

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

June 6, 2017

COUNCIL CHAMBERS

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

ABSENT: Harrington, Wobser

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 Klein moved to accept the May 16, 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 add-on and replace the following on tonight's agenda. Councilman Shindledecker seconded the motion. All were in favor. Motion carried. Filed.

ADD-ONS:

- Alley/street vacation petition
North-south alley between lots 2945 and 2946 of the Highland Addition and the east-west alley between lots 2944 and 2945 of the Highland Addition.
- Monthly Collection Report – May 2017
Income Tax Department
- Traffic Commission Minutes – May 15, 2017
- Parks and Recreation Board Minutes – May 15, 2017

REPLACEMENTS:

- Resolution No. 015-2017 *Safety Director Budget*
- Added transfer of "other" funds to Safety Director Budget

PROCLAMATIONS: – none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Alley vacation request – S Main St

Nate Webster is requesting to vacate the north-south alley between lots 2945 and 2946 of the Highland Addition and the east-west alley between lots 2944 and 2945 of the Highland Addition. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

WRITTEN COMMUNICATIONS:

Mike Duling – re-establish non-conforming use for 801 South Main Street

Mr. Duling is requesting to re-establish their A-Residential non-conforming use status to accommodate a change of use for one of their offices located at 801 South Main Street. That office has been utilized as a rental management location for many years, and now, they would like to rent this office space to accommodate a medical use, specifically as an ultra-sound facility who will be maintaining their rental management business in a smaller office space in the same building. Referred to City Planning Commission and Planning & Zoning Committee.

Phillip Rooney, Rooney & Ranzau, Ltd – re-establish non-conforming use for 719 Tiffin Avenue

The undersigned represents Omega Rentals, LLC, the owner of the real property located at 719 Tiffin Avenue, Findlay, Ohio. The property in question is a converted residential structure that has for many years been used as a professional business office. Those uses included a real estate office, mortgage broker office and dentist office. The non-conforming uses were allocated based on the continued use of the property for professional offices. A few years ago, his client ceased to operate its dentistry office out of the property in question and its non-conforming use exception has expired. His client now wishes to re-establish the non-conforming use of the property in question to facilitate a pending sale of property and asks that this request be accepted as his client's application to re-establish a non-conforming use of the property as a professional office, pursuant to Section 1162.09 of the Findlay Zoning Code. Referred to City Planning Commission and Planning & Zoning Committee.

ORAL COMMUNICATIONS:

Kelly Lowry – Workers Compensation

Ms. Lowry is before City Council tonight to review the City's status with Workers Compensation. She handed out copies of the executive summary which reviews what has been going on with the City's Workers Compensation the last few years. The first page of the handout is on frequency. It lists how many claims have been filed since 2014. She pointed out that lost time claims are the cost-drivers. The City's lost time claims have fallen from seven (7) in 2014 to two (2) in 2016 which is a seventy-one percent (71%) drop, and none so far in 2017. The next page shows total modified losses and total limited losses which is when the Bureau calculates the premium, they took a look at what the City lost, so the compensation and medical benefits that go to the injured workers and the reserve that the Bureau assigns is totaled up for a period of four (4) years and then it is compared to what they think a city of Findlay's size would lose. The TML is the amount lost. In 2014, the City of Findlay lost six hundred seventy-nine thousand dollars (\$679,000). During that timeframe, an average city the size of Findlay lost an average of seven hundred twenty thousand dollars (\$720,000), so although six hundred seventy-nine thousand dollars (\$679,000) is a lot of money, the Bureau expected the City of Findlay to lose more. The City of Findlay's losses have fell to three hundred thirty-two thousand dollars (\$332,000) so far in 2017, and the total loss in 2016 was (\$402,000) which is a huge drop. During that period of time, the City of Findlay had a five percent (5%) increase in payroll, so the City had more people, but fewer losses, which is a good trend. The next page shows the City's payroll history. It went up slightly from 2014 to 2015, and also went up slightly in 2016. The premium history in 2014 was five hundred twenty-nine thousand dollars (\$529,000). In 2015, it fell to four hundred four thousand dollars (\$404,000). The 2017 projection is three hundred sixty-seven thousand dollars (\$367,000). Payroll is going slightly up, but premiums are going down slightly which shows good control over claims. The next page is the rating history which is the amount the City pays of the base rate, so if losses are less than what the Bureau expects, the City gets a discount on the base rate. If losses are more, the City pays a penalty. Anything under one (1) is a discount. At one (1), the base rate is what is paid. In 2014, the City was at .96 which was a four percent (4%) credit, and so far in 2017, the City is at a twenty-five percent (25%) credit. The City is doing a great job of managing claims. The last page tells how much money the City is saving in the program. The first paragraph is about individual retro which is the old program (the City was in that program from 2010 through 2013). During that period of time, the City saved an estimate of seven hundred seventy-five thousand dollars (\$775,000). It was a great program for the City but it had a big potential liability in that the City owed for that policy, dollar for dollar, for every claim during those years for the next ten (10) years with a savings of seven hundred seventy-five thousand dollars (\$775,000) in that program. Due to some changes the Bureau made, the City made some changes to the group retrospective rating in 2014.

The next paragraph shows how much was saved during the first two (2) evaluation periods for group retro which was two hundred thirty-one thousand nine hundred eighteen dollars (\$231,918), which was only two (2) evaluations, and the City gets three (3) every year, so additional evaluations will still be conducted and additional money coming back for each of those years, plus for the same for ongoing years after that.

The next paragraph is about handicap reimbursement. It is not something anyone gets a parking sticker for. It is a pre-existing condition. The Bureau gets a discount on the claim, if it can be found in the claim, and if it can be shown that it delayed recovery. Ninety-four thousand five hundred six dollars (\$94,506) was reimbursed for individual retro claims for 2016, which is a good savings.

The last paragraph in that section is on the billion dollar back program. The Bureau has approximately nine billion eight million dollars (\$9,800,000,000) in surplus right now, so they are giving some money back to the employers in the state of Ohio. They are calculating how much to give back by taking the 2015 billed premiums and reducing it by the amount of money employers get back in the group retro program, and then the City of Findlay will receive sixty-six percent (66%) of that. For 2015, the City's billed premium is four hundred four thousand dollars (\$404,000). The Bureau provided a transition credit because they went from paying it retrospectively to paying it prospectively, so the City paid approximately two hundred two thousand dollars (\$202,000) in premium for the 2015 policy year. So far, the City has gotten back forty-seven thousand eight hundred fifty-three dollars (\$47,853) in group retro returns, which is just the first return for that year. Net for the 2015 policy year net premium is one hundred ninety-seven thousand three hundred twenty-four dollars (\$197,324). The Bureau is giving the City back two hundred thirty-five thousand two hundred dollars (\$235,200), so the City is getting back more than what they paid in for the 2015 policy year.

The savings are great. The programs are working well. The City has made the right decisions. Group retro continues to be a good program for the City. The potential liability is better for group retro than for individual retro. The City does not have dollar for dollar liability, ten (10) year tail, and it drops potential liability by eighty-five percent (85%) by going from individual retro to group retro.

Discussion:

City Auditor Staschiak noted that there are four (4) keys to the success of this program, one being the relationship with Comp Management and how they work with the City. It is a good, tight working relationship and they really know their stuff. They bring a lot of value-added to us. Another is the managing of the claims that the City has. The relationship and the work that is put in to this by the HR Director, the Safety Committee and the Law Director all goes very far to making sure that long term work continues to improve since Workers Comp looks backwards to make sure the City knows what is going on. The third thing is to make sure the City is in the right program year to year. When the City was in trouble cash-wise, taking on the extra risk of the individual retro was smart. It saved hundreds of thousands of dollars in premiums. The City took on several million dollars in risk, but because of the things he just mentioned, it worked out to the City's benefit saving hundreds of thousands of dollars. The last factor is by staying on top of and identifying opportunities for handicap reimbursement, which may include other reasons an employee might be hurt and is contributing to how long it is taking to heal. Workers Comp is doing its job of covering the portion of when employees are healing and covering their wages that the City needs to cover and ultimately able to minimize some of that cost because of some other extenuating circumstances that individual may have. It is a great program and he predicts it will continue to work in the City's favor for a long time to come.

Councilman Russel asked if Comp Management conducts any studies on why lost time accidents occur. Ms. Lowry replied that there are two (2) parts to Comp Management :Care Management and also Third Party Administrator (her part). The Care Management side does a lot of trending. They took a look at why someone has lost time, what type of claims the employer is having, and provide reports to the Law and Auditor Departments showing where trends are, where accidents are occurring, and try to analyze why they are having them when they are having them. The TPA has a Safety Department who walks through facilities and gives suggestions on how to do things differently. Councilman Russel then asked if the City is taking advantage of those opportunities with Comp Management. Ms. Lowry replied she knows they have looked at and utilized the trending reports. She is unsure if their Safety Department has been through the City of Findlay's facilities or not.

City Auditor Staschiak pointed out that the City can also take advantage of the grant opportunities. There is a new grant coming out where the laws have changed on cancer with our Firefighters. It allows for the Fire Department to acquire some equipment with a grant through the Bureau of Workers Compensation.

Safety Director Schmelzer added that the efforts of the Safety committee, Don Essex & the strategic planning group are a significant reason why there has been such a drop in lost days. The emphasis on safety and training in making sure employees are doing their jobs properly and going home safely is another reason for the significant drop, which is part of the role of the Safety Committee and HR and was one of the major gaps a few years ago. Councilman Russel asked if the goal of the organization is for zero (0) lost time accidents per year. Safety Director Schmelzer replied it is. The benchmark goal is based on a five (5) year rolling average, so they are constantly looking to improve and drive down the number of lost days the City has, taking a look at what the cause was, and then taking it back to the department to look at the root reason and provide training opportunities. It has taken a few years, but the City will continue to see success.

Duane Wires – Design Review Regs

Duane Wires, owner of Eyes On Main Vision Center in Findlay's downtown area is before City Council tonight regarding the 1st reading of the Design Review Committee legislation that he is in support. Ten (10) years ago, he opened his practice here. Over the last ten (10) years, they have been able to grow by adding two (2) doctors and a staff of fifteen (15). The Downtown Review Committee will help insure businesses like his to survive and grow in this environment. He has invested a lot of money in his building, equipment, staff and training, and is concerned by the condition of and the amount of empty buildings on Main Street. He wants to make sure that his investment is protected by Council supporting the ordinance.

Discussion:

Councilman Russel noted that he and Mr. Wires have had numerous conversations about the ordinance and asked Mr. Wires to explain his role with the Downtown Development Association (DDA). Mr. Wires replied he is the President of the DFID, but he is before City Council tonight as a person, not as a DDA representative. He assumes the DFID also supports the ordinance. The DFID is trying to do a lot of things this year (i.e. they are adding cigarette butt recycling, now have transportation for hotels to bring people into downtown Findlay, etc.). They are in support of anything that can improve the quality of downtown Findlay.

Tim Mayle, Executive Director for the Economic Development (The Alliance) – Development Agreement

Councilman Hellmann introduced Tim Mayle. There are a few items on tonight's agenda that he thought might be helpful if Mr. Mayle was in attendance. Mr. Mayle has been with The Alliance for the past seven (7) years. He came to Findlay as an Economic Development Professional from Hardin County. He has been instrumental in Findlay being named the micropolitan community of the year by Site Selection Magazine for the past three (3) years in a row. He works closely with the City's Administration on many issues.

Mr. Mayle sent Councilmembers an email earlier in the week to address a couple of items on tonight's agenda. Community Reinvestment Areas (CRA) played an important role in the development agreement that is before Council tonight as a result of the CRA and what they can do. He introduced Angela DeVoski who joined the economic development team this past week. She is filling his old position and will now be the Project Specialist. She is from North Carolina. Ms. DeVoski noted that before coming to economic development, her family chose Findlay. Her husband has been here since February. She stayed in North Carolina until her son graduated. She is excited to be a part of the community on a personal and professional level. She would like to find out what each Councilmember's vision for Findlay is.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Mayor Lydia Mihalik – appointment to Board of Zoning Appeals

Mayor Mihalik is requesting Council's confirmation of appointing Kerry Trombly as an alternate to the Board of Zoning Appeals for the City of Findlay, as prescribed in the current zoning ordinance. Mr. Trombly has expressed a desire and willingness to serve the community in this capacity. This appointment will be effective through December 31, 2020. This appointment requires confirmation by Council.

Councilman Monday moved to accept this appointment, seconded by Councilman Klein. All were in favor. Filed.

City Auditor Jim Staschiak – Resolution of Transfer to Fund Safety Director Department

City Auditor Staschiak verbally requested this letter be read in its entirety.

After the passage of Ordinance No. 2017-038, the City Auditor's Office received the payroll change documentation needed for paying a Service Director and a Safety Director. To account for the positions properly on the City's financials, a new department in the financial system for the Safety Director Department has been created. Based on the payroll documentation, the City Auditor's Office has calculated the balance of 2017 (including wages and related personnel costs) for the separated positions. A resolution of transfer is needed to create a budget for the new Safety Director Department so that payroll costs may be properly accounted for and paid as follows:

FROM: Service Director #21020000-personal services	\$ 70,000.00
TO: Safety Director #21017000-personal services	\$ 70,000.00

Resolution No. 015-2017 was created.

Discussion:

Councilwoman Frische asked what the change is from the letter to the Resolution. Mayor Mihalik replied there is an additional transfer of ten thousand dollars (\$10,000) from the other account. There are other expenses that will be potentially incurred in that department, so they want to make sure there is cash in the budget in order to do that (i.e. travel, consulting services professional services). It is not an additional appropriation. It is just a transfer of funds within the appropriated funds from earlier in the year. Filed.

Service Director Brian Thomas – insurance proceeds from sewer backup in the Municipal Building

The City has received payment for the cleanup and restoration for a sewer backup that occurred at the Municipal Building from the City's insurance company in the amount of \$31,769.39 which has been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2017-054 was created.

FROM: General Fund (insurance proceeds) \$ 31,796.39
TO: Public Buildings Department #21022000-other \$ 31,796.39

Filed.

City Planning Commission minutes – May 11, 2017; agenda – June 8, 2017. Filed.

Director of Public Service/Acting City Engineer – Downtown Revitalization HAN-FINDLAY Cory St/Main St (ODOT PID #98797) Project No. 31942400

On May 16, 2017, Council approved the appropriation of Marathon Petroleum Company's contribution of one million one hundred thousand dollars (\$1,100,000.00) to the project through Ordinance No. 20117-053. In order to proceed with the project, the ODOT funds also need to be appropriated to the project for construction, inspection, and contingency. Legislation to appropriate funds is requested. Ordinance No. 2017-058 was created.

FROM: ODOT \$ 1,859,564.00
TO: Downtown Revitalization HAN-FINDLAY Cory St/Main St (ODOT PID 98797) Project No. 31942400 \$ 1,859,564.00

Filed.

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

Hancock Regional Planning Commission Director Matt Cordonnier – Downtown Design Review Board

Hancock Regional Planning Commission, in partnership with the Council Planning and Zoning Committee, The Alliance, and the Downtown Findlay Economic Development Task Force, has been working on an update to the existing Downtown Design Review Board regulations. The City of Findlay created the Downtown Design Review Board in 1993. In 2015, efforts began to rewrite the Downtown Design Review Ordinance. Included with the letter is the resulting draft of a new ordinance to replace the existing ordinance. The purpose of the Downtown Design Review Board is to enhance and protect investment in Findlay's downtown. The proposed Downtown Design Review Board Ordinance defines the geographic extent and range of powers afforded to the seven (7) member board. The board will review renovations and new construction within the district. These reviews are limited to design aesthetics and compatibility to the existing downtown environment. Additionally, the ordinance contains provisions allowing the board to enforce exterior maintenance standards. In no way does the board have authority to enforce the design or maintenance of interior items such as plumbing, electrical wiring, HVAC, etc. The ordinance will apply to all the following structures that are located within the geographical boundary of the Downtown Design Review District:

- 1. All new structures regardless of use.
- 2. Existing mixed use, commercial and residential structures with four (4) or more units.
 - a. Existing single family, duplex, and triplex residential structures are not subject to this ordinance.

Ordinance No. 2017-059 was created. Filed.

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

Traffic Commission minutes – May 15, 2017. Filed.

Parks and Recreation Board minutes May 15, 2017. Filed.

COMMITTEE REPORTS: - none.

LEGISLATION:

RESOLUTIONS

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.

RESOLUTION NO. 015-2017 (*Safety Director Department*) requires three (3) readings

first reading

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the statutory rules and give the Resolution its second and third readings. Seconded by Councilman Klein. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson. Nays: Frische. The motion failed.

First reading of the Resolution.

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. 2017-040 (*527 W Sandusky St rezone*) requires three (3) readings. Public hearing on 6/6/17.

third reading adopted

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 527 WEST SANDUSKY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "R4 DUPLEX/TRIPLEX HIGH DENSITY."

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-040 and is hereby made a part of the record.

ORDINANCE NO. 2017-043 (*RLF administration*) requires three (3) readings

third reading adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Ordinance, seconded by Councilwoman Frische. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Frische, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-043 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.

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 607 CENTRAL AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "R3 SINGLE FAMILY HIGH DENSITY".

Second reading of the Ordinance.

ORDINANCE NO. 2017-048 (*Graceland Ave (800 6th St) vacation*) requires three (3) readings

second reading

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

Second reading of the Ordinance.

ORDINANCE NO. 2017-049 (*221 W Hardin St rezone*) requires three (3) readings. Public hearing on 6/20/17.

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 221 WEST HARDIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "R4 DUPLEX/TRIPLEX HIGH DENSITY".

Second reading of the Ordinance.

ORDINANCE NO. 2017-054 requires three (3) readings

first reading

adopted

(*insurance payment - Muni Bldg cleanup & restoration from sewer backup*)

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Klein. Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Frische, Hellmann, Klein. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilwoman Frische. Ayes: Niemeyer, Russel, Shindledecker, Watson, Frische, Hellmann, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-054 and is hereby made a part of the record.

ORDINANCE NO. 2017-055 requires three (3) readings
(Campbell's Soup Supply Company L.L.C. development agreement)

first reading adopted

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CAMPBELL'S SOUP SUPPLY COMPANY L.L.C. TO FORMALIZE THE FINANCIAL CONTRIBUTION BY THE CAMPBELL'S SOUP SUPPLY COMPANY L.L.C. TOWARD THE PUBLIC IMPROVEMENTS AT THE NEW INDUSTRIAL PARK WHERE THEIR NEW FACILITY WILL BE LOCATED. AND DECLARING AN EMERGENCY.

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

Discussion:

City Auditor Staschiak has not seen the agreement and asked how the funds that come back will be tracked. Safety Director Schmelzer replied that they will be tracked through the Engineering Department similar to the McLane project.

Ayes: Shindledecker, Watson, Frische, Heilmann, Klein, Monday, Niemeyer, Russel. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-055 and is hereby made a part of the record.

ORDINANCE NO. 2017-056 (HWE Franchise Agreement) requires three (3) readings

first reading

AN ORDINANCE GRANTING TO HANCOCK-WOOD ELECTRIC COOPERATIVE, INC. ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF FINDLAY, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY AND OTHER SERVICES TO PARTS OF THE CITY OF FINDLAY AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH AND ACROSS SAID CITY OF FINDLAY, STATE OF OHIO, SUBJECT TO AND IN COMPLIANCE WITH THE CERTIFIED TERRITORIES FOR ELECTRIC SUPPLIERS ACT (OHIO REVISED CODE SECTIONS 4933.81 TO 4933.90).

Discussion:

Councilman Klein noted that this ordinance is the exact same verbiage that this same Council voted down in May of last year. He asked why Council is voting on it again. Councilman Russel replied that two (2) Councilmembers asked that it be brought back onto the table. Councilman Klein then asked for what reason. Councilwoman Frische replied that based off of the letter that was sent out to both entities after the discussion and vote that took place during Council.

Councilman Heilmann noted that this is the same issue that Council addressed a year ago where Council declined the opportunity to take action on it and instructed them to have the issue go before the Public Utility Commission of Ohio (PUCO) as opposed to City Council. Councilman Klein confirmed that is correct. Councilwoman Frische added that the request, at the time of the legislation a year ago, was in order for them to be able to go to the PUCO to know where the City stands if they were asked because the PUCO looks at what the City is asking.

Councilman Niemeyer noted that Council never made the letter official.

Councilman Monday asked where this Ordinance came from and how it got here tonight. He asked what Councilmembers asked for it. Law Director Rasmussen replied Councilwoman Frische asked for it. He does not recall who the other Councilmember was. Councilman Monday does not think this is necessary. He met with three (3) Hancock-Wood Electric individuals who are only asking for the Council President to write the exact same letter that he wrote last year to both entities, with a new date, and to be a part of a City Council meeting with a motion made that is seconded. That would satisfy what they are asking for and they would not be approaching City Council again. That issue has already been decided and he is unsure why this is on tonight's agenda other than that two (2) Councilmembers asked for it for some reason.

Councilman Shindledecker had the same conversation with HWE personnel who stated that all they want is something to be on the record so they can address it with their corporate attorney.

Councilwoman Frische asked if they are asking for the letter to be done and signed by all of Council and if a resolution needs to be done. She asked if it needs to be brought through Council. She asked what the difference is between the letter and legislation. Law Director Rasmussen replied he has not had any of those conversations with HWE so he is not sure what they are asking for. If they are asking for the letter that was already written, it is already part of last year's debate and is in the records at one of the Council meetings, so he is not sure why just a copy of that letter be provided to them is all that is needed.

Councilman Monday does not believe the letter was officially written by City Council so, it would not be in any minutes. According to HWE, the letter was written by Council President Slough to both entities. All they are asking for is that same letter be rewritten with a current date that will go to both HWE and AEP. At that point, their counsel will pick up that letter, and the minutes, and will use both of them to make their case with the PUCO in Columbus. They are not asking for a letter be signed by all Councilmembers. Law Director Rasmussen replied that he questions if the date is even relevant. When the original letter was written, it became a public document. Councilman Monday replied that their attorney stated it was not a public document because it was not brought through City Council and would not be in the minutes. Law Director Rasmussen replied it is a public document if it was written by President Slough, so all that needs to be done is to send a copy of that letter to them. If they want another letter with a different date, that is up to City Council if they want to do so. Councilman Monday asked if there would be any harm in doing so and to put it on the next City Council agenda where it receives a first and second, and also send the letter to the two (2) entities. Law Director Rasmussen replied no. If Council is willing to do that, they should do so. It sometimes eventually ends up at the PUCO. Councilman Monday replied that they will be at the next City Council meeting to explain why they like the letter and why they want to take that route.

Councilman Shindledecker's understanding is that they would like a letter to be presented during a City Council meeting with a motion and a second to that motion to authorize the Council President to send that letter, and then Councilmembers vote on it. He agrees that it doesn't make a difference, but that is what they are asking for.

Councilwoman Frishe asked if the letter will still be valid after the new Council term starts or if a resolution is needed. While she understands that HWE's only needs this, but as a Council Representative, she is also looking out for the community and those who are property owners currently under HWE. She worries that Council may be causing a hardship for them as well as HWE, and that this may eventually end up back in the lap of those current businesses that are under HWE. She is fine with only providing a letter to HWE from the Council President on behalf of all Councilmembers if that is what the Law Director thinks is what should be done. She wants to make sure whatever is done certifies the City's stance in order to protect the citizens in this community. Law Director Rasmussen replied that the letter does not speak for Council unless Council adopts a resolution authorizing him to do the letter or if all members of Council signs the letter. If Council wants to have it in full force, then they will have to adopt a resolution or having all Councilmembers sign the letter. Councilwoman Frishe asked if this Ordinance does the same thing as the letter that was sent last year, if it is causing any harm to AEP or HWE If it states that the City is not wanting to be in the middle of their disputes at the PUCO, and that the City wants both entities to continue to conduct their businesses as they have been. Councilman Klein noted that last year's ordinance was voted down and does not see how that has any play in this. Law Director Rasmussen replied that the verbiage in last year's ordinance was significantly different than what they wanted. They wanted it worded so that they could convince the PUCO that it was what the City intended.

Councilman Monday noted that Council tried to be cooperative with what HWE wanted and when they met with him, the letter was exactly what they want. They wanted it to be ran through Council. Council gave them exactly what they wanted, so he is now suggesting to leave it well enough alone and just give them what they want.

Councilman Niemeyer pointed out that he has a copy of the recent letter that HWE wrote. It all came about because Campbell's Soup has AEP as their electric supplier because someone from the City of Findlay okayed it and it is in the wrong territory. Council President Slough replied as he understands it, it has to be updated with a new date. Councilwoman Frishe replied she has not had that discussion. Councilman Monday replied that is what they told him. He met with both HWE Representatives who confirmed that it has been before Council before and they specifically told him that is all they want. They want someone to make a motion and someone second it so that the letter that President Slough wrote last year can be rewrote exactly the way it was written only changing the date. They also want a copy of that letter to be sent to HWE and AEP. They would use that letter as their ammunition with the PUCO and would probably pick up a copy of the City Council minutes.

Councilman Hellmann asked if this is only the first reading, if there will be a second reading at the next meeting, and if HWE will be in attendance so that it can be discussed again at that meeting. Council President Slough replied that is correct.

Safety Director Schmelzer asked Councilman Niemeyer if he heard him correctly that someone at the City of Findlay staff said that Campbells could pick their supplier. Councilman Niemeyer replied evidently. Safety Director Schmelzer replied that is not structurally possible. The City cannot approve who they pick. He is unaware of anyone at the City that would have dictated either permission or preference.

First reading of the Ordinance.

ORDINANCE NO. 2017-057 (*Tall Timbers West, 1st Addition plat*) requires three (3) readings **first reading** **adopted**
AN ORDINANCE ACCEPTING THE STREET RIGHT-OF-WAY DEDICATION AS SHOWN ON THE TALL TIMBERS WEST 1ST ADDITION RIGHT-OF-WAY DEDICATION PLAT, AND DECLARING AN EMERGENCY.

Councilman Hellmann moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Klein. Ayes: Watson, Frishe, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker. The Ordinance received its second and third readings. Councilwoman Frishe moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Frishe, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-057 and is hereby made a part of the record.

ORDINANCE NO. 2017-058 (*Downtown Revitalization HAN-FINDLAY Cory St/Main St project*) requires three (3) readings **first reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Klein. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Frishe. 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, Frishe, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-058 and is hereby made a part of the record.

ORDINANCE NO. 2017-059 (*Downtown Design Review Board*) requires three (3) readings **first reading**
AN ORDINANCE ENACTING NEW CHAPTER 1138 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, ENTITLED DESIGN REVIEW REGULATIONS ORDINANCE FOR THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2017-060 (*continue Workers Compensation programs*) requires three (3) readings **first reading** **adopted**
AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKER'S COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

Councilman Russel 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, Frishe, Hellmann, Klein. The Ordinance received its second and third readings. Councilman Klein moved to adopt the Ordinance, seconded by Councilman Watson. Ayes: Niemeyer, Russel, Shindledecker, Watson, Frishe, Hellmann, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-060 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS

Mayor Mihalik met with the County Commissioners this morning. They are working on a second hearing that will be held the last week of June with the thirty (30) day appeal period taking place the end of July. The Commissioners will be able to award a contract immediately thereafter and work will potentially begin in August. The City petitioned this three (3) or four (4) years ago. That is good news for those in the Dazel Ditch watershed which is in the northern part of the city. They have been asking for this for a really long time.

NEW BUSINESS

Councilman Monday pointed out that there will not be an Appropriations Committee meeting on June 13th due to lack of agenda items.

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on Thursday, June 8, 2017 at 4:00pm in the first floor Council Office (CO).

- agenda:
1. 801 S. Main St re-establish non-conforming use
 2. 719 Tiffin Ave re-establish non-conforming use
 3. S Main St vacation
 4. 305/301 W Front St & 210 S West St rezone

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

Councilman Russel received a compliment for two (2) Water Department employees. One was from a citizen that is constructing a new house. That family has an autistic child who has to have everything well scheduled. They were able to move into their house as scheduled because the Water Department was responsive to them. They are very pleased with the Water Department. The other was for one of our Council-At-Large members who noticed water coming out of his neighbor's tree lawn on the Friday before the Memorial Day holiday. An email was sent to the Superintendent of the Water Department and within fifteen (15) minutes, one of the employees did a quick examination and then called it into O.U.P.S. to have it examined by them. The dedication by the Water Department is very much appreciated.

Councilman Russel will be going with Flag City Honor Flight tomorrow on their flight to Washington DC. He will serving as a guardian for a Vietnam War Veteran. They will return at the Toledo Airport's Grand Air Terminal tomorrow night around 9:00pm. He invited everyone to attend as it is an emotional, highly-charged, heartfelt, and is something that has to be experienced. This will be the seventh (7th) or eighth (8th) flight that has taken place. They have had tremendous support from the community. Three (3) companies have collectively donated enough money to charter an airplane from Toledo to Washington DC and back for the day. In DC, an amazing organization welcomes the veterans. Councilman Shindledecker added that the City of Toledo has not been able to sustain their Honor Flight program, but Findlay, who is a lot smaller than Toledo, has been able to.

Councilman Klein thanked the Street Department on a couple of issues within his ward. There was a call made in the afternoon and the work was done the next day. He received emails from the individuals who filed the complaints with the words "WOW" in it. Their efforts made a great impression on the constituents in that area.

President J. Slough adjourned Council at 8:23 pm.



ACTING CLERK OF COUNCIL



PRESIDENT OF COUNCIL