

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

August 15, 2017

COUNCIL CHAMBERS

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

ABSENT: none

President Pro-Tem Monday opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

ACCEPTANCE OR CHANGES OF MINUTES AND PUBLIC HEARINGS:

- Councilman Harrington moved to accept the revised July 18, 2017 Regular Session City Council meeting minutes. Councilman Klein seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the August 1, 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 Russel moved to add the following to tonight's agenda. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

ADD-ONS:

- Letter from Safety Director Schmelzer - gas aggregation (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
- Letter from Councilman Russel - 2017-021 bicycle riding in downtown business district (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
- Ordinance No. 2017-084 - gas aggregation (**LEGISLATION** section)

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS: - none.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS:

Emily Hunter - Marsy's Law

Ms. Hunter is the Northwest Ohio Field Director for Marsy's Law. Marsy's Law is a citizen-initiated constitutional amendment for equal rights for crime victims. All of the rights mentioned in this amendment are already law in the Ohio Revised Code. This amendment enforces these rights making them exactly equal to the rights of the accused. The ballot language has already been certified. They are officially on the state-wide ballot for this November. The major policy change that Marsy's Law focuses on is for the victim, victim's attorney, and the prosecutor to petition the courts when their rights are denied. Right now, they are seeing many victims being re-victimized through the system simply because their rights are not being enforced. The aftermath after a traumatic event is almost always far worse for the person than the event itself. She is a survivor of a sexual assault when there was not much justice in her case, so she made it her mission to fight until the very end to make sure no other victim has to go through what she has been through. Marsy's Law has an eighty-seven percent (87%) informed voter approval with plenty of financial support in the wide-range of bipartisan support endorsements from over two (2) dozen house and senate members. There are over two hundred (200) local official endorsements, plus the wide range of advocacy groups and centers state-wide. She handed out her business card and endorsement forms for anyone interested in supporting victims' rights.

Discussion:

Councilman Hellmann asked Ms. Hunter for her name and where she is from. Ms. Hunter replied her name is Emily Hunter. She is from Columbus, Ohio. She travels to this region three (3) times a week to meet with local elected officials.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Income Tax Monthly Collection Report - July 2017. Filed.

Findlay Police Department Activities Report - July 2017. Filed.

Safety Director Paul Schmelzer - Fire Department SCBA

As part of our Capital Improvement Plan, the need to replace the self-contained breathing apparatus for the Fire Department has been identified. A grant for the replacement has been pursued multiple times. Chief Eberle was successful this round. This is a significant financial impact, and Chief Eberle did a great job. The exhaust removal system was not funded, but this is a big win. Legislation to appropriate and transfer funds is requested. Ordinance No. 2017-081 was created.

FROM:	CIT Fund - Capital Improvements Restricted Account	\$ 28,543.00
FROM:	Dept of Homeland Security Assistance to Firefighters Grant	\$ 285,432.00
TO:	AFG for SCBA Grant #31951300	\$ 313,975.00

Filed.

Director of Public Service Brian Thomas – annual Community Park Improvement Program Grant

The City of Findlay Public Works Department once again is applying for the annual Community Park Improvement Program Grant through the Hancock Park District. They are requesting five thousand dollars (\$5,000) to add two (2) drinking fountains, one each at Riverside Park and Swale Park. The Public Works Department will be performing all the labor on the project. An alternate request is five thousand dollars (\$5,000) for tree replacement in several City parks. The Hancock Parks Grant is offered each year to communities within Hancock County to improve their park systems. This grant is then divided among the communities that request the available funds. These funds are at no cost to the community and do not require matching funds. The City has completed many projects in our parks using these grant dollars. One of the requirements of the grant is to obtain project approval during a public meeting from its governing body. Council's approval to apply for this grant and for these projects to be funded by that grant is requested.

Discussion:

Councilman Monday requested this letter be read. All were in favor. The Council Clerk read the letter in its entirety.

Councilman Hellmann moved to authorize applying for said grant, seconded by Councilman Klein. All were in favor. Filed.

Findlay Municipal Court Activities Report – July 2017. Filed.

Findlay Fire Department Activities Report – July 2017. Filed.

Board of Zoning Appeals Minutes – July 20, 2017. Filed.

Service Director/Acting City Engineer Brian Thomas – Clearwell Retaining Wall Project No. 35756300

The construction on the clearwell retaining wall has been completed. During the flood that occurred in July, it was noted that the flood water is still running around the west end of the wall to enter the treatment plant area. While the contractor still has his equipment onsite, the Water Department would like to extend the wall on the west end of the clearwell to help keep any future flood water from entering the plant area. The additional cost for the contractor to complete this work is fifteen thousand dollars (\$15,000). The Water Department would also like to order some precast retaining wall blocks so that they can install a retaining wall along the path that runs from the Blanchard Greenway Trail up to the sidewalk on Blanchard Street. This area is more difficult to maintain due to the existing slope and the retaining wall would allow them to flatten out the area. The cost for the material is thirteen thousand dollars (\$13,000) with the Water Department providing the labor to install. The additional costs will bring the cost of the project up to two hundred twenty-five thousand nine hundred seventy-one dollars (\$225,971) which is still less than the two hundred fifty-six thousand dollars (\$256,000) which is listed in the approved Capital Improvement Plan. At this time, an appropriation for additional construction costs is needed to cover the additional wall extension work and the material cost for the precast retaining wall blocks. Legislation to appropriate and transfer funds is requested. Ordinance No. 2017-082 was created.

FROM: Water Fund	\$ 28,000.00
TO: Clearwell Retaining Wall Project No. 35756300	\$ 38,000.00

Filed.

Service Director/Acting City Engineer Brian Thomas – Lakeview Park Emergency Storm Sewer Repair Project No. 35577300

During the flood event that occurred in July, it was determined that there was a problem with the outlet of one of the ponds in Lakeview Park. The Sewer Maintenance Department has discovered a location where the sewer had collapsed and requires immediate repairs. Due to the urgency of the project, informal bids were requested from three (3) local contractors. Due to the timeframe for the project, only one (1) contractor provided a price for the repair work. The Engineering Department reviewed the pricing and determined that it was reasonable. The lowest and best pricing of forty-two thousand nine hundred seventy-five dollars (\$42,975.00) was received from Helms & Sons Excavating of Findlay. The Sewer Maintenance Department was able to pump the water out of the sewer so that the condition of the rest of the sewer could be evaluated. It has now been determined that there is an additional ninety feet (90') of sewer that needs to be replaced. This pipe has cracked, deformed and could collapse at any time. If the pipe collapses, it will result in a sink hole and since part of the sewer is located under the pavement, the road could be affected. The contractor has agreed to complete the extra portion of the work on a time and materials basis and has provided the Engineering Department with a complete breakdown showing estimated material, man hours, pay rates, etc. Engineering has reviewed the breakdown and has determined that all of the items included are reasonable. The maximum price for the additional work is seventy-two thousand nine hundred fifty-eight dollars (\$72,958). Due to the emergency nature of the repair work (to eliminate potential damage to private property and the public roadway in the event of a sewer collapse and/or a heavy rain event), Engineering is requesting that the formal bidding process be waived and the project be allowed to move forward with the cost estimates supplied. Legislation to waive the formal bidding process and appropriate and transfer funds is requested. Ordinance No. 2017-083 was created.

FROM: Sewer Fund – Stormwater Restricted Account	\$ 115,933.00
TO: Lakeview Park Storm Sewer Repair Project No. 35577300	\$ 115,933.00

Discussion:

Councilman Russel asked how the storm sewer got in the condition it is in. Service Director/Acting City Engineer Brian Thomas replied it is hard to tell. It could have had something to do with installation or might have been some bad pipe. It is supposed to be a forty-eight inch (48") circular diameter pipe, but is crushed to an oval of about two feet (2') tall by three feet (3') wide. Councilman Russel asked if it is plastic. Service Director/Acting City Engineer Brian Thomas replied it is. It is the pipe that is supposed to be in there. He is unsure what happened to it. The top of the pipe is about fifteen feet (15') below grade. If it came up at about a forty-five degree (45°) angle, it would be a thirty feet (30') diameter circle at the top. If it collapses, it will do some damage as it is located under the roadway, so he is asking Council to adopt this on an emergency so it can be taken care of before it causes problems. He would hate to be sitting in a car over it if it would happen to go. Councilman Russel then asked if any construction of any house in that area might have caused it. Service Director/Acting City Engineer Brian Thomas replied that equipment would not have been driving over it. It is deep, so he does not believe it has anything to do with the construction of housing in that area. He was not here when it was installed so he is unsure if the storm sewer outlet from the pond was inspected at that time. It is an issue that needs to be taken care of quickly.

Councilman Hellmann pointed out that neighborhood is not that old and there is not a lot of heavy equipment that goes back in that area. He asked if there will be any kind of reimbursement from the contractor. Service Director/Acting City Engineer Brian Thomas replied that he did not look to see how old it was and has not discussed it with the Law Director, but assumes it has been longer than what the City can go after them for.

Councilman Russel asked if the appropriate inspection will be done after it is replaced. Service Director/Acting City Engineer Brian Thomas replied it will be. He and the Law Director will discuss what was there and what is being put in, and will see if the City can go after anyone for a portion of it or all of it.

Councilwoman Frische asked if this is outside of the City. Service Director/Acting City Engineer Brian Thomas replied it has been annexed in.

Councilman Wobser pointed out that he lives in this area, so he will be abstaining from any vote on it. He thanked the City for getting this under control quickly because the lake was not draining and severely affected several of the houses around it. The retention ponds out there have turned into a big soup bowl filling up with water quickly, especially when this pipe completely collapsed and stopped draining. He appreciates the City acting on this before another serious rain came. Filed.

Safety Director Paul Schmelzer – gas aggregation

Bids for gas aggregation with the City's consultant Independent Energy Consultants were reviewed today. Based on their bids, Volunteer Energy came in with the best pricing. Legislation is being added tonight so it can be given a reading ahead of the vote and because the consultant would like to have the agreement in place shortly after September 5th. The aggregation program will function as it has in the past. Residents have the ability to opt out of the program for no charge at any time. Notifications will go out in September with review and opt out period to follow so the program can be in place in December. Ordinance No. 2017-084 was created.

Discussion:

Councilman Harrington requested this letter be read. All were in favor. The Council Clerk read the letter in its entirety.

Councilwoman Frische asked if residents could opt-in instead of opt-out. Safety Director Schmelzer replied that is not what the law says.

Council-At-Large Russel – 2017-021 bicycle riding in downtown business district

Per Councilman Monday's request, Council-At-Large Russel researched nine (9) Ohio communities (Ashland, Fairfield, Lancaster, Lima, Mansfield, Middletown, Newark, Sidney and Wooster) that were identified in the 2012 performance audit, for any restrictions on bicycle riding, specifically in downtown business districts. He did this research as part of his investigation into Ordinance NO. 2017-021 – Bicycle Riding in Downtown Business District. No restrictions on bicycle riding were found on two (2) of those communities, Newark and Wooster, within their Codified Ordinances.

The other seven (7) communities listed specific restrictions:

Ashland = Part Three: Traffic Code – Title Nine: Pedestrians, Bicycles and Motorcycles 373.11(a)

Fairfield = Part Three: Traffic Code – Title Nine: Pedestrians, Bicycles and Motorcycles 373.11(a)

Lancaster = Part Nine: Streets, Utilities and Public Service Code – Title One: Streets and Sidewalks 903.04(a)

Lima = Part Four: Traffic Code – Title Ten: Bicycles, Motorcycles and Snowmobiles 474.06

Mansfield = Part Three: Traffic Code – Title Nine: Pedestrians, Bicycles and Motorcycles 373.11 (a), (b), (c)

Middletown = Part Four: Traffic Code – Title Ten: Bicycles, Motorcycles and Snowmobiles 474.06

Sidney = Part Three: Traffic Code – Title Nine: Bicycles, Motorcycles and Snowmobiles 373.09

Discussion:

Councilman Monday requested this letter be read. All were in favor. The Council Clerk read the letter in its entirety.

COMMITTEE REPORTS:

The WATER AND SEWER COMMITTEE to whom was referred a request from Service Director/Acting City Engineer Brian Thomas to discuss the Township Road 215 Waterline Extension (Project #357743) and Distribution Drive Sanitary Sewer Extension (Project #356755).

We recommend approval of the project with the City paying for the cost of oversizing and referring to the Appropriations Committee. Referred to the Appropriations Committee.

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

A COMMITTEE OF THE WHOLE meeting was held on Tuesday, August 8, 2017 to discuss the City's mid-year debt review.

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

Discussion:

City Auditor Staschiak requested striking the word "debt" from the record. The debt review was first quarter. This was just a regular mid-year review for the second quarter.

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

A COMMITTEE OF THE WHOLE meeting was held on Tuesday, August 8, 2017 for Mayor Mihalik to share the City's Strategic Planning process of the City's life cycle since the very beginning.

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

The PLANNING & ZONING COMMITTEE to whom was referred a request from James Koehler on behalf of Sunnydale LLC to rezone County Road 95 from C2 General Commercial to I1 Light Industrial.
We recommend approval as requested. Ordinance No. 2017-079 was created.

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

Discussion:

Councilwoman Frische asked what Councilman Hellmann's reservation was on not approving this. Councilman Hellmann replied that there is a little sliver of land on the corner of Bigelow Avenue and County Road 95 that was not made part of this request. He feels this will cause problems because this request will be zoned light industrial, and the sliver on the corner that is extremely small will remain commercial. The same property owners on that corner own the larger piece that is being rezoned per this request. This would leave it open to request curb cuts for the remaining piece. It is an awkward situation that he does not agree with. Councilman Russel clarified that is where the corner used to curve and was straightened out about ten to fifteen (10-15) years ago. The part northeast of the curve is a separate lot that was not included in this request for a rezone. The shape of the lot almost follows the old curved road.

Councilman Harrington added that property has been marketed for quite awhile. It is an excellent location for a gas station, but the biggest issue with it is the curb cuts that would be required and would be tough to make it a viable piece of property. It has had a lot of interest. The current owners and the current developer probably want to keep it because it is a prime location for future commercial development.

Councilwoman Frische asked if Mr. Koehler was at the meeting. Councilman Hellmann replied he was not present at the meeting to answer any questions. He asked if it is the same property owner who owns the corner piece that also owns the larger parcel that is going to be developed with some industrial buildings. Councilman Harrington replied there are several owners that make up Sunnydale LLC.

All were in favor. Filed.

The PLANNING & ZONING COMMITTEE to whom was referred a request from Matthias Leguire to vacate Benton Street as platted in Cory's Daniels Etal Addition, City of Findlay from East Sandusky Street to fifty feet (50') south of Carroll Street.

We recommend to vacate an unimproved right-of-way of Benton Street running north from East Sandusky Street to Carroll Street, an unimproved right-of-way of Decker Avenue running east from Benton Street and two (2) unimproved east/west alleyways running east from Benton Street, one to the north of Decker Avenue and one to the south of Decker Avenue. Ordinance No. 2017-080 was created.

Councilman Shindledecker moved to adopt the committee report. Councilman Hellmann seconded the motion. All 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 ON. 021-2017 (*Franchise Agreement letter*) requires one (1) reading. **first reading adopted**
A RESOLUTION AUTHORIZING THE PRESIDENT OF FINDLAY CITY COUNCIL TO SUBMIT A POSITION LETTER REGARDING TERRITORIAL BOUNDARIES BETWEEN HANCOCK-WOOD ELECTRIC COOPERATIVE AND AMERICAN ELECTRIC POWER TO BOTH ENTITIES.

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

RESOLUTION ON. 022-2017 (*No PO*) requires one (1) reading. **first reading adopted**
A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

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

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.

Councilman Wobser moved to table the Ordinance, seconded by Councilman Harrington.

ORDINANCE NO. 2017-073 (*HWE Franchise Agreement*) requires three (3) readings **tabled after 3rd reading on 8/15/17**
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 Wobser moved to table the Ordinance, seconded by Councilman Harrington. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindedecker, Wobser, Frische, Harrington. Nays: Watson.

ORDINANCE NO. 2017-076 (*301/305 W Front St & 210 S West St rezone*) requires three (3) readings **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 301/305 WEST FRONT STREET AND 210 SOUTH WEST STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "C3 DOWNTOWN BUSINESS DISTRICT".

Second reading of the Ordinance.

ORDINANCE NO. 2017-077 (*S Main St vacation*) requires three (3) readings **second reading**
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS SOUTH MAIN STREET ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

Second reading of the Ordinance.

ORDINANCE NO. 2017-079 (*CR 95 rezone*) requires three (3) readings **first reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS COUNTY ROAD 95 REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "I1 LIGHT INDUSTRIAL".

First reading of the Ordinance.

ORDINANCE NO. 2017-080 (*830 E Sandusky St vacation*) requires three (3) readings **first reading**
AN ORDINANCE VACATING A CERTAIN STREET (HEREINAFTER REFERED TO AS 830 EAST SANDUSKY STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2017-081 (*Fire Dept SCBA*) requires three (3) readings **first reading** **adopted during Old Business**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2017-082 (*Clearwell Retaining Wall*) requires three (3) readings **first reading** **adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING 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: Klein, Monday, Niemeyer, Russel, Shindedecker, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Niemeyer. Ayes: Monday, Niemeyer, Russel, Shindedecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-082 and is hereby made a part of the record.

ORDINANCE NO. 2017-083 (*Lakeview Park Emergency Storm Sewer Repair*) requires three (3) readings **first reading** **adopted**
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR/ACTING CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE REPAIR OF THE LAKEVIEW PARK EMERGENCY STORM SEWER REPAIR, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING A REAL AND PRESENT EMERGENCY.

Councilman Klein moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Niemeyer, Russel, Shindledecker, Watson, Frische, Harrington, Hellmann, Klein, Monday. Abstain: Wobser. The Ordinance received its second and third readings. Councilman Klein moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Russel, Shindledecker, Watson, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. Abstain: Wobser. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-083 and is hereby made a part of the record.

ORDINANCE NO. 2017-084 (*gas aggregation*) **first reading**
AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH VOLUNTEER ENERGY SERVICES, INC. TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND NOVEMBER 2017 WHEN THE CURRENT SUPPLY AGREEMENT ENDS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS

Councilman Monday informed Council that David Corbin with Hancock Wood Electric has been before City Council many times. He was informed this morning that Mr. Corbin had triple by-pass surgery. He had a heart attack over the weekend. George Walton, also with HWE, informed him that his surgery went very well and is doing okay. Council expresses their best wishes for a speedy and full recovery.

Councilman Harrington requested Ordinance No. 2017-081 (*Fire Dept SCBA*) be revisited. He moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Klein. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-081 and is hereby made a part of the record.

Councilman Wobser noted that during the last City Council meeting, he requested a Strategic Planning Committee be added to Council's standing committees. He asked for comments and feedback on his proposal. He made a small revision to it per the comments he received and emailed it out to everyone. The revision did not change the overall purpose or procedure, but did change how the committee is chosen bringing it in line with the standing rules of Council. He also asked the Mayor how this would fit in with her planning process. Mayor Mihalik explained during the Committee of the Whole meeting last week that it will fit together very well. He asked for any additional comments to be brought forth during tonight's meeting.

Discussion:

Councilman Hellmann noted that Council President Pro-Tem Monday had mentioned that later in the year, he will be picking a committee pursuant to Council's rules, and if approved tonight, it will be the sixth (6th) standing committee of Council. The committee he picks will pick the Councilmembers that will be on the Strategic Committee.

Councilman Wobser moved to do so, seconded by Councilman Hellmann. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. Motion passed.

Safety Director Schmelzer thanked Fire Chief Eberle for his efforts in pursuing the SCBA grant. He updated Council on the exhaust removal system. He is refining what the pricing looks like and will inform Council on his findings.

Councilman Wobser asked why Councilwoman Frische voted against the **WATER AND SEWER COMMITTEE** report on the Township Road 215 waterline extension project. Councilwoman Frische replied she is not against One Energy putting up a building, but they are outside the City limits. They are asking for roughly one million dollars (\$1,000,000) of City funds to extend the waterline. The current waterline on 99 where Ohio Logistics and Ball Metal are located is a dead-end road. That road was put in through the County TIF. The County put in the original start of the waterline. It was also discussed possibly making that a non-public road. So, there were a lot of unanswered questions on it and it is not a small dollar request. If the City is going to do things infrastructural-wise outside of the City, they need to start bringing things in. So, until she receives some answers, she has reservations on voting in favor of this which is why it was referred to the Appropriations Committee.

Councilwoman Frische pointed out that during the Mayor's portion of the Committee of the Whole mid-year budget meeting last week, Mayor Mihalik requested assigning a committee to discuss marijuana legislation and asked if a committee has been formed yet or if it would be better discussed as a full committee. Mayor Mihalik replied that if Council wants to take on that task, she is fine with that. She had offered up her office staff to research on what communities similar to our size are doing. She did so mainly because Council does not have full-time staff to do so. There have been members of Council who have expressed an interest in helping. She was planning on the Administration and Councilmembers working together so that when it comes before Council for consideration after it has had thorough proper public bedding of what they want to see and do not want to see as it has been a very controversial topic that has caught a lot of interest of Findlay citizens. If it is properly vetted before bringing it before Council, it would be a good quality piece of legislation, but if Council wants to run with it, she is fine with that too. Councilwoman Frische replied she was thinking maybe a Committee of the Whole meeting for further discussion on it. She feels it needs to come to a committee before it comes right to Council. Mayor Mihalik replied that she anticipates there will be many meetings, committee input, and public hearings before it comes to Council as legislation. Councilwoman Frische asked if that will be before the end of the year. Mayor Mihalik replied within the next thirty to sixty (30-60) days.

NEW BUSINESS

Councilman Monday: **APPROPRIATIONS COMMITTEE** meeting on August 29, 2017 at 4:30pm in the third floor conference room of the Municipal Building (CR1).

agenda: Township Road 215 Waterline Extension (Project #357743) and Distribution Drive Sanitary Sewer Extension (Project #356755).

Councilman Russel made a motion to excuse the absence of Council President Slough. Seconded by Councilman Harrington. All were in favor. Filed.

Mayor Mihalik placed one of the new City sanitary sewer manhole covers at the front of the room. The new covers are the City's logo and are painted black. Engineering Department employee Jeremy Kalb prompted the design change. The City has had the same previous manhole cover for many years. Councilman Wobser asked how much they cost. Service Director/Acting City Engineer Brian Thomas replied seven hundred fifty dollars (\$750). Mayor Mihalik added that it weighs about seventy-five (75) pounds. It cost the City next to nothing to put the new face design on it. Councilwoman Frische asked if every sanitary sewer cover will be redone. Mayor Mihalik replied it will be whenever one is replaced or a new sanitary sewer is put in.

City Auditor Staschiak informed Council that there are a lot of employee polices that are administratively used on a regular basis. Many are aged beyond ten (10) years. Recently, there has been a lot of interest in the City's travel policy. He is in the process of setting up a meeting to discuss the City's travel policy in detail. Deputy Auditor Ginger Sampson is a licensed CPA in the State of Ohio and is very familiar with the rules. She understands the implications on changing anything in the policies as there isn't a lot of room to make any changes. He encouraged any committee chairperson or any Councilmember who wants to be involved in the discussions to attend and learn some of the history behind the policy. In this case, the history is very relevant in understanding the policy. He has not scheduled the meeting yet, but will let whomever is interested in attending when the meeting will be.

Mayor Mihalik introduced Water Treatment Plant Superintendent Jason Phillips who is in the audience tonight. He is from Ottawa, Ohio and is very highly recommended.

Councilman Russel asked for an update on the downtown revitalization project. Service Director/Acting City Engineer Brian Thomas replied the project is progressing. It was a little slow at first. There were some utilities south of Sandusky Street that were not known about, so they had to make some changes to the structures there. Things are going smoother north of Sandusky Street. Storm drainage on the east side of the road is being put in. The subcontractor started putting in the electric, audio and lighting conduits this week. The drainage will be put in next week on the west side of the road. After all the drainage is done, the curbs and sidewalks will be put in which will allow everyone to visually see the progress. Mayor Mihalik added that those impacted by this project in the downtown area have been informed on what has been done and what is to be done along the way. They have worked with the Chamber and the DFID to make sure they are doing everything correctly. She has placed those updates on the City's website. Anyone who wants to be added to the distribution list on the updates can let Service Director/Acting City Engineer Brian Thomas know by email: engineering@findlayohio.com. Councilman Russel requested all of Council be added to the distribution list. Mayor Mihalik pointed out that they are working with downtown property owners who may want to have their sidewalk replaced during that project at a really good rate. Those interested in doing so, should contact the Engineering Department. Councilman Russel then asked if they will make sure sidewalks are walkable. Some pea gravel was put down on the southeast corner of Sandusky Street so that pedestrians could get across. Right now, it is a challenge for the Northwestern Mutual employees to cross the east side of Main Street. They have to walk out onto the street to do so. The southeast corner of Lincoln and Main is not very pedestrian-friendly. Service Director/Acting City Engineer Brian Thomas added that with concerns of local schools starting tomorrow, he talked with the contractors who told him that they are having trouble finding some stone this afternoon, but will make sure that first thing in the morning there are pathways to get across the road so that kids can get to schools. With construction, unfortunately, areas have to be torn up while the work is being done. Councilman Russel asked if the tree pavement lawn area that was dug up today near Wilsons on West Hardin Street is part of the project. Service Director/Acting City Engineer Brian Thomas replied that is not part of this project. It is part of the resurfacing and curb work project. That curb will be replaced and that part of the street is going to be repaved as part of the resurfacing project. Councilman Russel asked if it will be a complete sidewalk in that area. Service Director/Acting City Engineer Brian Thomas replied he will have to double check the plans. Councilman Shindiedecker noted that everyone has been inconvenienced to some extent by the great amount of road work, but it is coming to an end. All four (4) lanes where he lives on North Main Street are paved. He appreciates the hard work everyone has done.

Councilman Hellmann was under the impression that there was going to be new sidewalks from the face of the buildings downtown to the back of the curb, and asked if that will only happen by request. He asked if some will be new, some will be old, and if some will remain broken until they request a new sidewalk. Mayor Mihalik replied that replacement sidewalks are a great cost for some. The City did not do an entire sidewalk replacement because of the expense. Councilman Russel asked if the business owners will be told they can replace the sidewalk at the City's costs in order to be compliant with the Americans with Disabilities Act (ADA) or if they will have to replace it at their cost. Service Director/Acting City Engineer Brian Thomas replied that the ramps are being replaced as part of the project if they are not compliant. Councilman Russel then asked what the protocol is for sidewalks that are heaved. Service Director/Acting City Engineer Brian Thomas replied those will be replaced as part of the project. Councilman Russel asked if he is understanding correctly that regardless of owner participation, there will be good sidewalks downtown. Service Director/Acting City Engineer Brian Thomas replied that is correct.

Service Director/Acting City Engineer Brian Thomas pointed out that back in January, the City submitted an Ohio Department of Transportation (ODOT) TAP application to extend the existing multi-use trail that ends behind the Kodak building on West Main Cross all the way out to Riverbend Park. He received a letter yesterday from ODOT stating they will partially fund it. They liked the project, but have some concerns from Bright Road to Riverbend Park area bridge. Either the walkway will have to be brought up next to the edge of the road, or a new pedestrian bridge. They wanted complete plans for that area before they would fund it. They did fund from the end of the existing path out to Bright Road. They agreed to ninety-five percent (95%) of the cost up to four hundred thousand dollars (\$400,000) for fiscal year 2020. Funds will be available July of 2019. Councilman Russel asked if it will go to the west side of Bright Road, or will it go under Bright Road at the park area there. Service Director/Acting City Engineer Brian Thomas replied plans are to go under the overpass, but he is unsure at this point. If it stops at the road there, he is unsure if it will go under the road or not. Councilman Russel added that the Pathways Action Group applied for funding on that a year or so ago, but was rejected. Pathways is important because it is connecting Bright Road to Riverside Park. He thanked the Administration for their work on this project.

President Pro-Tem Monday adjourned Council at 8:28pm.



CLERK OF COUNCIL



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