

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**May 16, 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 Harrington moved to accept the May 2, 2017 Regular Session City Council meeting minutes. Councilman Hellmann seconded the motion. All were in favor. Motion carried. Filed.

## **ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:**

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

### **REPLACEMENTS:**

- Ordinance No. 2017-038, AS AMENDED = salary ordinance (*LEGISLATION section*).
  - This is the second (2<sup>nd</sup>) proposed amendment to the Ordinance.
- Ordinance No. 2017-040 = 527 W Sandusky St rezone (*LEGISLATION section*)
  - CPC and P&Z recommended a different proposed zoning than what the petitioner originally requested. First (1<sup>st</sup>) reading of the Ordinance did not reflect CPC and P&Z's recommendation
- Ordinance No. 2017-051 = ESID levying special assessment – Findlay Surgical Properties Ltd (*LEGISLATION section*)
  - Changed City's assessment officer to now be City Auditor (SECTION 2, 2<sup>nd</sup> paragraph, pg 3)
  - Changed Director of Finance to now be City Auditor (SECTION 5, pg 4)

### **ADD-ONS:**

- Letter from Service-Safety Director Paul Schmelzer = Downtown Revitalization (Transportation Alternative Plan) Project No. 319424 (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*)
- Ordinance No. 2017-053 = Downtown Revitalization (Transportation Alternative Plan) Project No. 319424 appropriation (*LEGISLATION section*)

**PROCLAMATIONS:** – none.

**RECOGNITION/RETIREMENT RESOLUTIONS:** - none.

**PETITIONS:** - none.

**WRITTEN COMMUNICATIONS:** - none.

## **ORAL COMMUNICATIONS:**

### **Garnet Peeler – bat houses in Findlay parks**

Ms. Peeler is a student at Findlay High School. One of her teachers assigned students projects to better the community. She and her class partner would like to build bat houses and place them in City parks, specifically Riverside, Anchor, Civitan, Rawson, and Swale. Bats are in danger of becoming extinct from white noise syndrome. By having the bat houses in the community, it would keep bats out of park buildings, would help pollinate flowers, and would help keep the bug population down during the summer. She and her class partner would like to build the bat houses if the Parks Commission will install them on the sides of buildings or poles.

### **Discussion:**

Councilwoman Frische asked how many bat houses they are making. Ms. Peeler replied ten (10), two (2) per the five (5) parks she mentioned.

Councilman Russel noted that when he bought his first house, he had experiences with bats, and their current house that is over a hundred (100) years old, frequently has bats. He and his wife are part of the catch and release program. Bats help to reduce the number of mosquitos. He asked if Ms. Peeler's request should be referred to the Parks and Recreation Board or if Council can just approve it tonight. Service-Safety Director Schmelzer replied Council can just approve it tonight. Mayor Mihalik added that this can be handled administratively. Councilman Russel thanked Ms. Peeler for this unique project and thanked her for her interest in the community. He asked what teacher assigned these projects. Ms. Peeler replied her Government Teacher Mr. Dickman. Councilman Russel then asked Ms. Peeler if she was part of the We The People project. Ms. Peeler replied she was and that she loved it. Councilman Russel asked how they did at competition. Ms. Peeler replied that they made it to Nationals, but did not make top ten (10).

Mayor Mihalik noted that there are several AP Government students that are looking to do projects throughout the City. It is really neat to see what they are proposing and will discuss them more when they are complete.

Councilman Wobser asked what a bat house looks like and what the basic dimensions are. Ms. Peeler replied they are roughly two feet (2') wide by two feet (2') tall. They are square boxes with a sloped roof so the bats can make nests instead of struggling to find a home. Councilman Wobser asked what the other dimension would be. Ms. Peeler replied they are not very deep.

Councilman Watson pointed out that Litzenberg Memorial Woods already has them.

Service-Safety Director Schmelzer noted that they are two feet (2') tall by two feet (2') wide by eight inches (8") deep.

Councilman Harrington pointed out that for a number of years, the Boy Scouts did this same project mainly in the County. It was a worthwhile project. Most of them are still up. Bats are very beneficial to our eco system.

Councilman Harrington moved to support this project. Councilman Hellmann seconded the motion. All were in favor. Filed.

## **REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:**

City Income Tax Monthly Collection Report – April 2017. Filed.

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

Findlay Police Department Activities Report - April 2017. Filed.

Findlay Municipal Court Activities Report – April 2017. Filed.

### **Councilman R. Ronald Monday – ESID Council Rep appointment**

The Port Authority will be creating a board for the Energy Special Improvement District (ESID) to consider energy updates to the Findlay Surgical Center. Findlay City Council is required to have a representative on that board. Pursuant to his authority as President Pro-Tem, he is appointing Councilwoman Frische to be that representative. There is no financial obligation to the City of Findlay.

#### **Discussion:**

Councilwoman Frische noted that she has no issues with her appointment to this. The committee's first meeting took place on the 4<sup>th</sup> and she was appointed as Treasurer for the Board on the 6<sup>th</sup>, but are now going to remove her from those duties so that there are no conflicts. She will now just be a board member. Filed.

Findlay Fire Department Activities Report – April 2017. Filed.

Treasurer's Reconciliation Report – April 30, 2017. 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 April 30, 2017
- Cash & Investments as of April 30, 2017
- Open Projects Report as of April 30, 2017

Filed.

Parks and Recreation Board minutes April 17, 2017. Filed.

### **Service-Safety Director Paul Schmelzer – annual bids and contracts**

Each year, the City formally bids a number of chemicals, materials, and services. The contracts for these items run for a calendar year, with option(s) to renew the contracts in one-year increments. In July, a review and evaluation of the current contracts and contracted vendors will be conducted. For those contracts that will not be renewed, the City will advertise and receive bids in October. Items that are normally bid each year include several chemicals used by the Water Treatment Plant and Water Pollution Control Center, uniforms, services, and supplies. Legislation to authorize the Service-Safety Director to contract these items is requested. Ordinance No. 2017-050 was created. Filed.

### **Law Director Donald Rasmussen – ESID Ordinances Nos. 2017-051 and 2017-052**

Resolution No. 040-2016 was adopted on November 15, 2016 to approve certain public improvements in the City of Findlay, Ohio Energy Special Improvement District (ESID).

Ordinance Nos. 2017-051 and 2017-052 are necessary to complete the ESID process for the Findlay Surgical Properties Ltd. Bond Counsel is requesting that these ordinances be given three (3) readings and passed as an emergency measure as they are running up against their deadline to fund the project. Filed.

### **Service-Safety Director Paul Schmelzer – Downtown Revitalization (Transportation Alternative Plan)**

Bids have been opened for the Main Street Transportation Alternative Plan. Bids submitted ranged from \$2,490,139.15 to \$2,650,764.18. the apparent lowest and best bid were received from B&J Concrete & Construction. Alternates total a net increase of \$612,663. Engineering is still evaluating the alternates. An appropriation for the construction along with contingency and inspection is needed. ODOT will fund approximately eighty percent (80%) of the base bid. The remainder of the funding has been planned to be funded per a CRA development agreement with Marathon Petroleum Company and City Capital Funds. As you may recall, the development agreement was structured during the planning of the new MPLX campus. A portion the CRA abatement that MPC was due to receive based on the construction if it's new MPLX campus was negotiated to be paid to the City for this particular project. The project has been planned to compliment the new campus and new investment in our downtown. He appreciates the partnership with MPC and believes a thriving downtown is vital to the success of a community. He is proud that this project is being accomplished with no burden to the Capital Plan and believes it will continue to promote a return to the pedestrian friendly environment that Findlay used to have downtown and will foster further investment. MPC has already deposited \$1,100,000 with the City to put toward this project. Legislation to appropriate funds is requested. Ordinance No. 2017-053 was created.

|       |   |                 |
|-------|---|-----------------|
| FROM: | General Fund (MPC Contribution)                           | \$ 1,100,000.00 |
| TO:   | Downtown Revitalization (Transportation Alternative Plan) | \$ 1,100,000.00 |

Service-Safety Director Schmelzer requested this letter be read. The Council Clerk read the letter in its entirety.

**Discussion:**

Councilwoman Frische asked what changed from the original plans. She noted that there were discussion about whether or not to raise medians and thought the 501CS were not raising medians and instead painting the grounds, but the bids were to raise the medians. Service-Safety Director Schmelzer replied there were no changes. Raised medians were always in the project. Councilwoman Frische added that she looked up the discussion where it was noted that they would not be raised for multiple reasons. One being that EMS and Fire trucks would not be able to get through on Main Street. The Street Department also had some concerns with snow plowing which is why she thought the grounds would be painted and not raised. Service-Safety Director Schmelzer replied those conversations were all part of the first iteration when it was discussed to go to one lane in each direction. When conversations took place about removing the reverse angle parking, the raised medians were introduced. They were changed from a median that was going to be landscaped in its entirety to a median that was hardscaped so that if the Fire Department had to put one of their stabilizing legs down, they would have more area to do so, but there were never eliminated from the project. There were public meetings with displays provided and they allowed for public input. The public meeting in November of 2015 was the defining moment for public input when they were looking to move forward with construction plans. After that, there were no changes and have always proceeded in the same fashion. Construction documents are consistent with that.

Councilman Klein asked what kind of track record B&J Concrete & Construction has to bring to this bidding process. Service-Safety Director Schmelzer replied they are from Toledo. They won many bids this year for concrete work, so they come well recommended. Councilman Klein then asked if they would be doing any of the other work. Service-Safety Director Schmelzer replied they have not started the work yet, but have done some concrete street work on resurfacing projects. He did research on them when they were awarded the bid. Their work north of Findlay has been great and they are looking to come down here and introduce themselves into this market and look at our projects. Filed.

**COMMITTEE REPORTS:**

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Wendy McCormick on behalf of Habitat for Humanity to rezone 607 Central Avenue from C2 General Commercial to R3 Single Family High Density.

*We recommend to approve as requested. Ordinance No. 2017-047 was created.*

Councilman Harrington moved to adopt the committee report. Councilman Shindledecker seconded the motion. Abstain: Hellmann. All other Councilmembers were in favor. Filed.

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 approval of the Design Review Regulations and adoption of the Design Review District Map.*

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

**Discussion:**

Councilman Harrington noted that they are very close to finalizing this. They are just dotting some I's, crossing some T's, and everyone will receive a copy of the final plan. It has been a long process, but will be one that not only will benefit downtown businesses, but also the community.

All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Megan Smith to vacate the alley lying between Lot 5617 and the west 63.25 feet of Lot 5626 and Lot 5618, and the west 63.25 feet of Lot 5626 as platted in the Leiser Addition to the City of Findlay.

*We recommend to approve as requested. Ordinance No. 2017-048 was created.*

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from William Johns to rezone 221 West Hardin Street from C2 General Commercial to R4 Duplex/Triplex High Density.

*We recommend to approve as requested. Ordinance No. 2017-049 was created.*

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

**LEGISLATION:**

**RESOLUTIONS**

**RESOLUTION NO. 010-2017** (ADAMHS Board renewal)

tabled after second reading on 4/4/17  
adopted during Old Business

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).

**RESOLUTION NO. 012-2017** (opposition of State Governor's proposed 2017-2018 budget)

tabled after first reading on 4/18/17

A RESOLUTION STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES, AND DECLARING AN EMERGENCY.

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).

**Discussion:**

Councilman Wobser noted that this resolution has a \$30,000 request for The Raise the Bar Committee. He asked if this was approved last year for only one year. Mayor Mihalik nodded in agreement. Councilman Wobser would like to take the \$30,000 request out and put it in a separate piece of legislation as there is no rush in getting the money right now as the City is not in a cash flow crisis right now. It can be voted on separately since it was done that way last time. Mayor Mihalik replied this was included as part of the general expense budget when the City Auditor presented it during the budget hearing. This Resolution does not appropriate the funds. It just approves the funds because they were paid without a purchase order. The money was approved during the budget process.

Councilwoman Frische reminded Council that even though Council approves putting money into a budget, it approves it for one (1) year and not five (5) years, which does not mean the money has to be spent. Mayor Mihalik replied that Council appropriated the money through the budget process. Councilwoman Frische replied that Council has not spent it and can make changes up to that point.

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

**ORDINANCES**

**ORDINANCE NO. 2017-021 AS AMENDED** (bicycle riding in downtown business district)

tabled after third reading on 4/18/17

AN ORDINANCE AMENDING SECTION 373.11(a)(2) AND REPEALING SECTION 373.13 OF CHAPTER 373 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

A motion to accept the proposed amendments (second amendment to the Ordinance) was approved during New Business portion of tonight's meeting. It was not lifted from the table, so it remains tabled.

**ORDINANCE NO. 2017-038, AS AMENDED** (salary ordinance)

third reading adopted

AN ORDINANCE AMENDING SECTIONS 5, 8 AND 20 OF CODIFIED ORDINANCE NO. 2016-108, KNOWN AS THE SALARY ORDINANCE, OF THE CITY OF FINDLAY, OHIO AND REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

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

**Discussion:**

Law Director Rasmussen noted as a point of order that this is the third (3<sup>rd</sup>) amendment to the Ordinance. Council has not approved the third (3<sup>rd</sup>) amendment. The Ordinance that is in the packet is the second (2<sup>nd</sup>) iteration. Tonight's proposed replacement ordinance is the third (3<sup>rd</sup>) iteration and that Council has not acted on it. If Council wishes to act on it, they will need to make a motion to add the changes that were made pursuant to the agreement.

Councilman Harrington withdrew his motion to adopt the Ordinance, and instead moved to accept the amendments, seconded by Councilman Russel. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische.

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

**Discussion:**

Councilman Hellmann asked if this means that the City assumes the expense or liability of a new hire's accrued vacation and holiday pay when they transfer here from another governmental entity. Mayor Mihalik replied this ordinance gives the City the ability to offer that as an incentive if it were someone that the City were interested in employing. Previous legislation left it up to the individual. The employee got to decide whether or not they brought their vacation from another municipality or state agency. This ordinance give the City the opportunity to evaluate what could potentially cost the City in the long term and whether or not it is an investment they want to make. Councilman Hellmann asked if this is typical in government as he has never heard of it in the private sector. Mayor Mihalik replied that vacation is a benefit the City of Findlay offers. She is unsure of the history or when it was added that the employee got to decide whether or not they were going to carry it over. A potential could have a large amount of vacation which could be an extensive liability for the City. This is something that the Administration thought should be re-evaluated. Councilman Hellmann asked if it will be up to the City's discretion. Mayor Mihalik replied it is up to the employer's discretion, not the employee.

Councilman Russel asked if this pertains to their accrued vacation that they would either be cashing out at their old government job and/or carrying over and asked if they would get the same amount of vacation with the City that they are carrying over. Mayor Mihalik replied that is correct. Law Director Rasmussen added that according to State law, they are allowed to carry it over. When going from a State agency or political subdivision to another, that employee will be credited with that tenure at the new place. For example, if someone is up to three (3) weeks vacation in City A and then comes to the City of Findlay, they would get three (3) weeks here. It would be an accrued but unused balance so that the City does not have to allow them to carry it over. Sick time is different. This was originally intended to attract highly qualified individuals, but did not do that because it allowed them to declare themselves highly qualified and for us to pay them, which is why it was changed to be up to the hiring authority.

Councilman Watson noted that there will be some initial cost savings in the split of the Service-Safety Director position, but he is concerned with the possibility of adding some additional staff in the Engineering Department. Mayor Mihalik replied it is not in the plans to do that at this point in time, but may be a possibility in the future, dependent on what the workload looks like and what is planned to get done in future years. The City does a good job of managing the current capital plan, but if there is an interest in spending more money or doing more projects than what are being done now, it will take additional staff to do that. The Engineering staff is really efficient at what they do, but may look at increasing staffing levels. She reminded Council that the City is still staffed at less than what they were seven (7) years ago. They are mindful of the workload they have and want to continue to attract top quality employees that are really good at what they do.

Councilman Wobser asked if any of the committees that the Service-Safety Director currently sits on have been split up between the two (2) positions. Mayor Mihalik replied they have discussed it but have not officially done anything as they are waiting on Council's decision on this ordinance.

Councilwoman Frische asked for an explanation of how the salary range for this was justified based on the job descriptions. Councilman Harrington replied that it is his hopes that Councilwoman Frische has read it and does not know what is not understood about it as he fully supports what it says. Councilwoman Frische asked for an explanation of it since it was not referred to a committee and already has had its first and second readings. She asked what the job description is for the Public Service-Safety Director and to explain why these salary ranges have been chosen so that they are justified to the public. Councilman Harrington replied that it was recommendation by the Administration and that he fully supports it. The job descriptions were already provided by Councilwoman Frische. She voiced her concerns with the ordinance saying the salary ordinance has been changed five (5) times. Another concern is with the twenty-two percent (22%) pay raise to the Service-Safety Director that was provided by the Administration that Council approved and passed. More recently, there were discussions on getting assistance for Administrative support to cover lunches in the Mayor's Office. The Mayor asked Council for roughly sixteen thousand dollars (\$16,000) to help cover lunches. Council approved that. That position had not been filled until the middle-to-end of last year with the hiring of a part-time employee. At the time of the last budget meeting, that employee did not yet have a title and was told it would be Administrative II. As of last month, that employee has gone to full-time with benefits for her and her spouse at a rate of \$21.04/hour and City benefits average \$920/month. Council is not addressing their job with the salary budget. If Council wishes to approve this ordinance, she will not support it without justifying the rate of what will be paid to the Safety Director to only be having Fire and Police under his belt as she is certain that is not a full-time position as they are union-contracted.

Councilman Shindledecker noted that Council is responsible for the salary details. This does not increase costs. Councilwoman Frische replied that Councilmember's job is to vet the entire process of every ordinance that comes through. Councilman Shindledecker replied that this is an executive decision. Council is a legislative body. Councilwoman Frische replied it is rubber-stamping.

City Auditor Staschiak noted that there will be a resolution of transfer at the next City Council meeting so that the funds can get shuffled around to the appropriate categories for budgetary reasons and can be properly accounted for during the audit at the end of next year. The dollar amounts for it can be drafted once they have the pay change notices.

Councilman Watson noted that the City Auditor voiced some concerns during the last meeting about this ordinance, and it appears that the Law Director and the Auditor's Office have discussed the ordinance. He asked the City Auditor if the language in the amendment alleviates the City Auditor's fears and concerns he had. City Auditor Staschiak replied the Law Director did a nice job working with the Auditor's Office to iron out those details, and if the resolution of transfer is passed at the next City Council meeting, he will have no concerns at all at this point from a financial perspective.

Ayes: Hellmann, Klein, Monday, Russel Shindledecker, Watson, Harrington. Nays: Niemeyer, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-038 and is hereby made a part of the record.

**ORDINANCE NO. 2017-039** (*zoning code*) public hearing on 6/20/17. **third reading      adopted**  
AN ORDINANCE REPEALING THE CURRENT ZONING CODE, CHAPTER 1101 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND IN ITS PLACE, ENACTING A NEW CHAPTER 1101 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO; TO BE KNOWN AS "CITY OF FINDLAY ZONING ORDINANCE"; ADOPTING, APPROVING, AND INCORPORATING THE CURRENT ZONING MAP, ALONG WITH THE ENTIRE TEXT OF NEW CHAPTER 1101 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO AS IF FULLY REWRITTEN HEREIN.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-039 and is hereby made a part of the record.

**ORDINANCE NO. 2017-040** (*527 W Sandusky St rezone*) requires three (3) readings. Public hearing on 6/6/17. **second reading**  
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 527 WEST SANDUSKY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "R4 DUPLEX/TRIPLEX HIGH DENSITY".

Second reading of the Ordinance.

**ORDINANCE NO. 2017-043** (*RLF administration*) requires three (3) readings. **second reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2017-045** (*FY18 Ohio Airport grant*) requires three (3) readings. **second reading      adopted**  
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO SIGN THE NECESSARY GRANT APPLICATIONS AND AGREEMENTS FOR THE FY18 OHIO AIRPORT GRANT FUNDS, AND DECLARING AN EMERGENCY.

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

**Discussion:**

Service-Safety Director Schmelzer noted that ODOT has requested this be turned in as soon as possible. If Council does not adopt it now, he will bring it up under Old Business.

Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-045 and is hereby made a part of the record.

**ORDINANCE NO. 2017-047** (607 Central Ave rezone – Habitat for Humanity) requires three (3) readings. Public hearing on 6/20/17. **first reading**  
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 607 CENTRAL AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "R3 SINGLE FAMILY HIGH DENSITY".

First reading of the Ordinance.

**ORDINANCE NO. 2017-048** (Graceland Ave (800 6<sup>th</sup> St) vacation) requires three (3) readings **first reading**  
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS GRACELAND AVENUE ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

**ORDINANCE NO. 2017-049** (221 W Hardin St rezone) requires three (3) readings. Public hearing on 6/20/17. **first reading**  
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 221 WEST HARDIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "R4 DUPLEX/TRIPLEX HIGH DENSITY".

First reading of the Ordinance.

**ORDINANCE NO. 2017-050** (annual bids & contracts) requires three (3) readings **first reading** **adopted**  
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, WITH OPTION YEARS, FOR THE PURCHASE OF THE MATERIALS, CHEMICALS, AND SERVICE AGREEMENTS NEEDED BY THE VARIOUS DEPARTMENTS OF THE CITY OF FINDLAY, OHIO COMMENCING JANUARY 1, 2018, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Harrington. Ayes: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The Ordinance received its second and third readings. Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-050 and is hereby made a part of the record.

**ORDINANCE NO. 2017-051** **first reading** **adopted**  
(ESID levying special assessment – Findlay Surgical Properties Ltd) requires three (3) readings  
AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE FINDLAY SURGICAL PROPERTIES, LTD. PROJECT AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Niemeyer. Ayes: Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-051 and is hereby made a part of the record.

**ORDINANCE NO. 2017-052** **first reading** **adopted**  
(ESID special assessments – Findlay Surgical Properties Ltd) requires three (3) readings  
AN ORDINANCE DETERMINING TO PROCEED WITH CERTAIN FINDLAY SURGICAL PROPERTIES, LTD. SPECIAL ENERGY IMPROVEMENT PROJECTS BY WAY OF SPECIAL ASSESSMENTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Wobser. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-052 and is hereby made a part of the record.

**ORDINANCE NO. 2017-053** (Downtown Revitalization TAP) requires three (3) readings **first reading** **adopted**  
**during Old Business**  
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT OR CONTRACTS FOR THE DOWNTOWN REVITLIZATION PROJEC, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

## **UNFINISHED BUSINESS: OLD BUSINESS**

Councilwoman Frische pointed out that last year, American Electric Power (AEP) and Hancock Wood Electric (HWE) spent a long time discussing territories with Council. At that time, no motions were made to take action and Council simply told AEP and HWE to play nice, and a letter from Council was sent to both entities. Both she and Council President Slough received a phone call that the new Campbell's site is seventy percent (70%) on HWE's territory, but AEP is taking it. HWE is asking that Council honor what was told to them last year which is to change the franchise agreement to territories. She would support doing so if another member of Council would be supportive of that legislation. Councilman Wobser replied he would also be supportive of the legislation. He was in support of it last time. Council President Slough asked the Law Director if he would provide an agreement or whatever is needed. Law Director Rasmussen replied that both of the AEP and HWE agreements will have to be amended. Council President Slough then asked if this needs to be assigned to a committee or what needs to be done in order to move forward with this. Law Director Rasmussen replied the franchise agreements will have to be amended. Councilwoman Frische asked why it would need to go to committee again since there already was a lot of discussion last year. Law Director Rasmussen replied because Council did not do anything to change it. Council President Slough asked Councilwoman Frische what she would like to do. Councilwoman Frische replied that if it needs to go to committee, she is fine with that, but asked if only the territories need changed, and if so, if it is just standard verbiage that needs changed and would not need to go to a committee. Last year, Councilmembers basically echoed that. Law Director Rasmussen replied that the franchise agreements were not changed. Only a slight tweak was made to HWE's agreement and nothing was done to AEP's agreement. Councilwoman Frische replied that only legal work needs done and that the Law Director can draw up territory agreements for both AEP and HWE and then Council can pass them. Law Director Rasmussen replied he is not going to be drawing up territorial limits because that is PUCO's job. Councilwoman Frische replied that they would follow the PUCO territories that are already set in place. The City of Findlay would not be drawing their own lines. Law Director Rasmussen replied we would be because we would be preventing AEP from operating in the city on a piece of territory that they currently are able to operate on. Councilman Klein pointed out that was the issue last time. Councilwoman Frische noted that it is already in their territory. Law Director Rasmussen replied that is correct. It is in AEP's territory. Councilwoman Frische added that we are not changing territories; we are just taking away the municipal franchise. Law Director Rasmussen replied we would be taking away their territory. They have the whole city and that property is in the city. HWE has it by the map. Councilwoman Frische noted that we did not draw the originals, so we want both to go back to the map so that everybody plays nice. Both HWE and AEP came to Council with AEP stating it would not affect them other than they would not be able to steal clients. Law Director Rasmussen replied the argument is still the same. It is a PUCO issue and they are the ones who have to deal with it. Councilwoman Frische then asked if someone should contact AEP and HWE and ask them for verbiage. The verbiage would probably not be written during a committee meeting. Law Director Rasmussen replied that no matter what happens, AEP and HWE will have to still go to the PUCO. Councilwoman Frische replied that it takes the City out of it. Law Director Rasmussen replied that is correct. He is trying to take the City out of it entirely by not drafting any legislation, which is why they were not redrafted last time. All that was done by the City was we told AEP and HWE to get along, but they did not get along, so the issue will always be a PUCO issue. They are the only ones who can say who's territory is who's. Councilman Klein wants to let them fight it out in Columbus. Law Director Rasmussen agreed. Mayor Mihalik added that if Council is interested in changing this, it is important to know everything that is happening as opposed to just a conversation with one entity or with Campbell's. Those deals are done in the private sector. The businesses get to choose what they want to do which is the best scenario for the City to go by. She is not aware of anyone not playing nice. No one has had that conversation with her. Before anything is changed because of a telephone call a Councilmember received from an entity, it is probably important for Council to hear the whole story. Councilwoman Frische replied that past policy was to get economic development happening, and that AEP and HWE followed the PUCO, which was the big discussion last year. Council told them to continue on that same process and that the City would change to territory. A letter from Council was sent to both AEP and HWE stating this. She feels something in writing needs to be done to take the City out of it completely. Both parties agreed that if we do so, it will not hurt either one of them other than they couldn't take from the other party without going through the PUCO which would take the City out of it which is what she made a motion for and it has been seconded. If the Law Director wants it to go to a committee first or if he just wants to draw it up for the next Council meeting, she is fine with either way. Law Director Rasmussen replied that someone will have to tell him what they want him to draw up because the City of Findlay does not have any control over it. Legislation can be done, but then the PUCO will settle it. Councilwoman Frische replied it will take the City out of it, which is what we have wanted from the beginning. Law Director Rasmussen replied that by doing nothing, it takes the City out of it. All AEP and HWE have to do is go to the PUCO. Both entities have their own franchise agreement. The PUCO is who will resolve the issue. Councilwoman Frische asked for a territorial ordinance for both AEP and HWE. She can look up what verbiage other communities use. Councilman Klein asked which entity Campbell's is doing business with. Councilman Watson suggested having language to reflect what the last ordinance did because that seems to be what Council was discussing again now. That language was provided by HWE's lawyers. Law Director Rasmussen replied those are the current documents. We did not make any changes after that. It is HWE's territory per the territorial map, but it is also AEP territory because it is inside city limits, which is why there is the dispute. The City is not the ones to settle the dispute. The PUCO still has total control over it. Councilman Watson recalls the legislation did not pass when it was presented last year. Law Director Rasmussen replied a minor change was made to HWE's franchise agreement. Councilwoman Frische added that the past practice was what was in place for the past thirty (30) years. There was a legal case that allowed a utility company to take from another one. It got turned over which is what caused them to come in. There were two (2) parts of the discussion from the very beginning that caused competition of the lines or in the wholesale market. We are not in the wholesale market, and the lines were what was discussed. If everyone followed their territorial lines and remove the muni citywide and took AEP back to territory, they would still have their same territory and would not be losing anything. What is happening now is that HWE is a smaller business. The City wants to promote business and does not want to put another company out of business. They are asking to be able to do business in their territory. Past practice was that if there was a request from an entity wanting to come into the community for economic development, they took it, discussed it, and swamped properties, but that is not happening now which was the discussion Council had. The majority of Council seemed to agree with that, but the change was not adopted to keep everyone happy. The letter that Council President Slough sent to both HWE and AEP and the lengthy discussions Council had, did not get through to AEP, so HWE reached out and asked Council to honor what we said we would do which is that it would be taken to territories. She is a woman of her word, so she is more than happy to do so. It is not depriving anyone of business. It is just taking the City out of it so that AEP and HWE can take it to the PUCO. Councilman Shindledecker asked if a deal has been put together between AEP and HWE for the Campbell property. Councilwoman Frische replied she received a phone call from HWE who were verbally told by AEP to have Campbell's write a letter that they want AEP. Councilman Shindledecker replied that there is a letter, but it is unknown if a deal has been put together.

Councilman Harrington moved to reconsider Resolution No. 010-2017, seconded by Councilman Klein. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Resolution was lifted from the table. Councilman Harrington moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Klein. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Resolution received its third reading. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Harrington. Nay: Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

Service-Safety Director Schmelzer asked if Ordinance No. 2017-053 could be discussed now. It is for the Transportation Alternative Plan (TAP) that has been discussed for a couple of years. The contribution from Marathon has been received to fund this project. It is his understanding that they intend on moving forward with the project. Bids were opened today and he would like to see this project move forward because two (2) weeks of sunshine is tough to get back in November. He requested Council use the funds Marathon contributed to fund the base bid on the Transportation Alternative Plan.

Councilman Monday moved to reconsider Ordinance No. 2017-053, seconded by Councilman Russel. Aye: Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. Councilman Monday moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein. The Ordinance received its second and third readings. Councilman Monday moved to adopt the Ordinance, seconded by Councilman Hellmann.

**Discussion:**

Councilman Russel asked what kind of alternatives are being considered. Service-Safety Director Schmelzer replied that when working through the public review process on this project, there were number of options that were brought up in various committees and public comment sessions on some aesthetic items such as landscape, lighting, sound, conduit, etc. He made a list of those items and bid them all as alternates. The base bid from ODOT is approximately two and a half million dollars (\$2,500,000), they removed some of the way-finding items and things that are not TAP eligible, but still want to see them done. Eighty percent (80%) of that will be covered by ODOT. It does not require an appropriation by the City. Twenty percent (20%) of that project is approximately a half a million dollars (\$500,000). The alternates were estimated to be around six hundred thousand dollars (\$600,000). They include all the tree wells be replaced with some sort of surface treatment either a paver or concrete. One of the alternates was to put pavers behind the curb and also in those tree wells with the idea that if pavers could be put behind the curb, and at some point need to access the conduit, it would be much more cost-effective to do that in the future, but there is an upfront cost. He broke all those costs out and bid it separately as an alternate. Lighting and sound were also bid. Right now, the DFID is piping music through a bunch of wires that are strung across buildings. The alternate bid will bury the speakers along with the conduit for lighting and fiber in the area where the pavers will be. There are costs identified with lighting, sound, and irrigation. The DFID currently spends fifteen thousand dollars (\$15,000) to water plants. The alternate will connect the irrigation system that is planned for the landscaped areas to identify what it would take to water the potted plants so that the DFID could spend dollars on helping with the maintenance of the landscaped areas in lieu of watering plants. An alternate was also looked at that would allow the City to control the sound for parades and events from the east end of Dorney Plaza. Bids have been received. He is very comfortable with the base bids, but he has some questions on some cost savings for the alternates. Marathon's contribution plus funding by the City would be required to put toward the base bid, all the alternates would be covered by the one and a half million dollars (\$1,500,000). With the funding from Marathon, we have the ability to perform the base bid and accomplish all if not very close to all of the alternates.

Councilman Russel asked if the existing lighting poles would be maintained and if it would light alleys. Service-Safety Director Schmelzer replied it is not related to alleys. It had to be in the TAP corridor. There will be lighting in the landscaped areas. There were some complaints about not enough lighting downtown. At one time, there were light fixtures downtown, but there were complaints from the residential units that they were too bright, so those fixtures were changed. Lighting will be put in the landscaped areas to light up the trees and create some ambient lighting around the sidewalks without having to redo them nor an increase on the fixture count or type on the streetlights that are currently there. Councilman Russel then asked if there are any lighting changes on Cory Street. Service-Safety Director Schmelzer replied there are not.

Councilman Wobser asked who will control the music on the sound system that is being looked at. Service-Safety Director Schmelzer replied that the City would end up controlling it. The alternate gives control to the City for downtown events. It would go along the east side of Dorney Plaza and would go back through the Municipal Building and then out to the speakers. If that happens, the municipal entity should have the ability to dictate the sound that is coming out of the speakers. Councilman Wobser asked if it is currently that way. Service-Safety Director Schmelzer replied it is not.

Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-053 and is hereby made a part of the record.

**NEW BUSINESS**

Councilman Russel noted that two (2) years ago during the second (2<sup>nd</sup>) Air Expo, he talked with some of the exhibitors who were very supportive of what our Airport Director has been doing. He and his son took a ride in a B 25 Mitchell flying over a flood-drenched terrain between Findlay and Ottawa and down to Bluffton. He recommends everyone take that flight and tipped his hat to the Airport Director and everyone who put it on. There will be another one in two (2) years. Mayor Mihalik noted that the City had someone who managed the Airport very diligently for quite a long time. Now, with Matt McVicker's arrival, he has generated an immense amount of interest in aviation in our community. Our airport is a wonderful asset just off of I-75/15/Lima Avenue. Many do not get to see it and just assume it is for corporate entities being Marathon and Cooper Tire, but there is a lot that goes on there. There is a lot of freight that goes in and out. A lot of personal aircraft utilizes the City Airport. There were twenty-four thousand (24,000) landings and takeoffs there last year. Matt's love for aviation and wanting the public to be engaged in that facility is a nice resource. The two (2) biggest corporate entities that utilize the airport, commented during the Air Expo that they were excited about the interest the event generated. Councilman Russel added that Matt came to their Kiwanis meeting the Wednesday prior and presented on the Air Expo and on the airport. He did a fantastic job. He is passionate about aviation and is committed to his alma matter Bowling Green, their aviation program, and working with their aviation students. He is quite an asset for the City.

President J. Slough adjourned Council at 8:38 pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL