

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

September 19, 2017

COUNCIL CHAMBERS

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

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

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

- Councilman Harrington moved to accept the September 5, 2017 Public Hearing minutes for 301/305 West Front Street and 210 South West Street rezone. Councilman Niemeyer seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Hellmann moved to accept the September 5, 2017 Regular Session City Council meeting minutes. Councilman Wobser seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA: - none.

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS: - none.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS:

Melissa Kritzell – National Ovarian Cancer Awareness Month

Councilman Wobser introduced Ms. Kritzell whom he met at the County Fair. Both he and Ms. Kritzell both have something in common that affects both of their families. Ms. Kritzell is the advocate leader with the Ovarian Cancer Research Fund Alliance out of Washington DC and New York. He and Ms. Kritzell discussed Ovarian Cancer Awareness Month which is September, and Ms. Kritzell agreed to come before Council to provide information on it. Ms. Kritzell is a twenty-two (22) year survivor of Ovarian Cancer. She visits Senator Sherrod Brown's Office and Senator Robert Portman's Office in Washington DC, as well as Congressman Bob Latta's Office to obtain more research and awareness funding dollars for this area because this area does not have early detection. She was eighteen (18) when she was diagnosed. Early detection is key to survival.

Discussion:

Councilman Wobser asked Ms. Kritzell to list the symptoms of Ovarian Cancer. With no Ovarian Cancer testing available, women need to be aware of the symptoms. Ms. Kritzell listed the symptoms as bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and/or urinary symptoms such as the feeling of the need to urinate more frequently or more urgently. If a woman has any of these symptoms, she recommended they see either a gynecological gynecologist, or gynecological oncologist. There are only one thousand (1,000) of them.

Councilman Harrington commended Ms. Kritzell for coming before Council tonight and her passion for what has affected her life and the lives of others. As Ms. Kritzell mentioned, early detection is the key to an early diagnosis, so he encourages others to get routine check-ups. Ms. Kritzell pointed out that many are misdiagnosed of having irritable bowel syndrome, the flu, or are put off as something else. Because she was so young when she was diagnosed, her parents and her doctors were not listening to her, so by the time she was diagnosed, she was Stage 3, almost Stage 4. Many times, women are not diagnosed until they are in the later stages of it. Councilman Harrington pointed out that this cancer is not commonly known for children or young woman. Ms. Kritzell replied that children as young as eight (8) or nine (9) have been diagnosed with it. Councilman Harrington encouraged Ms. Kritzell to continue to get the word out and that Council will do all that they can to help.

John Merchant, Dinsmore & Shohl LLP/ Anne Wells – University of Findlay

Mr. Merchant is before Council tonight to propose conduit financing going through the City of Findlay for the refunding of a taxable loan that the University of Findlay made with Fifth Third Bank. He is before Council to talk about the legal portion of it. They are coming to the City because of the bank-qualified capacity to do this on a bank-qualified basis to get the most beneficial interest rate. They usually do this through the Port Authority, but they have run out of their capacity, so instead, they are asking for the City to do it so that the University receives a cheaper rate. If the City does not plan to issue any more debt, they would like to ask for six million dollars (\$6,000,000), but would like to get at least four million dollars (\$4,000,000) before the end of the year. They are requesting that the legislation that was created for this have three (3) readings: one tonight, the second reading during the October 3, 2017 City Council meeting, and a public hearing and third and final reading on October 17, 2017. He introduced Ms. Wells who will discuss the financing and what it was used for.

Ms. Wells informed Council that the original financing was used to construct the Davis Street addition which is the addition to the old Owens that they currently use for their College of Pharmacy operations. They are using additional funding to purchase Ohio Conveyor and then demo a portion of that property into most likely green space or additional parking for Koehler. Their mission is to provide students with meaningful and productive careers in which this financing would assist in that.

Discussion:

Councilman Hellmann asked how this impacts the City's financial position since the City typically does not act as the Port Authority. City Auditor Staschiak replied the City has issued conduit debt the past in the early 2000s, with the last time being 2006. He thinks it is wonderful that they have reached out to the City and that the City does have the capacity. He does not anticipate issuing any debt, especially millions of dollars, in the next couple of months, so the timing works well for the City. He suggested putting in a policy and process in place with a recapture clause for administrative costs to be waivable, at Council's discretion, down the road for special circumstances. The City does incur a little of the cost and time, but nothing significant. He has nothing negative to say about this and thinks it is wonderful that they are doing it. The University has been a great partner in the community. Law Director Rasmussen added that it does not affect Council's ability to issue debt and does not affect our bond rating in any way. There is indemnification through the University.

Councilman Wobser asked what would happen in the case of a default. Law Director Rasmussen replied it is the indemnity with the University. Councilman Wobser asked if the University defaults. Mr. Merchant replied that if that were to happen, Fifth Third has a mortgage on the property there. They have all available remedies to go after the University, and none of it affects the City. In the case of default, it is between the bank and the University. The City would be totally out of it.

President J. Slough introduced Carter Miller in the audience. He is with Troop 338. He is working on his citizenship in the community badge. One of the requirements is attend a City Council meeting. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

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

Findlay Police Department Activities Report – August 2017. Filed.

Findlay Fire Department Activities Report – August 2017. Filed.

Findlay Municipal Court Activities Report – August 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 August 31, 2017
- Open Projects Report as of August 31, 2017
- Cash & Investments as of August 31, 2017
- Financial Snapshot as of August 31, 2017

Discussion:

Councilman Hellmann noted that there are areas with appropriated amounts but nothing has been expensed and no purchase orders pending, so there are dollars sitting idle. He asked what happens to those accounts if the money is still there as it is getting closer to the end of the year. Mayor Mihalik replied that the active projects that are included in the Auditor's Financial Summary reports are due to timing. The City tried to do as much as they could at the beginning of the year which is why they provided Council with their capital requests. They try to get things designed as it is their intent to do things with design and put them out to bid. Sometimes it works out and sometimes it does not. With it only being September, there still is some time to work on them. Radio acquisition is not weather dependent. Councilman Hellmann then asked if the money that does not get spent will roll over to the next year. Mayor Mihalik replied it can within the project. City Auditor Staschiak added that throughout the year, he gives presentations during the meetings or when there are requests to appropriate money, he points out that there is monies that have been appropriated but not spent, which is in the report he is referring to. It is his hopes that Council continues to look at cash management to find ways to modify how things are done so that the need to leverage City dollars can be balanced to continue to get the amount of money that the Administration has been able to get with the ability to continue to use the cash as they see fit or maximize the return on cash as interest rates continue to improve. Filed.

City Auditor Jim Staschiak – RLF Administration

The Hancock Regional Planning Commission has submitted an invoice for their expenses/staff time for RLF administration for March 2017 through June 2017. This is now a routine request where Council has approved requesting the appropriation without going to committee each time. Legislation to authorize a draw from the Revolving Loan Fund account and appropriate \$1,405.45 from the RLF to General Expense #21010000-449400 to pay the invoice is requested. Ordinance No. 2017-093 was created. Filed.

Parks and Recreation Board minutes August 21, 2017. Filed.

Traffic Commission minutes – August 28, 2017. Filed.

Treasurer's Reconciliation Report – August 31, 2017. Filed.

COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the purchase of either one (1) or two (2) Engines for the Findlay Fire Department.

We recommend to replace Engine 4 with a pumper per State bid.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Philip Rooney to vacate all of Aberdeen Drive, Wesleyan Drive, Winston Drive, and Penrose Court, and all that portion of Penrose Drive located north of the south lot line of Lot 76 as extended in the Spring Lake 1st Addition to the City of Findlay, Ohio.

We recommend to approve as requested. Ordinance No. 2017-092 was created.

Councilman Shindledecker I moved to adopt the committee report. Councilman Russel 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 NO. 025-2017 (*no PO*) **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 Monday moved to adopt the Resolution, seconded by Councilwoman Frische. 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.

ORDINANCES

ORDINANCE NO. 2017-021 AS AMENDED (*bicycle riding in downtown business district*) **tabled after 3rd reading on 4/18/17 and during 9/19/17 meeting**
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.

During OLD BUSINESS portion of the September 19, 2017 City Council meeting, a motion was made and seconded to lift it from the table. All were in favor. Then a motion was made and seconded to adopt it, but after discussion, a motion was made and seconded to retable it. The Ordinance remains tabled.

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).

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

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-079 and is hereby made a part of the record.

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

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-080 and is hereby made a part of the record.

ORDINANCE NO. 2017-084 (*gas aggregation*) requires three (3) readings **third reading adopted**
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.

Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Klein, Monday, Niemeyer, Russel, Shindlecker, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-084 and is hereby made a part of the record.

ORDINANCE NO. 2017-087 (*mid-year review – retirement severance payout*) requires three (3) readings **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-088 (*flood appropriation*) requires three (3) readings **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-089 (*waterline extension to County Landfill*) requires three (3) readings **second reading**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE BOARD OF HANCOCK COUNTY COMMISSIONERS FOR THE WATERLINE EXTENSION TO THE COUNTY LANDFILL PROJECT NO. 35710800 DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-091 (*salary ordinance for City Council members, President of Council, Treasurer*) **first reading**
AN ORDINANCE ESTABLISHING THE SALARIES FOR CITY COUNCIL MEMBERS, PRESIDENT OF COUNCIL, AND TREASURER OF THE CITY OF FINDLAY, OHIO, AND REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

First reading of the Ordinance.

ORDINANCE NO. 2017-092 (*Aberdeen Dr/Weselyan Dr/Winston Dr/Penrose Ct vacation*) requires three (3) readings **first reading**
AN ORDINANCE VACATING CERTAIN STREETS (HEREINAFTER REFERED TO AS ABERDEEN DRIVE, WESLEYAN DRIVE, WINSTON DRIVE, PENROSE COURT, AND PENROSE DRIVE VACATION) IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance

ORDINANCE NO. 2017-093 (*RLF Administration*) requires three (3) readings **first reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2017-094 (*U of F refunding on a taxable loan*) requires three (3) readings. Public Hearing on 10/17/17 **first reading**
AN ORDINANCE AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF LEASE REVENUE BONDS PURSUANT TO A MASTER LEASE-PURCHASE AND SUBLEASE-PURCHASE AGREEMENT WITH FIFTH THIRD BANK AND UNIVERSITY OF FINDLAY, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000, THE PROCEEDS OF WHICH WOULD BE USED FOR THE PURPOSE OF FINANCING THE ACQUISITION BY THE CITY OF FINDLAY, OHIO OF AN INTEREST IN THE PROJECT (AS DEFINED BELOW), FOR THE BENEFIT OF UNIVERSITY OF FINDLAY, WHICH OWNS AND OPERATES THE PROJECT, LOCATED WITHIN THE CITY OF FINDLAY, OHIO; AUTHORIZING A TAX EXEMPTION CERTIFICATE AND AGREEMENT; AND AUTHORIZING OTHER DOCUMENTS AND RELATED ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH LEASE REVENUE BONDS.

First reading of the Ordinance

UNFINISHED BUSINESS: **OLD BUSINESS**

Councilman Monday: it was brought to his attention that at least one member of Council would like to have more than one night for the budget hearings. It has been suggested to have two (2) nights from 5:00pm to 8:00pm. President Slough asked him if he would poll Council to see what their thoughts are. Council voted unanimously that two (2) nights would be preferred and the 5:00pm to 8:00pm would also work well. City Auditor also agreed that it is a good idea. Dates have not been discussed, but can be established later. The budget hearing is not usually scheduled until the second week of December. He asked what dates the two (2) budget hearings will be. Councilman Monday replied those dates have not been established yet, and is now just asking if Council wants the hearing to be two (2) separate nights or one (1). City Auditor Staschiak suggested finalizing the dates at the pre-budget hearing which is prior to the next City Council meeting on October 3, 2017. Due to Councilmember's unanimous vote to have the budget hearing on two (2) nights, they will be on two (2) separate dates, dates yet to be determined. The thought of having it two (2) different nights is because Council does not always give their full attention to some of the department heads after they have been in the hearing for three (3) or four (4) hours or more, so Council is providing them a dis-service if they are not given the full attention that they give those at the beginning of the hearing. It will be a win-win not only for the department heads, but also for the City.

Councilman Hellmann asked if a pre-budget hearing date has been determined. City Auditor Staschiak replied that it is scheduled for 6:00pm before the next City Council meeting on October 3, 2017. Councilman Hellmann will not be in attendance for it as he will be out of town. City Auditor Staschiak added that he will have the presentation available the day before if anyone wishes to discuss it ahead of time. The primary purpose and primary function is to share with Council where the City is at financially this year, to ask some questions for next year, and decide on the Capital Improvements allocation at that meeting. This is needed in order to calculate the revenues that go to the General Fund for operational purposes. In light of the comments from the State Auditor on Capital and other items, if Council is considering to raise it to twenty-one (21%) or twenty-two percent (22%), which has been the historic amount, that would be the time to discuss it and be prepared to do so. Mayor Mihalik added that it would be great if Council wants to raise the Capital allocation to twenty-one (21%) or twenty-two percent (22%), but when looking at revenue estimates going into 2018, it does not look like there will be a lot of growth, and with wage increases that are contractual that the City is obligated to and will be accounting for the little bit of growth that will be seen in revenues, it may not be a good idea to raise the percentage point for next year. If a percentage point is taken away from operations to spend on capital, the City will potentially be looking at budget cuts. While it is great to have a conversation about increased capital expenditures, but going into 2018, the City needs to be smart and look to level off spending in terms of what revenue could be for 2018. Councilman Wobser asked if the Mayor will be in attendance at the pre-budget hearings for those discussions. Mayor Mihalik replied she will be.

Councilman Wobser asked if notification is given to Findlay residents about the opt-out program. Mayor Mihalik replied they will receive notification in the mail as soon as the contract is signed by the City. Her office hears a lot of the frustration with it being an opt-out program instead of an opt-in program. The opt-out program allows citizens a better rate for gas if they enroll in the program. That is the way it was set up when Council originally instituted it.

Councilman Russel moved to lift Ordinance No. 2017-021 AS AMENDED off the table, seconded by Councilman Wobser. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance was lifted from the table. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Wobser.

Discussion:

Councilman Monday pointed out that it has been a long time since this Ordinance has been discussed and asked what the provisions are. Law Director Rasmussen replied there are a couple of provisions. One being that when riding on sidewalks, within a business district, bicycle riders are to use the right side of the sidewalk insofar as adjacent to the street, and turn corners slowly and in such a manner to prevent collision. That language wasn't clear on what side it is referring to if a pedestrian is approaching the south and is against the buildings headed north. This ordinance is to amend it to suggest that no person is to ride a bicycle on the sidewalk within the Downtown District. For purposes of this section, the Downtown District is defined as being bordered on the north by the south side of the Blanchard River; on the south by Lincoln Street; on the east by the first north-south alley lying east of Main Street extended both north and south to the intersection of the northern and southern boundaries of the Downtown District; and, on the west by the first north-south alley lying west of Main Street extended both north and south to the intersection of the northern and southern boundaries. Councilman Monday asked if this is passed, how it will be enforced and what the penalty is for violators. Law Director Rasmussen replied they are minor misdemeanors, so the fine would be one hundred fifty dollars (\$150.00) or less. It also did away with the licensing of bicycles because no one was licensing them. Councilman Monday asked if this is passed, if bicyclists choices are to either walk their bike in the downtown area, or ride out in the street with traffic, or ride in the alleys. If a bicyclist wants to be on Main Street, they will have to either walk their bikes or ride with traffic on the street. Councilman Russel added that it creates a dismount zone that necessitates walking a bicycle in an area that has a lot of pedestrians. Just as the Main Street revitalization project is going on, this is another safety measure for pedestrians in downtown. It turns bicycle riders into walking pedestrians, the same as pedestrians on foot. The options are to walk a bicycle in a dismount zone, ride in the street or come to Main Street from East Street or Cory Street, which will be a narrow lane bicycle corridor. In another words, bicyclists can come to Main Street by a different method or different path. He researched how other cities have approached this subject with the vast majority of them having similar legislation in place with safety in mind. He asked how this area will be designated as being a dismount zone. According to the research he has done and what he has seen in other cities, a small icon of "DISMOUNT ZONE" is painted on the sidewalk. Another alternative would be to have signs hung in some manner. From his experience of riding bicycles in downtown areas, the DISMOUNT ZONE painted on the sidewalk is the way to do it. He asked if there has been any thought or consideration on how to inform bicycle riders that they are in a dismount zone. Service Director/Acting City Engineer Thomas replied as of right now, no. He agrees that marking the sidewalks will be a lot easier than finding room for signs. Research will need to be done to find out what the symbol needs to be and the exact wording needs to be so that a template can be made for the Street Department to mark them all the same. Councilman Russel feels this would be difficult to enforce unless a Police Officer would happen to be there at the right time and asked why this Ordinance is needed if it will be lightly enforced. Law Director Rasmussen replied that the investigation that was done revealed that there were quite a few accidents involving not only bikes and pedestrians, but also vehicles and bikes. A Police Officer would have to observe the violation to enforce it, which is true of any violation of any kind. There will not be Officers going up and down the street looking for violators, but he hopes it will get their attention and that they will abide by it. He anticipates the first or second violation will only be a warning. He hopes it will be a warning for a couple of months until the improvements downtown are done and that bicyclists understand what a dismount zone means and not ride their bikes downtown. Educating the public comes from both the Mayor's Office and the Police Department.

City Auditor Staschiak reminded Council that awhile ago, there was a records request for the number of incidents on this subject. There were three (3) or less incidents since there has been a sidewalk ordinance in place. From a liability perspective, it took him almost thirty (30) minutes to get from the University to Little Caesars Pizza. If this Ordinance is passed tonight, the timing of putting bicyclists on the street with everything going on downtown is proper. Councilman Shindledecker noted that his personal preference would be to wait until the Downtown Streetscape project is completed and see what it looks like, but all legislation will die at the end of the year, so instead of going through the same ordeal all over again, he supports this now. He asked if the effective date could be set for some time beyond the first of the year. Law Director Rasmussen replied if it is passed tonight, it will go into effect as soon as it is signed. Councilman Niemeyer feels this should also include skateboards and roller blades. There is a lot of outside restaurant seating on Main Street that is more or less out of control and should have better control instead of picking on bicyclists. Councilman Monday asked if there is already an ordinance for roller blades, roller skates and skateboards in the downtown business district. Law Director Rasmussen replied he believes there is, but is unsure if it just pertains to downtown. He also clarified that the public documents request was just for an area of a couple of blocks. He researched all throughout the City which involved a lot more incidents. Councilman Russel added that he has had numerous conversations with individuals that have had accidents or near misses that did not get reported. He has also talked with a lot of downtown merchants who have echoed Councilman Niemeyer's thoughts about including skateboards and roller blades (things that move). Downtown tables and dining establishments do not move. It is the movement that cause the danger. He has had conversations with the owner of Muddy River Bicycle Company Eric McKee who is a strong advocate for all of his customers, especially his customers who are developmentally disabled who ride tricycles (3-wheeled vehicle). To walk them is very difficult and is not the same as walking a bicycle. He would like to exempt those individuals from this ordinance. Even though there are not many of them, they pose a risk. It would be an accommodation and a compromise that if proved to be unworkable, could be addressed at a later time. He does not believe the Ordinance would be effective immediately after it is signed as there is no emergency clause on it, and would not go into effect until thirty (30) days after it is signed. He is not suggesting this be passed tonight and would prefer it be tabled so that the City Engineer can investigate how the markings would happen. It also gives the opportunity to inform bicyclists about safety in the downtown area and weighing it against the convenience of bicycles being able to ride on sidewalks. It also allows bicyclists and pedestrians to inform Council on what is important to them.

Councilman Wobser would like to have more discussions on this once the streetscape project is done to see how the crossings are going to look. It will play into discussions on downtown restaurants.

Councilman Wobser moved to re-table the Ordinance, seconded by Councilman Russel. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance is tabled.

Councilwoman Frische pointed out that Law Director Rasmussen has been absent at a couple of City Council meetings and asked if he has a replacement when he is not able to attend City Council meetings. She also asked if a protocol could be put in place of who will be Parliamentarian when the Law Director is not present during City Council meetings. Law Director Rasmussen replied that he originally sat in for David Hackenberg when he was the Law Director. He does try to get someone to fill in when he is out. He did try to get someone for the last meeting, but was no one was available. He will always try to have someone available for all City Council meetings. Councilwoman Frische asked when there is no Law Director/Acting Law Director, and since Don Rasmussen is the acting Parliamentarian, if Council is okay with continuing a meeting without representation available. Law Director Rasmussen replied it has happened that way for thirty to thirty-five (30-35) years now. Councilwoman Frische asked who would fill in. Law Director Rasmussen replied it would be Rob Feighner. He was not available for the last City Council meeting.

Mayor Mihalik received a text from Heather Pendleton, who represents the County Commissioners and is working on their behalf, informing her that the Dalzell Ditch objection period has run its course and is now into the bid process. On Thursday, the County Commissioners will hopefully adopt a resolution that will solicit bids which will provide construction costs or at least a bid number. The City has committed to pay a certain amount for that project. She is happy to see it moving forward. Councilman Russel pointed out that Jill Schroder's son Grant brought the Dalzell Ditch document to Council on July 16, 2013. Ms. Schroder is still in Findlay, but is no longer in the neighborhood. She and Mr. Givens were the one who got the Dalzell Ditch cleaning project started. Mayor Mihalik pointed out that they originally petitioned the ditch to be cleaned. She signed the petition back in 2013. This has also been done on Oil Ditch and Howard Run and are now waiting on the process to play out for the Dalzell Ditch project.

NEW BUSINESS

Councilwoman Frische is a voting member on the ESID Board. During one of their recent meetings, there were discussions on errors and omissions insurance. She asked when a Councilmember is on a board as a voting member if they are covered by the City's errors and omissions insurance. Law Director Rasmussen replied they would be if they are performing their duties as part of being a Councilmember. Councilwoman Frische noted that she is Treasurer on that board and wants to be sure she is covered as a Councilmember. Law Director Rasmussen replied that she would be as long as she is in her position as a Council representative. Councilman Harrington added that he is a representative for the Revolving Loan Fund (RLF) and checked into this and concurs with the Law Director's answer as it is what he also found out and was also concerned about because sometimes there are some issues that could come up.

Councilman Russel asked for an update on the Downtown Revitalization project. Service Director/Acting City Engineer Brian Thomas replied that the contractor's plan is to have everything done by the end of the week. They plan to have all of the curb work, all of the curb ramps, and at least a six foot (6') wide path on the east side all the way up to Center Street, and then on the west side from Center Street down to at least Front Street, and possibly Main Cross, if the weather permits. They are trying to focus on getting the curb, curb ramps, and the medians in so that paving can start. Paving is the bigger time crunch. They can go back in and fill in sidewalk here and there after the asphalt is in, but cannot get the asphalt in before the plans close. There has been some congestion at Center Street, but will hopefully as soon as tomorrow, it will be better with the curb poured on the west side. There will be enough room there to open up a second lane. There will be signage there. The left lane will be for left turns and the right lane will be for through traffic which should help speed things up in that area. The other tie up seems to be at Main Cross. The goal is to get that in by the end of the week or beginning of next week which will help clear up that area. The landscapers are working on the irrigation on the east side. That is not in the way of the project and should not be an issue.

Councilman Harrington asked for an update on the Halloween parade. Service Director/Acting City Engineer Brian Thomas replied they have met with members of the Halloween Parade Committee. By the time the parade is here, all the curbs and sidewalks on both sides should be done and the median should be in. The final layer of asphalt most likely will not be down by then, but all the concrete work will be done. The parade will still be the same route as last year starting at Center Street going to Lincoln Street. They will try to keep the pedestrians back as far as they can so that they are not in the road with the asphalt not being down and with there being a lip at all the manholes. Discussions at the meetings suggested that when someone comes upon a median, they should drive on the right or left side of it. Other routes for the parade were discussed but there was concern with where people would stand to avoid not being in someone's yard, so they decided to keep the same route, which should not be a problem.

Councilwoman Frische asked what the plans are for the Veterans' Day parade with it being at the end of this month. Service Director/Acting City Engineer Brian Thomas replied that all the work on that side will be done and will not interfere with that parade.

Mayor Mihalik notified Council that the north side water tower received at least one award this year. It has been given a second place award by Weftec, which is a trade organization for paint and water. She will be driving to Chicago to pick up the award in October. It is also up for some additional awards that will be awarded towards the Christmas season. Service Director/Acting City Engineer Brian Thomas pointed out that Findlay was hoping for first place, but the first place award winner went to a small community in South Carolina who could not afford to upgrade their system, so a contractor donated all his time, labor, and materials for it. The committee deemed it was a larger impact. Councilman Hellmann asked who designed the graphic for Findlay's water tower. Mayor Mihalik replied it was an idea from Safety Director Schmelzer that was refined by a couple of local individuals who worked with the paint company to come up with the final design. The goal was to recognize all veterans so that they know that this community appreciates and salutes them for their service to their country. Councilman Hellmann replied it was well done. He has received many compliments from those passing through town. Mayor Mihalik noted that she has traveled a lot of places and has never seen a water tower like it.

Councilman Russel reminded Council that the annual Flag City Honor Flight to Washington DC is tomorrow, September 20, 2017 for our Veterans. They will be flying out of Toledo Express Airport. They usually get in around 10:00pm. Details can be found on <http://flagcityhonorflight.org/>, Facebook, or Councilman Russel has them. It is something to see. President Slough added that he will be there. His Father-in-law is going on the trip.

Councilman Hellmann asked if the delays at Center Street and North Main Street are not fixed soon if a Police Officer could be in that area during high traffic volumes to help coordinate some of that confusion. Service Director/Acting City Engineer Brian Thomas replied it is something that can be looked into. Mayor Mihalik added that construction is construction. If someone's final destination is not downtown and are just passing through trying to get from the north end to the south end or vice versa, there are several north/south corridors in Findlay. When this project is complete, downtown will be more of a destination instead of a thoroughfare. The mid-block crossings will slow traffic down creating a safe environment in the downtown areas so that when motorists are making turns, bicyclists are riding their bikes, pedestrians are walking in that area, they will be in a safe place. Western Avenue, Broad Avenue, Blanchard Street still go north and south. She will talk with the Police Department to see if an Officer can help move traffic along, but until those behaviors change, it will be clogged up for awhile. Councilman Hellmann noted that curb is going to be fixed during the construction. Mayor Mihalik replied that when two (2) lanes are back open, it will make a big difference. Councilman Hellmann noted that he has had a couple of phone calls on the matter, so that is why he brought those questions up.

President Slough pointed out that the City Auditor's Office has received an award and asked City Auditor Staschiak to provide the details on that award to Council. City Auditor Staschiak replied that the Comprehensive Annual Financial Report was released by the State Auditor's Office. The City Auditor's Office received an award of Distinction for the City. A .pdf of it has been posted on the City's website under Elected Officials, on the City Auditor's page. There is also a hard copy of it with the Findlay-Hancock County Public Library. He asked if anyone does not want their hard copy to give it back to the Auditor's Office because they have several to distribute. The document is a big part of their debt disclosure.

President J. Slough adjourned Council at 8:30 pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL