

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

July 18, 2017

COUNCIL CHAMBERS

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

ABSENT: none

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

ACCEPTANCE OR CHANGES OF MINUTES AND PUBLIC HEARINGS:

Councilman Hellmann moved to accept the July 5, 2017 Regular Session City Council meeting minutes. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

REPLACEMENTS:

- Ordinance No. 2017-073 (replaces Ordinance No. 2017-056)
 - HWE Franchise (*LEGISLATION* section)

ADD-ONS:

- Letter from Duane Jebbett, Rowmark
 - Electric services (*WRITTEN COMMUNICATIONS* section)
- Letter from President of Council James Slough (per Councilwoman Frische's request) – HWE Franchise Agreement (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS* section)

REMOVALS:

- Ordinance No. 2017-056 (*LEGISLATION* section)

PROCLAMATIONS: – none.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 020-2017 (*Jeff Newcomer retirement*)

first reading adopted

A RESOLUTION COMMENDING JEFFREY NEWCOMER FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

Councilman Monday moved to adopt the Resolution, seconded by Councilman Russel.

Discussion:

City Auditor Staschiak noted that Jeff is the last of a very special group of people that served the City back in 2005 and 2006 on a special evaluation of the Water Plant that was scheduled to be mothballed by 2015 by a group of Engineering and Water Department employees. Jeff's involvement was a key part to that committee who determined if they took care of that plant and invested one to two million dollars (\$1,000,000-\$2,000,000) a year over ten (10) years, they could save that plant and push its life into the 2020-2030. They did some calculations back then based on that work and saved the City thirty to thirty-five million dollars (\$30,000,000-\$35,000,000) in 2005 dollars. He appreciates the opportunity to have worked with him. It is his leadership and guidance in hand and care he had over the water system that has helped to make it the City's healthiest fund. He appreciates everything he has done for the City.

Councilwoman Frische echoed Auditor Staschiak's comments and added that he was a wonderful leader in the Water Department. When she came onto Council, he was more than willing to share all of his excitement at the Water Department and helped her to understand everything that goes on there. She also appreciates all of his input during committee meetings and willingness to answer questions. He will be missed, but he did a great job.

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

PETITIONS:

Zoning amendment request – CR 95

James Koehler II of Sunnydale LLC would like to change the zoning to I1 Light Industrial. It currently is zoned C2 General Commercial. Referred to City Planning Commission and Planning & Zoning Committee.

WRITTEN COMMUNICATIONS:

Rowmark President & CEO of Duane Jebbett – electric services

On behalf of Rowmark and all of our employees, I feel compelled to respond to the many recent mentions of our company in the local newspaper. Back in 2014, we began an initiative to build a new facility at 5409 Hamlet Drive. During the building process, we obviously wanted to ensure that we had power to operate the facility. Like any other business, we rely on our customers for our livelihood. In so doing, we must choose the best options to give us what we need to operate at the lowest possible cost to stay competitive.

When we spoke with Hancock Wood Electric Cooperative we were told that we would be charged an installation fee of more than \$100,000 to run power to our new building. We then inquired with AEP, who was our current supplier at our facility on Industrial Drive, to see if they could help. Since our new facility is right on the border of these two suppliers, we asked to work with AEP because their installation costs were less than \$10,000. In addition to being far less costly for installation, they had been a good reliable supplier and we could leverage the combined scale of our buying power within the general market if we chose to do so for more competitive rates. We simply made the best decision for our company with the facts we had at the time.

We had no knowledge of the political atmosphere, or any arrangements between AEP or Hancock Wood Cooperative, nor do we want to be any part of these discussions. We strongly object to being used as a political pawn to settle any disputes between these two vendors. We simply want to be a good customer, pay our bills and get the best power available for the best value, so we can operate our business profitably. Filed.

ORAL COMMUNICATIONS:

Tim Wells, Economic Development Manager of AEP Ohio – franchise agreements

AEP Ohio does not oppose Hancock Wood Electric's (HWE) request to renew its franchise with the City, but does object to certain improper language that HWE has put in the draft ordinance it has presented to Council. The City has standard language that it uses when it grants franchise to a public utility such as the language used in the 2009 AEP Ohio franchise renewal. The AEP franchise language is standard, proper and lawful. This is the same language AEP suggests the City use for HWE's franchise renewal. The language proposed by HWE is improper and should not be used. Most importantly, the City has granted AEP Ohio a franchise to serve customers in the entire City. The City is permitted to permit grants of City-wide franchises under its Constitutional Home Rule Authority. Granted City-wide franchises can be advantageous to City residents and economic development as it has been discussed at length. The City-wide franchise allows AEP and other franchise suppliers such as HWE to meet the needs of customers City-wide as the City-wide franchise permits. AEP is not asking for special treatment and have no objection to the City granting HWE's a City-wide franchise granted like to AEP Ohio, but suggest the City not retroactively change the City-wide franchise already granted to AEP and not limit itself to providing limited franchises.

George Walton, President and CEO of Hancock-Wood Electric Cooperative – franchise agreement

Mr. Walton offered an apology for being out of order near the end of last weeks Committee of the Whole meeting. He is not before Council tonight to rehash any of the information he previously shared with Council, but HWE's position is still the same. They are a non-profit electric co-op. Their structure is totally different from an investor-owned utility. They exist simply to provide electric service to their membership which consists of the people they serve. Each member has an equity account. At the end of the year, all of their profits are reallocated to each member of the electric co-op based on their usage of electricity. They are very competitive. He has been asked if HWE would like the same franchise as Ohio Power. That model does not work with non-profit utility companies because their density per of mile line because they serve also rule America. Their density is five (5) consumers per mile of line. AEP's density is between thirty-fourty (30-40) customers per mile of line. With that type of difference in a non-profit organization, there is no way HWE can compete. AEP has bigger dollars to invest in generation. HWE's generation serves their members with additional capacity for future growth. When he initially started this process after the ordinance was turned down, he came back to Council and asked for a letter simply stipulating the overlapping franchise and what the intent of the City was. At a minimum, he is requesting Council consider stipulating like what was done in the letter and making it official what the intent of City Council is.

Discussion:

Councilman Wobser pointed out that some things were said about HWE's relationship with the Alliance and that some information was passed and some was not passed, and asked if there have been any other discussions with the Alliance. Mr. Walton there has been. The Alliance has reached out to him to work with HWE, but there is no agreement yet. He received an email today from Tim Mayle wanting to get together. That will be delayed until he is back from out of state vacation (he flew in from Florida for this meeting). Councilman Wobser asked Mr. Walton if he is confident that the conversations with the Alliance will move forward with them. Mr. Walton replied he is not confident yet. He has put a proposal out. No negotiations have taken place yet on that proposal, but was told that The Alliance Group and Tim Mayle will take a look at it and will get back with him.

Councilman Wobser noted that in tonight's packet is a letter from John Haywood, the Alliance. He asked if it will be read into the minutes. Council President Slough replied it can be requested. Councilman Wobser requested that the letter be read because within the letter, it stipulates that the Alliance rule book that everyone will be brought to the table, but was not happening, so something broke down between some of the Alliance members and the governing parties there. It is his hope that it continues forward and that HWE receives some resolution with them, which is one of the most egregious parts of it that bothers him greatly. He would be interested in knowing if does not come to a resolution of some sort, that HWE would let Council know. Mr. Walton replied he will do so.

Councilman Monday asked if it would be proper to make a motion at this time to add the letter to the agenda and if Council does want to add it to the agenda, then it could be read. Council President Slough replied it would be proper. Councilman Monday moved to add the letter from John Haywood to Council President Slough be added to the agenda, seconded by Councilman Shindledecker. All were in favor. The Council Clerk read the letter in its entirety. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

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

Findlay Police Department Activities Report - June 2017. Filed.

Findlay Fire Department Activities Report – June 2017. Filed.

City Auditor Jim Staschiak – Revenue Estimates for fiscal year 2018.

Ohio clearly defines a budgetary process which includes the requirement that municipalities prepare an annual tax budget by July 20th. The County Budget Commission has not required the filing of a complete tax budget for many years and requires the City of Findlay only to provide the attached Estimate Revenues for submission to the Budget Commission for the next fiscal year. In order to meet the statutory requirements for the distribution of the local government money, this document should be formally accepted by Council at the July 18th meeting so it can then be filed with the County Auditor by no later than July 20. A motion for acceptance of the revenue estimates will be needed during the meeting on July 18th. As required by statute, the Council Clerk has scheduled a public hearing before this meeting, notice of which must have been published ten (10) days before the hearing, during which time the document has been available for public inspection in the Auditor's Office. A Public hearing is scheduled for July 18, 2017 at 7:25pm.

Councilman Wobser moved to accept the revenue estimates for FY18, seconded by Councilman Hellmann.

Discussion:

Councilman Wosber noted that the first line item shows the difference in the starting balance for January 1 as ten million four hundred thousand dollars (\$10,400,000) for the start of 2018. He asked if the majority of the three million dollar (\$3,000,000) difference is for the deficient spending for this year. City Auditor Staschiak replied it is a combination of the deficient spending that is budgeted. If it is appropriated in the budget, it is appropriated the first meeting in January and is assumed every dollar will be spent, so it does not take into account a projected cash carry forward from this year into next year. That carry forward average is two million dollars plus (\$2,000,000+) per year, so it is yet to be seen. It will be discussed in more detail at the mid-year review. Part of that is also due to reduction in revenue that we are seeing this year. It is not doing very well overall. He and the Income Tax Administrator are in close communications to determine what is happening. They are not seeing the withholding grow like it traditionally has grown. He expects a little bit of a shortfall in withholding primarily due to the way the Governor and the State Legislator restructured how we receive it, but are not seeing the robust growth that has been seen over the last five (5) years. That is not to say it is a negative budget. The budget is fine and he considers it a normal part of the budget process. The City is prepared for this with the two (2) year budget they are doing.

Councilman Wosber noted that the Income Tax Administrator's report shows we are behind year-to-date 2016 on income tax receipts, but are ahead of projections that he had. As far as projections go, the City is okay. He noted that the Income Tax Transfer line is positive one million eight hundred thousand dollars (\$1,800,000) and asked what that line item is. City Auditor Staschiak replied it is when the income tax revenues comes in, it is split eighty/twenty (80/20) between the General Fund and the Capital Improvements Restricted Account. Based on what he has discussed with the Income Tax Administrator reporting on the amount of Corporate Deferrals that are happening and on the amount of business revenue, Income Tax receipts should go up next year barring a major economic downturn. This year, the business tax is pretty significant. Withholding is behind what is expected as well as the individual component of the tax. Next year, best guess is that a transfer of approximately one million dollars (\$1,000,000) to the General Fund is expected.

Councilman Russel pointed out that W.O.R.C. fees for this year are approximately sixty-five thousand dollars (\$65,000) and that same amount is stated for next year. City Auditor Staschiak replied that will be zero (\$0) because that facility has been closed. The sixty-five thousand dollars (\$65,000) for next year is an error on the report. It is not labor or material.

All were in favor. Filed.

Precipitation and Reservoir levels report – April – June 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 June 30, 2017
- Financial Snapshot for General Fund as of June 30, 2017
- Open Projects Report as of June 30, 2017
- Cash & Investments as of June 30, 2017

Filed.

City Planning Commission agenda – July 20, 2017 (rescheduled from July 13, 2017). Filed.

Council President James P. Slough – revised HWE Franchise Agreement

Attached is the letter from May 10, 2016 that Council President on behalf of 9 members of council sent to both AEP and HWE regarding a franchise modification request from HWE. This letter told both utilities that we strongly encourage them to follow the long-standing process of working out swaps through the PUCO and not to use the overlap in territories as a way to acquire customers. In that letter, it was stated that council was open to readdressing this matter if the process did not go back to making swaps at the PUCO.

On May 16, 2017 a request was made to reintroduce legislation because AEP had taken a second load from HWE without going to the PUCO. Council does not want the city put in the middle of who gets a new commercial or industrial load in the community. When there is an overlap in territory due to annexation both utilities need to be at the economic development table to meet with any prospective new commercial or industrial business to bid the load. We are clarifying this because AEP has a municipal franchise and HWE has a territorial franchise. We believe the PUCO was established to not encourage competition on the lines but to define territorial boundaries to provide a layer of security to the utilities in order to invest in infrastructure for growth.

Thank you for your willingness to meet with Council several times over the last year. Council values both AEP and HWE as electric utilities both inside and outside the city limits. Franchise agreements are necessary agreements to have in place to service our community's electric needs. We appreciate both utilities competitive rates and customer satisfaction that was shared by their customers over the last year.

Although our goal for the community is to make sure the customer is able to get the best rates and service available we also do not want to be the cause of stranded infrastructure and rate increases to the current users of HWE. We feel that the PUCO is where changes and negotiations need to continue to take place because they manage the territorial lines. Because both utilities are good community partners we are hopeful this clarifies city council's wishes to encourage economic development and protect the current citizen users.

Again, please let this letter be a reminder that we strongly encourage both utilities to follow the long-standing process of working out swaps through the PUCO and not using the overlap in territories as a way to acquire customers outside the standard process. Although we did not vote to change the HWE franchise agreement last year please let this letter clarify city councils request.

Again, thank you for the service you provide to Findlay and Hancock County.

Discussion:

Councilman Shindledecker asked if this is the original letter from last year or the revised that was submitted and appeared at Council seats tonight. Council Clerk replied the revised letter.

COMMITTEE REPORTS:

A COMMITTEE OF THE WHOLE meeting was held on Tuesday, July 11, 2017 to discuss the Hancock-Wood Electric Franchise Agreement (Ordinance No. 2017-056). Ordinance No. 2017-056 received its third reading and was defeated during the July 5, 2017 City Council meeting. Ordinance No. 2017-073 replaces Ordinance No. 2017-056.

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

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 012-2017 (*opposition of State Governor's proposed 2017-2018 budget*) **tabled after 1st 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. 018-2017 (*W.O.R.C. budget*) requires three (3) readings **third reading adopted**
A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 019-2017 (*Muni Court expansion/Muni Bldg renovations*) requires three (3) readings **second reading adopted**
A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules of Council and give the Resolution its third reading. Seconded by Councilman Wobser. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Resolution received its third reading. The Resolution received its third reading. Councilwoman Frische moved to adopt the Resolution, seconded by Councilman Monday. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

RESOLUTION NO. 020-2017

See page 1.

ORDINANCES

ORDINANCE NO. 2017-021 AS AMENDED (*bicycle riding in downtown business district*) **tabled after 3rd 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.

During NEW BUSINESS portion of the May 2, 2017 City Council meeting, a motion was made and seconded to accept the proposed amendments (second amendment to the Ordinance), which was approved. A motion was then made to lift it from the table, but no second to that motion was given, so it was not lifted from the table and remains tabled.

ORDINANCE NO. 2017-059 (*Downtown Design Review Board*) requires three (3) readings. Public hearing on 8/15/17. **tabled after 3rd reading on 7/5/17**
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.

ORDINANCE NO. 2017-065 (*Ashland Business Park Phase II cul-de-sac final plat/ROW*) requires three (3) readings **third reading adopted**
AN ORDINANCE ACCEPTING THE CUL-DE-SAC RIGHT-OF-WAY DEDICATION AS SHOWN ON THE ASHLAND BUSINESS PARK PHASE II RIGHT-OF-WAY DEDICATION PLAT, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-065 and is hereby made a part of the record.

ORDINANCE NO. 2017-069 (*Sandusky St Resurfacing (HAN SR 330/568 0.20/0.23, PID #76823)*) requires three (3) readings **second reading adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

Councilman Wobser moved to suspend the statutory rules of Council and give the Ordinance its third reading. Seconded by Councilman Russel. Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance No. Volume VV, Page, 2017-069 and is hereby made a part of the record.

ORDINANCE NO. 2017-071 (*Spring Lake 1st Addition final plat/ROW*) requires three (3) readings **second reading**
AN ORDINANCE ACCEPTING THE STREET RIGHT-OF-WAY DEDICATION AS SHOWN ON THE SPRING LAKE FIRST ADDITION RIGHT-OF-WAY DEDICATION PLAT, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-073 (*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).

Councilman Klein moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Shindledecker, Harrington, Hellmann, Klein, Monday. Nays: Watson, Wobser, Frische, Niemeyer, Russel. Motion defeated.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS – none.

NEW BUSINESS

City Auditor Staschak: **Mid-Year Budget Review** meeting on August 8, 2017 at 5:00pm in the third floor conference room of the Municipal Building (CR1).

Councilman Russel was just over at the Hancock-County Public Library talking with Manager Sarah Clevidence who told him how appreciative she is of the Water Department employees who came over and brought them some extra hoses and allowed them to connect to additional pumps as they were battling to keep the Library dry and brought, and in essence, saved the day. The Water Department initially contacted the Library to see if they needed any assistance who felt they did not need the assistance at that time, but the Water Department showed up to double check anyway. This is just one reflection of the attitude of our City departments. The members of the Hancock-County Public Library are just one example of satisfied citizens. It says a lot towards retiree Jeff Newcomer whom we recognized tonight, as well as those in that department. It says a lot for the mindset of the City crew workforce. The Hancock-County Public Library is very appreciative of the help they received.

Councilman Harrington noted that today is the start of the clean up of the flood debris and asked if it is an ongoing endeavor for the rest of the week. Mayor Mihalik replied it is. Those areas that were hardest hit (i.e. Eastview and Westview areas in the Hunters Creek area west of Main Street and north of Trenton Avenue) were targeted for pick-up today. Street crews will continue until it is all done. They went to the highest impacted areas first due to the amount of debris they had. This flood affected some isolated areas in town, some affected severely. They hope to get it done by the end of the week, but may take longer. City crews are committed to the debris pick-up. City employees met as a team last Thursday morning as the river was rising and after the flash flood event was receding in some areas of town. Discussions about debris took place right away with the Public Works Department employees, led by Dave Honse, who are committed to doing it and not hire private contractors. She is pleased to have the capability and flexibility to make it work. They begun the clean-up effort at 6:00am this morning. Councilman Harrington noted that he was out of town over the weekend, so he was not home for the flood event, but thanked the Mayor for her efforts. He knows she takes the heat on not only flood issues, but also other issues. He commended her for communications with Council, the Administration's staff, all the departments, and citizens of Findlay. A lot of times, there are a lot of uncertainty on what roads are open, what businesses are open or closed, what help the City is providing, so he commends the Mayor, her staff, and City departments on their efforts. Even while out of town, he was well informed on what was going on. He still received some phone calls, which he expected, but feels the Mayor deserves a pat on the back for a job well done. Council President Slough added that it was wonderful seeing the Mayor out with the public showing an interest instead of being stuck behind a desk. Councilman Wobser echoed Council President Slough's sentiments and added that he also commends City employees for their efforts. He talked with some residents on the east side about the problems they are experiencing out there. One of those residents had water up to the rafters in his house, but was out there digging holes and trying to solve problems that were not his own. The rest of the crew is also outstanding. There were a lot of neighbors standing around that the City crews were very nice and helpful to all of them which was very nice to see in a very tense situation. He commends them and all the hours they have put in to help the City get through this.

Councilwoman Frische pointed out that her letter requested to have a Resolution on tonight's agenda to be voted on. She asked the letter be read into the minutes and add a Resolution number to it so it can be voted on before the end of the meeting. Councilman Klein asked who wrote the letter. Councilwoman Frische replied she did. She sent it via email to all Councilmembers today. She met with Councilman Ron Monday after the Committee of the Whole meeting last week and had some really good discussion. Councilman Monday was in support of a letter as long as it was not changed too much and only updated. He asked her to send it to him. She thought he was going to introduce it to Council. He reviewed it this morning and was in favor of it, but told her to talk to Council President Slough since he would be the one who would be signing it. Council President Slough was in favor of it and asked her to send it on to the Council Clerk. The email attachment states with Ron Monday and Jim Slough's blessing, she was asked to send the attached updated letter to be added to the agenda with a Resolution attached for tonight's meeting and to let her know if there are any questions with this add-on. The letter is part of tonight's packet, but there is no Resolution to vote on which needs to happen tonight. Councilman Klein replied that he read the letter and disagrees with some things stated in it and some things he does not understand. Councilwoman Frische asked if the letter should be read first and then go from there. Councilman Klein replied that would be fine, but it is hard to follow.

Councilman Harrington asked for a point of order stating there is a motion on the table. Councilman Shindiedecker replied there was no second to that motion. Councilman Wobser seconded the motion to have the letter read. Council President Slough started a roll-call vote, but was interrupted by Councilmember Monday stating that per Council's Rules, any Councilmember that wishes to have a letter read, has the right to have it read into the record. It only takes one Councilmember to do so.

Councilman Harrington asked if the letter needs to be added to the agenda before it can be read. Councilman Monday replied it is on the agenda as he made that motion early on. Councilwoman Frische pointed out that the only thing missing the Resolution so Council can vote on it. Councilwoman Frische asked the Law Director what needs to take place so that this gets done. Law Director Rasmussen replied it needs to be read into the record with a Resolution done later. Councilwoman Frische asked if a Resolution number just needs to be added to it. Law Director Rasmussen replied The Council Clerk will need to read the letter in its entirety, and then make a motion to have a Resolution created. The Resolution was not created. Councilman Harrington asked Councilwoman Frische to repeat her motion. Councilwoman Frische replied that her first motion was to get a Resolution added on to this letter so it can be voted on. Step 2 was to have the letter read so that Councilmembers can give their feedback. Councilman Harrington pointed out that the cart may be before the horse.

Councilwoman Frische moved to add a Resolution to the updated letter written to the utilities, seconded by Councilman Klein. The Council Clerk asked what the motion was. Councilman Klein replied he seconded to have the letter read. The Council Clerk read the letter in its entirety.

Attached is the letter from May 10, 2016 that Council President on behalf of 9 members of council sent to both AEP and HWE regarding a franchise modification request from HWE. This letter told both utilities that we strongly encourage them to follow the long standing process of working out swaps through the PUCO and not to use the overlap in territories as a way to acquire customers. In that letter it was stated that council was open to readdressing this matter if the process did not go back to making swaps at the PUCO.

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Again, please let this letter be a reminder that we strongly encourage both utilities to follow the long standing process of working out swaps through the PUCO and not using the overlap in territories as a way to acquire customers outside the standard process. Although we did not vote to change the HWE franchise agreement last year please let this letter clarify city councils request.

Again, thank you for the service you provide to Findlay and Hancock County.

Councilman Klein asked Mr. Walton if it is his intent to take this letter to the PUCO. Mr. Walton replied it is his intent to work together with AEP, but if they do not agree to the comments in the letter, then he intends to take it to the PUCO for any disputes between the two utility companies. Councilman Klein asked for some clarification on some points made in the letter. He asked how many times HWE went to the PUCO and made swaps. Mr. Walton replied that question came up at the committee meeting, but he did not have the information then. Someone brought it up asking when the last swap was. There are two (2) going on right now. Councilman Klein then asked if they are in AEP's territory. Mr. Walton replied they are and are residential customers. Councilman Klein pointed out that in the second paragraph, it states the request was made on May 16, 2017. He asked who made the request to introduce legislation. Councilwoman Frische replied it was not Mr. Walton, but that during the May 16, 2017 City Council meeting, she made the request to have legislation brought back because of the Campbell's Soup load. She is unsure if it was Councilman Watson or Councilman Wobser who seconded that motion to bring that legislation back which is what got this process started again. The request for the letter from HWE came after the legislation started because of the divide on passing the Ordinance. Then, a discussion about a letter came into play, which Councilman Russel has brought up several times. As noted in the May 16, 2017 City Council minutes, she and one other Councilmember made the request to bring back the legislation again.

Councilman Shindiedecker pointed out that when originally starting to resurrect this letter, he thought the intent was to bring back the original letter from last year and make the appropriate changes to it (i.e. letter date, etc.) and have a Resolution with a formal vote, and then send the letter out. This is the first time he has seen the revised letter. He spent forty-five (45) years in Journalism and never used a quarter (\$.25) word when a nickel (\$.05) word would do. He never sent a five dollar (\$5) letter when a dollar (\$1) letter would do.

He has no objection to the first paragraph of the revised letter, but thinks it is superfluous. He strongly objects to the entire second paragraph. He is fine with the minor changes in the third paragraph, has no objections to the fourth paragraph, except for the second part of the first sentence which reads: Although our goal for the community is to make sure the customer is able to get the best rates and service available . . . Also added to that sentence is: we also do not want to be the cause of stranded infrastructure and rate increases to the current users of HWE. He is opposed to that second part of that sentence on what was added. Other than that, he has no issues with that paragraph. He thought Council would be dealing with a simple letter. He will not be voting for this. He would vote to take the original letter from a year ago and make the necessary changes, but objects to the entire second paragraph.

Councilman Klein agreed with Councilman Shindlecker's comments. The last sentence mentions why the PUCO was established, so he went back and looked at the history books because he thought he knew why the PUCO was established and found out it has nothing to do with anything that is stated in this letter. He read out loud the PUCO's mission statement:

To assure all residential and business consumers access to adequate, safe and reliable utility services at fair prices, while facilitating an environment that provides competitive choices. In carrying out their mission, they must balance consumer protection by creating a fair, competitive environment while relaxing regulation where appropriate.

He is unsure how the PUCO's mission statement fits in with what is stated as Council's belief in this letter. He strongly disagrees with this letter and will not put his name on it. Councilwoman Frische recalled that Councilman Klein did not put his name on the last letter for personal reasons. It was discussed by many members of Council and not just said by her that Council does not want to encourage competition on the line. The main reason for that discussion was that the PUCO was established and set territorial lines to protect the consumer set boundaries. She supports the PUCO and wants to follow their territorial lines that were established in the 1970s. She is open to any other way of wording that. The reason she asked for the Ordinance to come back a second time, and now a third time, is because we as City Council are here to look out for citizen users and should not want to be the cause of potential infrastructure being stranded because processes changed through economic development and not wanting to follow things through the PUCO. She asked Tim Wells (AEP) in the audience if he supports what Council is saying in this letter and if AEP will follow it which simply stated is to follow the territorial lines and take things to the PUCO. Mr. Wells replied this is the first time he has heard the letter and has not had the opportunity to review it, nor has AEP's legal counsel had the opportunity to review it. Without the opportunity to review it, he cannot comment. Councilwoman Frische replied she will not ask him to comment on tonight's letter, but comment on the original letter that was sent to AEP in 2016 even though there was a little oops and they didn't follow it. She asked if they can follow it now. Mr. Wells replied their position is the same.

Councilman Hellmann noted that this is the first he has seen the letter tonight and is confused. He has been conflicted by some of the things that have been said even earlier on, but doesn't want to rehash them. Some of the language that has been presented over the last month has been relatively strong and accusatory. While he does have a background in Urban Planning and in Economic Development, and has worked with many utility companies, he knows a little about utility rules and regulations. He still has some heartburn from the discussions on cherry-picking because as Romark has proven in their letter that was read, it is not cherry-picking.

Romark picked the client they wanted to go with. The same applies with Campbell's Soup. When the client came to town, it was not Campbell's Soup, it was their site-selection person. To say they or the Alliance did this or did that, according to the conversations he had with Tim Mayle at the Alliance, they did not know who they were talking to. They were actually talking with a site-selection consultant. They gave them the information and went back to the client and told them who the utility companies were. He gets somewhat offended with some of the language that has been used and has been misrepresented to the constituents in the second Ward, the citizens of the City of Findlay, and to City Council. The letter that Council is seeing for the first time tonight asks to reintroduce legislation because AEP had taken a second load from HWE without going to the PUCO. He does not know who "that" is. Councilwoman Frische replied it is the City. Councilman Hellmann replied that is an absolute falsehood. Councilman Klein added that they do not have to go to the PUCO. Councilman Hellmann noted that Campbell's Soup picked AEP and asked why that should be in the letter as it will mislead Council. Council will never get to a resolution if we keep doing this kind of stuff. He would like to get it resolved. Councilwoman Frische replied she would like to hear what verbiage he would like the letter to have. Councilman Hellmann replied he is not going to wordsmith it tonight. Councilwoman Frische replied Council has had it since this afternoon via the email she sent. Councilman Hellmann replied he has only had it for about ten (10) minutes. Council has done this time and time again. It does not make Council and the City look like when this is done, so he objects to it. He would like to do it off-line. Councilman Wobser feels that by at least checking this situation out to try to make an informed decision does not make Council and the City look bad. Councilman Hellmann replied when they get stuff at a last minute it does. Councilman Wobser noted that Council has gone through this several times, but every time Council gets involved, those who sit through the meetings tend to learn more about what is going on. While Councilman Hellmann worked for a utility and might have come in more informed than the rest of Council, the rest of Council needed to learn more about what is going on and about what the process was. It has been very informative. He has learned more about utilities than he has ever wanted to know. All that is being stated in the paragraph that Councilman Hellmann is referring to is to give two (2) companies that can supply a territory equal opportunity to at least make an offer on the property which is all it says. If anyone on Council is against that, he would like to hear why. Councilman Shindlecker pointed out that he takes words literally and that the letter states that both utility companies should be at the negotiating table. If HWE and AEP make an offer to a company and they reject one of the two for whatever reason (cost, convenience, etc.), there is no necessity for the two (2) utilities to sit at the negotiating table, but is exactly what the letter states. He has struggled with words his entire career, so words mean something to him. He objects to any mention of Council being the cause of rate increases for customers. Even if that were true, it is not something that Council wants in the letter. Councilman Wobser appreciates Councilman Shindlecker's literal input, but what is stated in the letter is not what it means. Councilman Shindlecker replied that is a matter of opinion. Councilman Wobser replied if Council wants to change the wording to state that both companies have equal opportunity to place a bid which is what is meant by what is in the letter. Councilman Shindlecker replied that is not what it says. He would be in agreement with Councilman Wobser's revision.

Law Director Rasmussen pointed out that the rule is that legislation has to be in by the Thursday prior to a City Council meeting. The letter in discussion is about a letter that Councilmembers were not able to digest and are arguing about differences in language. This letter was delivered at 12:02pm today. The email states that with Ron Monday and Jim Slough's blessing. It does not say anything about them asking for legislation, which is the first problem. If Council wants to take it up, it can be taken up for a vote and will pretend it came in timely and legislation on it is before Council tonight. If agenda items continue to arrive late, the rule will have to be enforced to a firm time on Thursday and if it is not there for the Council meeting, it is not there. Councilwoman Frische replied that although the Law Director's comments are interesting, everyone can recollect that there are a lot of add-on legislation, so she does not feel it is a fair statement. Law Director Rasmussen replied that add-on legislation is voted on by Council. What Councilwoman Frische is asking for was not voted on. Councilwoman Frische pointed out that the letter that was sent to the Council Clerk stated to add to the agenda with a Resolution. She does not want to split hairs with the Law Director, but Council received this letter at 12noon today, so to say they just saw it fifteen (15) minutes ago is not truly fact unless they didn't check their email. She is trying to accomplish something that certain individuals and/or the Administration do not want to get accomplished. She feels HWE needs something. She thinks Council needs to take themselves out of the middle to not cause a hardship and that both utility companies need to be brought to the table.

If Campbell's or Romark chose AEP, that is fine, but the process is broken through economic development and that it should have gone to the PUCO so that they could have done a swap in territories to eliminate a stranded infrastructure which is what Council is here for today. Council is not talking about the generation because HWE is simply the lines. Council needs to stick to the topic of addressing the lines and the territorial boundaries that the PUCO has in place. Council wants to encourage economic development and make sure that there is not a stranded infrastructure, and that there is a swap done at the PUCO.

Councilman Monday clarified that he did receive this letter after talking with Councilwoman Frische. After looking at it, it has complete ignorance of the operation of the PUCO on what they do and what they don't do. He suggested that after the fiasco two (2) weeks ago, there was a motion to amend the letter. That motion was withdrawn. It was a mess. It took the Council Clerk a long time just to construct the minutes. He suggested to Councilwoman Frische that the amendment to the letter be done in writing so that all of Council would have it. She sent it to him and asked him what he thought of it and he told her it looks good to him, but did qualify that with him wanting to hear the discussion from the Councilmembers as he would never commit himself until that takes place. He asked Councilwoman Frische if she recalls that conversation to which she replied she did. He is listening to the discussion before he makes his decision. He wanted to clarify how this came to be. He felt it would be good to have a written amendment that all Council could read and let the Councilmembers decide. It was before him to add it to the agenda, so he did so. He admits he knows nothing about the PUCO and should have researched it, but did not. That is where he is at on the issue – he is listening to what all sides have to say and then if there is a vote, he will vote according to what he feels is correct after hearing both sides.

Councilman Watson pointed out that Council does not have consensus on this letter, so if Council decides to go through the letter line by line, he would make a motion to go through certain lines and making revisions. That would cause more openness. He made a motion to amend the letter that way and asked for a second to that motion. Councilman Wobser asked if it would be better to give Council the opportunity to read it closely and suggest changes and at the next meeting, bring it up for a vote. That way, the Law Director has the chance to turn it into legislation. Councilman Hellmann asked if it is going to be a letter. Law Director Rasmussen replied it is going to be a letter with a Resolution stating that Council adopted the letter and forwarded it to the PUCO if Council adopts it.

Councilman Shindiedecker feels it is a run-around of what Council originally intended which was to give a rebirth to the letter sent last year, make the necessary changes (i.e. date, etc.), and not change the wording of the letter, Council vote on it, record that vote in the letter. He received a phone call from a HWE Executive today reserving judgement on the letter Council received today. As the letter Council received today is worded, he cannot support it.

Councilman Wobser pointed out that this is not an end run. It is right in front of Council. While Council did not have a chance to discuss it, they are doing so now, so there is no one trying to get around anyone. He still will make the motion to take this under advisement then all of Council will have the opportunity to submit their proposed changes at that point in time. If any Councilmember does not want to vote for it, they should state so up front, so they would not have to worry about any changes and will go forward from there. The Law Director can put it into a Resolution to vote on it during the August 1, 2017 meeting.

Councilman Monday asked for a point of order. He asked how a motion can be made there is already a motion on the floor. Law Director Rasmussen replied we already did the motion to adopt the letter. Councilman Monday replied he thought the motion was to ask for a Resolution. Law Director Rasmussen replied it was to adopt a Resolution sending this letter to the PUCO. Councilman Monday feels what Councilman Wobser stated is a wise thought, but his thought is that it has already been introduced, so it should either be dealt with or tabled.

Councilman Harrington informed Councilman Wobser that he could amend it rather than make a separation motion. If he amends the original motion, it will accomplish the same thing.

Councilman Russel asked for a point of order. He asked if the Resolution has been added to the agenda. Law Director Rasmussen replied it was tonight. Councilman Russel asked if the Resolution was added. Law Director Rasmussen replied it was but did not have it available tonight. Councilman Russel pointed out that the letter was added but asked if a Resolution incorporating this was. Law Director Rasmussen replied no because there was not a Resolution prepared. Councilwoman Frische added that there was supposed to be a Resolution prepared. Law Director Rasmussen asked Councilwoman Frische to become familiar with Council Rules and remember that it takes six (6) votes of Council since there are ten (10) Councilmembers to pass legislation. If this is how things are going to be done going forward, there needs to be plenty of time given ahead of City Council meetings, so his department will start enforcing those rules.

Councilman Harrington asked if Council is looking to replace the Ordinance with this letter, or if it is the intent to adopt both pieces of legislation. Councilwoman Frische did not hear the question and asked him to restate it. Councilman Harrington pointed out that she introduced a letter with the intent of eventually having a Resolution and asked if it is the intent of that letter is to replace the Ordinance. Councilwoman Frische replied it is not and that the Ordinance is a separate issue. Councilman Harrington asked if she is looking to have both the Ordinance and the letter adopted or if the letter will replace the Ordinance. Councilwoman Frische replied there is an Ordinance out there. It is to be vetted again like a regular process. The Ordinance is not part of this letter. The letter is something that has been getting kicked around and asked for. It was talked about at the last Council meeting. She talked with several members of Council on modifying it and made some modifications. Step 1 is to get the letter done. She is open to however Council wants to do that. She is willing to listen to whatever Council wants to modify on it and thinks it would be nice to get at least the letter done tonight. The Ordinance is a separate issue.

Councilman Monday feels Councilman Wobser made a very good statement when he said Council should take the letter under advisement. If there is anything Council wants to change, those can be brought back and then make the changes. He would like to give Council a chance to make changes if they need to be made. If Councilman Wobser made a motion to do so, he would second to cease tonight's discuss and instead be discussed at the next meeting. Councilman Wobser replied the motion is on the floor. Councilwoman Frische's motion takes precedence, so Council either needs to vote on that and then can go to the next motion, but her motion has to be carried out. Councilman Hellmann asked for clarification on what Councilwoman Frische's motion was.

Councilman Russel asked if a motion for the Resolution can be made before it has been added to the agenda. Law Director Rasmussen replied the letter was added to the agenda at the beginning of the meeting, but not the Resolution. Councilman Russel replied that based on that, the letter was read, and now he is not sure what the motion is because the first step is that it has to be added to the agenda.

Councilwoman Frische moved to withdraw her motion because Council is not getting anywhere with this issue, seconded by Councilman Klein. All were in favor.

Councilman Monday asked if Council can now vote on Councilman Wobser's motion. Council President Slough pointed out that motion is to take the letter under advisement. Councilman Wobser pointed out that before Council gets off this subject, the one person Council has not heard from is the Mayor. She has not had a chance, at least not in Council Chambers to give her opinion on this matter. He asked for her side of it. Mayor Mihalik replied that she represents more than just HWE Co-op customers. She represents all City of Findlay residents regardless of what utility company they use. She believes choice is key in this situation. A lot has happened since last week. When she asked the question last week about a thirty (30) year loan standing agreement that really was only in place for ten (10) years. For the last twenty (20) years, nothing has been done with it. She believes there has been residential swaps, but maybe not on the business side. She thinks it is wrong of the City to force anyone to use one utility provider over the other. That is a very slippery slope. That is her issue with the exclusivity on the Ordinance that has been proposed by HWE. She asked where it stops and asked if the City is going to tell people that they can only use National Lime and Stone for their construction needs or specify what Internet company or phone company they can use. There seems to be a misunderstanding with Mr. Randazzo's appearance last week. His attendance was only to evaluate the language, that was given to us by HWE, from a party who has experience, knows utility law and could give us an objective opinion. Just because it is different from what some believe, does not mean it is slanted in an approach that favors one part or the other. She felt it was important to have him present at the meeting to give the City a good understanding of what it was that we were potentially acting on. Up until that point, they felt as though this was innocuous, did not hurt anyone, and did not give exclusivity to HWE, which in fact it did. It would be great if they could all get along and work together. Competitive tension is good in a community like ours. She has paid a lot of attention to HWE's annual report, more than what she intended to. In the report, they made no mention of lines at risk of stranded investment. In February, HWE was granted a twenty-five million dollar (\$25,000,000) loan/grant to provide more investments for their customers. She thinks HWE is a great company that has great customers. They have an issue with being competitive as was evident by the situation with Romark. She is unsure if it is City Council's or the City's position as a whole as she does not see it as two (2) separate entities. She sees it as one (1) entity that represents the entire community. She is unsure if it is the City's or Council's role to try and play favorites to one side or the other, but instead the two (2) utility companies should play fair. There is something to be said with that. In both the Romark and Campbell instances, they had an opportunity. A lot of time is being spent on discussing exclusivity when it is not necessarily the right environment for Findlay. Councilwoman Frische asked if Mr. Randazzo was retained as Council's legal counsel and asked if there is a contract with him. Law Director Rasmussen replied there is no contract. Councilwoman Frische asked if he just came and gave his opinion. Law Director Rasmussen replied he came here to talk to Council about the utility industry. He recalled several comments made by both attorneys stating they think Mr. Randazzo would agree with it and Kurt would also agree with it. It was not to represent, but to give Council information and educate everyone on it as well. Councilwoman Frische then asked if the statement that he was retained as legal counsel is not true. Law Director Rasmussen replied the Administration contacted him. Councilwoman Frische asked if there is any contract and if he was paid anything. Law Director Rasmussen replied there is no contract. Councilwoman Frische asked if Mr. Randazzo is a Lobbyist and asked why a Lobbyist was brought into a committee meeting. He is a legal Attorney who is a Lobbyist that lobbies for large industrial companies. He was brought in without Council's knowledge. She asked if that is what the Mayor did. Mayor Mihalik replied she brought an expert in . . . Councilwoman Frische interrupted asking if it was with or without Council's permission stating it is Council's meeting and not the Administration's meeting and is asking that question of the Mayor for the record. Council President Slough asked Council to be respectful of one another. Mayor Mihalik replied she consulted an expert and if Councilwoman Frische wants to call him a Lobbyist, so be it. He is an attorney. Councilwoman Frische interrupted saying he is a Lobbyist. Mayor Mihalik again stated that he is an expert in the field and that he just does not agree with Councilwoman Frische's views. Councilwoman Frische disagreed saying she asked if he was present to be Council's legal attorney as she was told he was their legal attorney on Wednesday. She asked him several times to help Council address the citizens concern, but he could not do that. He could only tell Council that we were going to be sued if we pass the Ordinance which is the problem.

What the Mayor did colored the entire opinion of Council. Mayor Mihalik replied that what she did was get someone who could provide an expert opinion or interpretation of what was included in that Ordinance, which up until the point . . . Councilwoman Frische interrupted (unable to hear what she said) with Mayor Mihalik replying with ok, what she did. Councilman Klein added that Councilwoman Frische should have spent more time talking to Mr. Randazzo about the letter. Mayor Mihalik added that up until that point, Council had no idea that HWE was asking for exclusivity for service in the City of Findlay. Council did not know that. Mayor Mihalik asked Councilwoman Frische if she realized that HWE was asking for a monopoly for power service in the city of Findlay. Councilwoman Frische replied that she knows that the wordage was put into the franchise modification a year ago. It was addressed by AEP's legal counsel, by HWE's legal counsel, and by our legal counsel. Everybody agreed that it was acceptable language. Mayor Mihalik asked Councilwoman Frische if she realize that when HWE was asking for a monopoly. Councilwoman Frische replied she asked our Law Director last Wednesday who told her there was no problem with it. Law Director Rasmussen replied that Councilwoman Frische has a problem with remembering what happened. This started over a year ago when possible lawsuits were talked about and the exclusivity, so they brought someone in who could deal with it and who has been there and has represented people in those types of cases which is in fact what they are asking for, and they do not deny it. They were asked that the other night and replied yes they want to operate exclusively within their territory. They are asking for a monopoly in their territory and for us not to allow AEP to have their franchise which is city-wide. When a territory is annexed into their territory, they do not want AEP to be able to serve it, so they are asking for a monopoly. Like it or not, that is what is happening. It is up to Council to decide whether they allow that to happen or not. It is not up to him, not up to the Mayor, not up to the Council President, but it is up to City Council.

Councilman Russel noted that he respectfully disagrees with Councilwoman Frische's statement that Council did not ask for questions on Friday. On Friday, July 7, 2017, he sent an email to Don Rasmussen stating:

Don, if we were to pass the new HWE franchise agreement and keep the existing AEP franchise agreement, would not HWE's new Section 2 be replacing new conditions on AEP's existing agreement (i.e. that AEP complied with the certified territories for Electric Suppliers Act and the exclusive territories . . .). That was sent on Friday, July 7, 2017. The response he received back from Law Director Rasmussen was that Mr. Randazzo, who answered that question within a few minutes of his conversations at the Committee of the Whole meeting, is very happy that the Administration reached out to expertise that could answer his specific question about Section 2 and answer it in a professional manner and also provided him some background about how franchise agreements work. He is happy Mr. Randazzo made the effort to get here in part to answer that specific question.

Councilman Monday asked if anyone will have any agenda items for the August Appropriations Committee meeting. No agenda items were brought up, so there will not be an Appropriations Committee meeting in August unless something is brought forward for the agenda in the meantime.

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting has been rescheduled from July 13, 2017 to July 20, 2017 at 4:00pm in the first floor Council Office (CO).

- agenda:
1. 801 S Main Street re-establish non-conforming use
 2. 719 Tiffin Avenue re-establish non-conforming use
 3. South Main Street vacation
 4. 301/305 West Front Street and 210 South West Street rezone

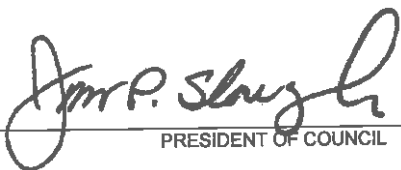
Councilman Watson reminded Council that there is a **Dazel Ditch hearing** on July 27, 2017 at 6:30pm at the CUBE. That conversation has been going on for a very long time. He is unable to attend the meeting. He has a lot of constituents that live along the ditch. He encouraged Councilmembers to attend the hearing. Councilman Russel noted that a while back, Jill Schroeder came and presented a document to Council showing all of the flooding problems with Dazel Ditch. Even though she no longer lives in that neighborhood, she still keeps in touch and remains active on the issue. She is one citizen making a difference. He hopes the Dazel Ditch hearing is a meeting that resolves some issues and starts the process of getting the ditch clean. He pointed out that a few years ago, the City dedicated some capital money to assist in the cost. He asked if that money is still available and how much is there. Mayor Mihalik replied she believes it is three hundred thousand dollars (\$300,000), but will double check it as it was four (4) years ago when it was put in the plan. Twenty thousand dollars (\$20,000) has already been appropriated. The City petitioned the County Commissioners to do this four (4) years ago. There is a portion of the Capital Plan that is contributed to Dazel Ditch to help defray the cost of the improvements.

Mayor Mihalik: **STRATEGIC PLANNING** meeting on August 8, 2017 at 5:00pm (will be addressed at the end of the Mid-Year Budget Review meeting). She would like to share the Strategic Planning process of the City's life cycle since the very beginning (where we have been, how we got there, where we are at now and what we are using it for). She asked if this could be discussed at the tail end of the mid-year budget review since everyone will be there. She anticipates it to not take longer than twenty to twenty-five (20-25) minutes. Councilmembers shook their heads in agreement.

Mayor Mihalik noted that there are many conducting disaster assessments in the City. It is a wide spread event due to the flash flooding last Thursday morning as well as the ravine flooding that happened Thursday afternoon through this past weekend. State EMA are looking at the hardest hit areas and the Red Cross are conducting assessments. There are a lot of residences that experienced damage, but did not report it. Some had water running along the foundation of their homes with some of it going into their basement windows. Some even had water on the first floor of their homes from the flash flooding event which is a different event than what was seen immediately after. She asked Findlay residents to contact the Mayor's Office if they received damage to their property, regardless of the amount of damage. The City is working with FEMA and the EMA to try to get an accurate total of how many structures were affected with minor damage, major damage, and those that were destroyed. The more information that is gathered, the more assistance those who may not have flood insurance may be able to get. Back in 2007, the event was much more significant than last week's flash flood event. When residents affected by the 2007 flood received individual assistance from FEMA, they were required to have flood insurance, so if a flood event happens again, they will have a resource to pull from. The threshold is twenty-five (25) or greater majority damaged structures without insurance. The City needs to know who city-wide had damage and to what extent. Those who did not already approach the American Red Cross or EMA should contact the Mayor's Office (419) 424-7137 or email Mayor@findlayohio.com so that it can be documented and then will be forwarded to the Ohio EMA for a disaster assessment. We will need to know how much water they received and where it was (basement, first floor, etc.). We are asking residents to call in because it was such a wide-spread event that affected many residences and not just in a particular area. We are trying to get the most help for those who may need it. Even if they are not reporting the information to EMA or the American Red Cross, the Mayor's Office still needs to know.

President J. Slough adjourned Council at 9:11pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL