revenue de-appropriation)* **second reading** **adopted during OLD BUSINESS**
AN ORDINANCE DE-APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2017-027 *(2017 Resurfacing Program (Contracts A & B) project)* **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, seconded by Councilman Monday. Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein. The Ordinance received its third reading. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Niemeyer. Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-027 and is hereby made a part of the record.

ORDINANCE NO. 2017-028 *(2016 Codified Ordinances updates)* **second reading**
AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-029 *(K9 grant)* **second reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Niemeyer. Ayes: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The Ordinance received its third reading. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-029 and is hereby made a part of the record.

ORDINANCE NO. 2017-030 *(City's insurance policies)* **first reading** **adopted**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO TO TAKE BIDS AND ENTER INTO CONTRACTS FOR INSURANCE COVERAGE FOR AIRPORT LIABILITY, AUTOMOBILE, BOILER MACHINERY, CONTRACTOR'S EQUIPMENT, CRIME INSURANCE, POLICE PROFESSIONAL LIABILITY, PUBLIC OFFICIAL'S ERRORS AND OMISSION LIABILITY, REAL AND PERSONAL PROPERTY, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Klein. Ayes: Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker. The Ordinance received its second and third readings. Councilman Klein moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-030 and is hereby made a part of the record.

ORDINANCE NO. 2017-031 (*McManness Ave/McConnell St sewer separation*)
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

adopted

Councilman Klein moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Russel. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance received its second and third readings. Councilman Klein moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-031 and is hereby made a part of the record.

ORDINANCE NO. 2017-032 (*Trenton Ave/W Main Cross St curb replacement*)
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

adopted

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-032 and is hereby made a part of the record.

ORDINANCE NO. 2017-033 (*Westmoor Rd waterline; 2017 Capital Improvements*)
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

adopted

Councilman Klein moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Shindledecker. Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein. The Ordinance received its second and third readings. Councilman Klein moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-033 and is hereby made a part of the record.

ORDINANCE NO. 2017-034 (*2017 Capital Improvements*)
AN ORDINANCE TRANSFERRING AND APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance

UNFINISHED BUSINESS: **OLD BUSINESS**

Councilman Harrington noted that there was some urgency at the last City Council meeting to pass the de-appropriation (2017-026) for the income tax, but due to the lack of quorum, it was not able to be adopted. He asked the City Auditor if tonight's action will affect the City Auditor's Office. City Auditor Staschiak replied that he worked with the County to make some corrections to the amended certificate. He has adjusted the revenue figures down and has everything in time with today's meeting. If Council does not go ahead and give the ordinance its third reading and adopt it tonight, there is a high likelihood Council will receive a citation from the State which could be shown in the financials or coffer at the end of the year. There is a likelihood that would happen because we will be in violation of the State Statutes.

Councilman Harrington moved to suspend the statutory rules and give Ordinance No. 2017-026 its third reading. Seconded by Council Watson. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance received its third reading. Councilwoman Frische moved to adopt the Ordinance. Seconded by Councilman Hellmann.

Discussion:

Councilman Russel noted that this is something that is new to Councilmembers and asked why this de-appropriation is necessary, who would issue the City a finding that would show up on the City's coffer, and what would the City be in violation of. City Auditor Staschiak replied that for the first part of Councilman Russel's question, he referred to the letter he wrote to Council that was part of the record at the last meeting. The City has had the good fortune of being in the growing revenue environment since the majority have been on Council. As part of the budgetary process and when in the growing revenue environment, the revenue estimates have been very close year to year within two to four percent (2-4%) of the original estimates when Council passed the appropriations. When it got to the end of the year, there was more money to appropriate than what was originally appropriated in Ordinance No. 2017-001 to spend in order to clear the books of the income tax money at the allocation rate. One year it was nineteen/eighty-one (19/81), another year it was eighteen/eighty-two (18/82), and this year it is twenty/eighty (20/80). That is cleared out of the Income Tax Fund so that it goes to the General Fund into the City Income Tax Restricted Account for Capital Improvements. This year, the opposite situation is happening which is normal and is nothing to be alarmed about, but as Councilman Russel mentioned, it is the first time this Council has had to deal with it. We knew the revenues were going to be down some. Today, they are down just under six hundred thousand dollars (\$600,000) and have been off as high as seven hundred thousand dollars (\$700,000) on the day to day watch. They are averaging almost six hundred thousand dollars (\$600,000) off from last year, which is also nothing to be alarmed about. We knew they were going to be down some. There are a lot of things going on with the business portion of the tax, and there are also other threats to the City's income. The Auditor's Office is watching what is going on very closely. As part of the regular business process, some of the money needs to be removed today instead of waiting until the end of the year to add more money to the appropriation, so that it is not inadvertently spent. Since he has the knowledge that it is coming in significantly lower proportionally during the year from what we expect, it is encumbering upon him as a fiduciary to go ahead and adjust that revenue estimate, and since we appropriate every dollar of estimated revenue to come in, to pull back that appropriation in a proportioned amount.

It is a normal standard part of business and should not consider it anything to be alarmed about unless it continues to grow. Councilman Russel noted that the City Auditor stated that he is also following other issues that he feels are a concern to the City's revenue and asked if that is for 2017 revenue concerns, and if so, what are those concerns. City Auditor Staschiak replied that it is not just his concerns and has talked with the Income Tax Administrator as he mentioned in the prior Council meeting. There is no explanation on why the withholding portion of the tax is down. The report that he mailed out today is down three and a half percent (3 ½%) and has been down higher than that. It makes no sense that withholding is down if we are in the employment growth environment that we're in. He is informed on where the City is at, but the Income Tax Administrator is the expert. He asked if anyone can explain to him why we would see an almost four percent (4%) drop in the withholding payroll tax. While it's nothing to be alarmed about and is within a five percent (5%) margin that he likes to keep revenue projections within, it makes no sense which causes him caution. The other concern is the individual component of the City's income tax that is down over six percent (6%). Those two (2) components combined were not expected to be down at all this year, but are down in both areas. Withholding is almost eighty percent (80%) of the City's income tax revenue. It is budgeted at seventy-seven (77) or seventy-eight (78) last he checked when he did his projections for this year. The Income Tax Administrator's projections are about the same. If eighty percent (80%) of the City's revenue is coming in down four percent (4%), that should wake Council up. He suggested keeping an eye on it, to pay attention to it and be cautious with the budget. Since Council has not seen this before, he does not want anyone to be alarmed and just wants it understood that the City Auditor's Office is doing their due diligence. What it ultimately means is that we know we started the year projecting, and in looking at the snapshot he provided through February 28, 2017, it reduces the General Fund year and projected balance of just over twelve million dollars (\$12,000,000) to just under twelve million dollars (\$12,000,000).

Councilman Russel asked if other communities that are similar in demographics to Findlay is seeing similar things (i.e. State performance audit a couple of years ago). He asked if the City Auditor talked to them. City Auditor Staschiak replied that he talks with the Finance Officers regularly. Councilman Russel asked if they are seeing similar slow downs. City Auditor Staschiak replied that a couple of them are, but what is happening here is not something our Income Tax Administrator is able to explain, but believes he is talking to his peers. It is more of a wait and see. It is the first time Council has seen a declining revenue environment compared to prior years. It is part of his due diligence and part of the normal budgetary process that is right and proper. If Council passes this ordinance, it will reduce the appropriation that was made from the City Income Tax Fund to the General Fund by four hundred thousand dollars (\$400,000) which will decrease the year-end cash balance by a dollar-for-dollar four hundred thousand dollars (\$400,000).

Councilman Shindledecker asked if withholding is mandatory with individual taxpayers. City Auditor Staschiak asked if he means by personal individual payroll or individual component of the income tax. Councilman Shindledecker replied if he asked for his withholdings to be reduced from his Council salary, could he do so and if it makes sense with the way the market has been skyrocketing, at least up to this point, that individuals might be thinking they can make more. City Auditor Staschiak replied that would be a lot of people. Anything is possible, but not likely. He would approach that with a wait and see attitude to see what happens. It would be a combination of factors. As resilient as the community is and as the economy is, with the way Congress has done some things and with the way business continues to invest, he believes you will continue to see some wonderful things. At this point in time, revenue is significantly less than last year, but planned for. It is a little more significant than expected.

Mayor Mihalik added that the City anticipated a decrease in business profits, but according to our Income Tax Administrator, we are one hundred thousand dollars (\$100,000) ahead of where we thought we'd be. We also had a discussion within the last couple of weeks that it is a little early to be making determinations on what revenue potentially could be. Tax day is coming up later next week. There are a lot of things that could change in the next couple of weeks, but being cautious is a good thing. It is too early to be running around and getting excited about it. We have been through this before. We need to stay the course that was put forth the beginning of the year and wait until at least half way through the year at mid-year budget time to have a substantial discussion on where our revenue could potentially be.

Councilman Russel asked for an answer to the second part of his question. City Auditor Staschiak replied that the City Auditor's Office had the State Contracted Auditors in their office last week. He discussed this situation with their team head who told him this would require a citation based on the fact that Council is technically and actually out of compliance with the State rules on budgeting. When we have questions in general about issues that go to the financial statements, the State Contracted Auditor staff's team leader or State Auditor's Staff, depending on who we are working with at that point in time, is typically our first contact to get questions answered when it is not obvious from the rules that are in front of us.

Mayor Mihalik asked if the City is out of compliance at this time because Council did not pass the resolution at the last City Council meeting. She also asked the City Auditor if he turned in everything today in anticipation of Council passing the resolution at the last City Council meeting. City Auditor Staschiak replied that is correct. Mayor Mihalik noted that the reason Council is out of compliance right now is because the City Auditor has gone ahead and made the changes anticipating that Council would pass the resolution. Council has done nothing wrong. The City has done nothing wrong. The City Auditor has been anticipatory in his modifications that Council would have passed the legislation a couple of weeks ago. Councilman Hellmann asked with that being the case, would Council have been advised of the situation before getting to the end of tonight's meeting. City Auditor Staschiak replied no. Anticipatory is not the right word. As he talked about two meetings ago, revenue was not coming in. During the last meeting, he sent the letter explaining what needed to be done and what needed to happen. It needed done. That adjustment has to be made. The fiduciary's responsibility of the City Auditor is different than other fiduciary responsibilities that each Councilmember has individually on personal liability, how it is approached and what happens at the State level. He takes that responsibility as seriously and diligently as any Councilmember would. If Council chooses not to pass or give it all three (3) readings separately, it is their prerogative. He compared it to someone's personal checking account in that if someone knows a check is not coming in, they will not budget for spending money that is not there and will instead adjust and make it a due course of their family budget process. This is no different, just on a larger scale. It is appropriate, it is right, it is done, and is the determination of this Council on whether or not they would like to comply with the rules and pass it tonight or wait until next meeting.

Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-026 and is hereby made a part of the record.

City Auditor Staschiak noted that during the last meeting, Council asked him to do his due diligence for the ADAMHS renewal Resolution No. 010-2017, and he offered to check with the City's third party administrator. He read the following paragraph:

This is from Ken Uveges, owner and head of third party administration company that does the City's Health Insurance plan:

The only concern he has is that the resolution comes in the form of a pledge to do more. "We charge ourselves with expanding, supporting, and promoting opportunities to lead to a safer, . . ." and "We charge ourselves with the purpose of insuring that appropriate addiction treatment and recovery services are available to everyone in our community." I recommend that support of the resolution does not in any way imply a commitment to expanding benefits under the plan or expanding eligibility and access to those benefits under the plan that covers employees of the City and their dependents.

Councilman Russel asked the City Auditor if he could email that to him. City Auditor Staschiak replied he will send it to everyone.

Councilman Harrington noted the ADAMHS resolution is tabled and asked when it can be untabled. Mayor Mihalik replied that Council can untable it whenever they want to. Councilman Russel added that he would like to review Auditor Staschiak's email on what he just stated from Ken Uveges before he would go forward with voting on the resolution. Councilman Harrington replied he has no problem with that and feels it is important as City leaders, the Administrators, and Council that they take a real hard look in the community on what is going on with the drug scourge. It is on everyone's mind. All departments including the Police Department, Social Services including ADAMHS and others are taxed to the point of breaking. Council would not be doing their due diligence if we did not get behind any efforts in our community to help solve that problem. He appreciates what ADAMHS is trying to do. There are some things in the letter that he does not agree with. Since he has joined Council, he has said that enforcement should be strengthened. He understands the problem with it being a domino effect when an individual is arrested and goes into the court system, jail systems, and treatment systems that are also overwhelmed, but as a society and community, we need to find a solution to this, there is a generation of our youth out there right now that is going to be lost. It is sick and it is wrong. We have to do something about it as community leaders, especially as City Councilmembers and the Administration. He challenged everyone to do what is necessary. He is very passionate about this subject. He does not have a solution, but does have some ideas, some being out of the box. The worst thing that can be done is to sweep it under the rug and hope it goes away, because it is not going away. It is getting worse, not better. Mayor Mihalik added that there was a meeting last Monday night at the First Presbyterian Church that the Opiate Task Force, in conjunction with the ADAMHS Board, held. It was one of the best community meetings there has ever been. There were significant substantial conversations on what is going on, what is missing, what we are doing too much of and what we are not doing too little of, and what we need to stop. There are a lot of people in our community that think nothing is being done as a community to try and combat the issues that are affecting our children, parents, grandparents our relatives and friends, which is not the case. It is a very complex issue that requires an all hands on deck approach. She is very proud of the steps that this community has made to try and fix it or at least remedy it. There are a lot of communities that are way behind us when looking at where we rank in the number of overdoses compared to other counties in the state. Every life is very precious, but our scope and relative size of the problem is a little bit different than what it is in other communities. There is a lot being done on prevention and treatment. She attended the Child Abuse Prevention breakfast yesterday and saw a woman who has been sober for three (3) months and another who has been sober for nine (9) months. They are in the process of recovery and gaining access to their children again through the family treatment department court that Judge Johnston is doing across the street. There are a lot of things happening in this community in trying to make things better. We can still do more and should challenge each other to do more. It is good to challenge people to do more than what we are doing now, but we also need to recognize that there are people who are doing a lot with a lot of partners via the coalition and other social service agencies. They are doing that on the face of people who think this is a choice and that they shouldn't be cared for and that their life isn't worth it. We need to continue to support agencies and do what we can that is within our realm of control. We can arrest as many people as we possibly can, but if we do not get them treatment once they leave jail, then they will just repeat again. We are doing everything that we can from a policing perspective. First responders see this every day. She applauds the ADAMHS Board and the Opiate Task Force for taking on something that is very complex in a community that is doing a pretty good job compared to others in trying to fight the epidemic.

Councilman Russel noted that Ordinance No. 2017-022 received its second reading tonight. It is for a system upgrade and 2017 sewer lining project. Council should give consideration to the sewer lining. He moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Hellmann. Ayes: Hellmann, Klein Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-022 and is hereby made a part of the record.

Councilwoman Frische noted that during the last Income Tax Board meeting it was discussed to have an ordinance taking a stand to keep our dollars here instead of potentially going to the State and then be given back to us. She asked for the status of that ordinance. Mayor Mihalik replied that House Bill 49 is the operating budget that the Governor proposed with multiple changes to the way that we do things in local government. First and foremost, it has to do with centralized collections of our business taxes. Last week, they were talking about changing the way we collect municipal income taxes at the State level through the Ohio Business Gateway, but what they were actually talking about was a new State tax that collects municipal business profits and then redistributes them to cities that are struggling. That is meeting up with a ton of resistance. They are having their last hearing of the Houses this week before they go on Easter break. There will be a substitute bill that will be worked on for the next couple of weeks and probably contributed mid-April. She was going to suggest having a Committee of the Whole to go over all three (3) of the major issues relative to the budget proposal from the Governor, one being centralized collections, another being the elimination of the throwback, and the other being local government fund changes, the formula allocation changes. She anticipates it would take about a half hour to forty-five minutes to discuss. Moving additional funds from the unappropriated balance to Capital could also be talked about. Next week is spring break, so be mindful of that when scheduling a meeting. The meeting could take place the Monday before the next City Council meeting. There are a lot of changes that are happening within this bill. At the last Income Tax Board meeting, the goal was to communicate where the State is at and ask Council to communicate with both Senator Hite and Representative Sprague about what is going on. Even though the two (2) of them seem to be anti-centralized collection, there is a throwback debate, and they are not big fans of the LJJ changes. The Governor's proposal picks winners and losers in cities. She is not sure if that is really his job, but if he wants to redistribute one hundred million dollars (\$100,000,000) in addition to what they already hand down from the Local Government Fund, so be it. They would be taking monies from communities that are prosperous and redistribute it to committees that are hurting. She does not feel that is good government. It is worthwhile of discussion so that everyone is on the same page. She does not want to put together a general ordinance that states we are against this and then it not have the same affect. She would prefer to have discussions and then draft a resolution, and then at the next City Council meeting, start to evaluate whether or not Council wants to pass it. Councilwoman Frische replied that she feels that would be a good discussion to have and asked if they ended up getting a State resolution or if they are going to provide a basic outline of what other cities are doing so that we would all be the same. Mayor Mihalik replied that there are several cities that have utilized a draft that could be used to pass in opposition to, but she was thinking of putting something together that was meaningful instead of a cookie cutter piece of legislation that every other community has done. Councilwoman Frische agreed saying Council should see that and have discussion. Mayor Mihalik added that the good news is that the House representation, at least at this point, seems to be on the side of local government.

There really isn't anyone out there that is saying this is the right thing to do. Businesses are getting pressured from the Tax Commissioner at the State level who is telling them it will be easier for businesses if they support this, but they are already paying withholding to eighty plus (80+) municipalities in the State of Ohio. This does not make our job any easier. The Ohio Business Gateway is just a flood system right now. It is not set up to facilitate it. The actual transition from a municipal income tax to a State levied tax is being redistributed to cities is absolutely ridiculous. It is one percent (1%) now, but is unsure what is it going to be in a couple of years from now on total centralized collection, uniformed centralized collection, and not just one particular piece of the pie. She does not believe there is an appetite for that or the L/J changes either. City Auditor Staschiak added that in the latest newsletter, there is a two-page letter from the City of Columbus, that is a phenomenal overview of the flaws in the State's approach to this, which will help with the discussion with Senator Hite and Representative Sprague. There are two (2) individuals already announced that are running for Senator and for Representative Sprague's seat. He recommended Councilmembers have conversations with them. It would have a similar impact to when someone speaks to a Councilmember.

NEW BUSINESS

Councilman Monday noted that a week from today is the normally scheduled Appropriations Committee. He asked if there are any agenda items to discuss. Mayor Mihalik replied that the only thing she would like to discuss is the \$1,500,000 transfer into Capital so that we can keep going at the rate that we are going. It is up to Council if they want to discuss it or pass it. If Council does not want to, then we can slow down. Councilman Monday replied that if there is something to put on the agenda, then they will have the meeting. Mayor Mihalik replied that she is fine with that and that it is a worthwhile discussion at Appropriations, a Committee of the Whole, or have everyone come to the Appropriations Committee. City Auditor Staschiak noted that he will not be able to attend that meeting if held on Tuesday, April 11, 2017. Councilman Monday announced that there will not be an Appropriations Committee meeting in April, and scheduled a Committee of the Whole meeting instead.

COMMITTEE OF THE WHOLE meeting on Monday, April 17, 2017 at 5:00pm in the third floor of the Municipal Building (CR1).

- agenda: 1. tax house bill 49
2. 2017 Capital Improvements (Ordinance No. 2017-034)

Councilman Russel read a letter to the editor in today's newspaper titled: No regard for public safety. It talked about our Firefighters at Firestation #2 and the failure to turn on the signal whenever they leave the station on an emergency. The last sentence reads: With that kind of attitude, the Firemen at Firestation #2 apparently don't give a dam. It is signed by Mr. John Caris of Findlay. Councilman Russel finds this offensive. One of the biggest pleasures he has had when serving on Council is getting to know our Firefighters a lot better. Our first responders head into danger either a fire or being on the front lines of the Heroine epidemic. They obviously do give a dam and do so every day. They prove it by showing up for work and go in the direction where others run away. In questioning their commitment to safety and to the community is offensive. If they fail to turn on the safety signal in the proper manner, that can be corrected, but is not an indication that they do not give a dam. He would put our Firefighters up against any department in the State. Chief Eberle and his staff are number one in his book. He knows they do give a dam and he appreciates them.

Councilwoman Frische: **WATER AND SEWER COMMITTEE** meeting on Wednesday, April 12, 2017 at 3:45pm in the first floor Council Office (CO).

- agenda: Deer Landing Subdivision water extension

Mayor Mihalik pointed out that in an effort to try and promote our neighborhood parks throughout the City of Findlay and also remind our community members to keep active and keep healthy. The City of Findlay Recreation Department and partnership with Hancock Public Health and the OSU Extension office are going to be holding Keep Active/Keep Healthy days throughout the summer starting April 26, 2017 at Westpark, 1425 Byal Avenue. There will be a kickball game. There will be several other dates of events per the flyer she will send to Councilmembers. It is a great opportunity for Council to get engaged with the public and participate in a kickball or shuffleboard game. There will be different events at Westpark, Firestone Park, Riverside Park, Eagle Park, Flag City Complex, Rawson Park, Emory Adams Park, and Benard Park. It will be an opportunity for us to get out and make use of the beautiful things that we have here in this community. It is her hopes that when Council sees the flyer, they will find a couple of times that they can join the events.

Councilman Harrington asked when the bathrooms at Emory Adams will be opened. Mayor Mihalik replied that while the weather is changing, it is going to snow on Friday. Councilman Harrington was there last week with his seven (7) year old grandson who needed to use the restroom, but couldn't. Mayor Mihalik replied that the City does not turn the water on until April 15, 2017. They are working on getting that done this week because soccer season did start a little earlier. If the weather gets cold and the water freezes up, then there is a problem. They will be open by Friday.

Councilman Hellmann was out of town when the Mayor have her State of the City address and heard that she did an excellent job with it. It was well delivered and well received.

Council President Slough thanked Councilman Monday and Councilman Russel for filling in the Acting Mayor and Acting Council President Pro-Tem positions during the last City Council meeting.

President J. Slough adjourned Council at 9:26 pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL