

FINDLAY CITY COUNCIL AGENDA

REGULAR SESSION

FEBRUARY 20, 2018

COUNCIL CHAMBERS

ROLL CALL of 2018-2019 Councilmembers

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Acceptance or changes to the February 6, 2018 Regular Session City Council meeting minutes.

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

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS:

PETITIONS:

Zoning amendment request – 2350 Keith Parkway

Philip Rooney on behalf of Strauch III, Ltd., would like to change the zoning to I-1 Light Industrial. It currently is zoned C-2 General Commercial. Needs to be referred to City Planning Commission and Planning & Zoning Committee.

Alley vacation request – 916 S. Main St

David and Julie Williamson-Wright are requesting to vacate the south seven feet (7') of Elm Street right-of-way adjacent to Lot 1377 of the Barnd's First Addition (201.19 feet by 7.0 feet). Needs to be referred to City Planning Commission and Planning & Zoning Committee.

Petition for Annexation – Humble Robinson/Strauch Annexation

A petition for annexation to the City of Findlay filed by Philip Rooney on behalf of Humble Robinson Group, LLC and C. Randolph Strauch on February 13, 2018. It was initially submitted on November 15, 2017 with City Council adopting Resolution No. 028-2017 (services City will provide if annexed into the City), but the County Commissioners have changed the acreage from 48.920 to now be 49.068 to include a portion of Crystal Avenue right-of-way. A legal description for said property is attached with the petition. The property requested to be annexed is in Marion Township, Hancock County. Referred to Law Director for a Resolution of Services. Resolution No. 006-2018 was created.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS: - none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Design Review Board minutes – November 2, 2017, November 30, 2017, January 11, 2018 and February 8, 2018.

Findlay Municipal Court Activities Report – January 2018.

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 January 31, 2018
- Financial Snapshot for General Fund as of January 31, 2018
- Open Projects Report as of January 31, 2018
- Cash & Investments as of January 31, 2018

Board of Zoning Appeals Minutes – January 11, 2018.

Treasurer's Reconciliation Report – December 31, 2017.

Service Director/Acting City Engineer Brian Thomas – fire hydrants

Water Distribution purchases all fire hydrants that are installed in the City of Findlay to make sure that they meet all of our standards. When there is a construction project that involves the installation of new hydrants, the contractor is required to purchase the hydrants from Water Distribution. The County's contractor has started work on the project to extend the waterline to the landfill which will also complete the waterline loop between CR 99 and SR 613. This project includes twenty-three (23) hydrants which is half (1/2) of what Water Distribution has budgeted for purchasing hydrants. When the contractor pays for the hydrants, the money goes back into the Water Fund and does not go back into the budget so that more hydrants can be purchased. Legislation to appropriate funds is requested. Ordinance No. 2018-015 was created.

FROM: Water Fund

\$ 48,500.00

TO: Water Distribution #25053000-other

\$ 48,500.00

Service Director/Acting City Engineer Brian Thomas – HAN-Findlay FY18 Resurfacing (PID100183), Project No. 32876300

By authorization of Ordinance No. 2017-070, a bid opening was held for this project on February 8, 2018. Bids were received from four (4) potential contractors with bid amounts ranging from \$718,598.52 to \$854,278.99. The lowest and best bid was received from Helms & Sons Excavating of Findlay, Ohio. Previously, an amount of \$1,000 was appropriated to the project for startup. An appropriation for construction, inspection and contingency is needed to complete the project. Legislation to appropriate and transfer is requested. Ordinance No. 2018-016 was created.

FROM: ODOT	\$ 632,366.00
TO: HAN-Findlay FY18 Resurfacing (PID100183), <i>Project No. 32876300</i>	\$ 632,366.00
FROM: CIT Fund – Capital Improvement Restricted Account	\$ 166,634.00
TO: HAN-Findlay FY18 Resurfacing (PID100183), <i>Project No. 32876300</i>	\$ 166,634.00

Service Director/Acting City Engineer Brian Thomas –WPC Bar Screens, Project No. 35620900

This project has been complete for some time and was closed back in December 2017. Retainage was released and the remaining funds were transferred back to the Sewer Fund. A final order in the amount of \$6,530.40 remains unpaid. An appropriation of funds is needed to complete the change order. Legislation to appropriate funds is requested. Ordinance No. 2018-017 was created.

FROM: Sewer Fund	\$ 6,530.40
TO: WPC #25061000-other	\$ 6,530.40

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for DJB 1 LLC dba Stevi Bs Pizza, 7535 Patriot Dr, Findlay, Ohio for a D1 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – DJB 1 LLC dba Stevi Bs Pizza, 7535 Patriot Dr, Findlay, Ohio. A check of the records shows no criminal record on the following:
Daniel Burket

City Planning Commission agenda – March 8, 2018; minutes – February 8, 2018.

COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service-Safety Director to discuss the 2018 Capital Improvements Plan.
The 2018-2022 Capital Plan was discussed. Ordinance Nos. 2018-019 and 2018-020 were created.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 006-2018 (*Humble Robinson/Strauch Annexation (services City will provide)*) **requires three (3) readings** **first reading**

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST FORTH (1/4) OF SECTION 5, T1N, R11E, A TRACT OF LAND CONSISTING OF 49.068 ACRES OF LAND, MORE OR LESS.

City Council adopted Resolution No. 028-2017 (services City will provide if annexed into the City) during the December 19, 2017 City Council meeting, but the County Commissioners are changing the acreage from 48.920 to now be 49.068 to include a portion of Crystal Avenue right-of-way.

ORDINANCES

ORDINANCE NO. 2018-008 (*Trenton Ave/Main Cross St curbs replacement*) **requires three (3) readings** **third reading**

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-009 (*632 Davis St rezone*) **third 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 632 DAVIS STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX, HIGH DENSITY".

ORDINANCE NO. 2018-013 (*waterline extension to County Landfill*) requires three (3) readings
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

second reading

ORDINANCE NO. 2018-014 (*income tax ordinance*) requires three (3) readings
AN ORDINANCE ENACTING CHAPTER 196 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY ENTITLED "CHAPTER 196, FILING NET PROFIT TAXES" AND DECLARING AN EMERGENCY.

first reading

ORDINANCE NO. 2018-015 (*fire hydrants*) requires three (3) readings
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

ORDINANCE NO. 2018-016 (*HAN-Findlay FY18 Resurfacing (PID100183)*) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

first reading

ORDINANCE NO. 2018-017 (*WPC Bar Screens, Project No. 35620900*) requires three (3) readings
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

ORDINANCE NO. 2018-018 (*renewal Coca-Cola Enterprises, Inc. contract*) requires three (3) readings
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO RENEW THE CONTRACT WITH COCA-COLA ENTERPRISES INC., THAT EXPIRED ON MAY 31, 2017 AS STATED IN ORDINANCE NO. 2012-042, FOR AN ADDITIONAL FIVE (5) YEARS WITH A NEW EXPIRATION DATE OF MAY 31, 2022, AND DECLARING AN EMERGENCY.

first reading

ORDINANCE NO. 2018-019 (*5-year Capital Plan*) requires three (3) readings
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS, WHERE REQUIRED, AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDINANCE WITH THE 2018 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

first reading

ORDINANCE NO. 2018-020 (*5-year Capital Plan*) requires three (3) readings
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS, WHERE REQUIRED, AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDINANCE WITH THE 2018 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

first reading

UNFINISHED BUSINESS:

OLD BUSINESS
NEW BUSINESS

PETITION FOR ZONING AMENDMENT

TO THE COUNCIL OF THE CITY OF FINDLAY, STATE OF OHIO:

We, the undersigned owner(s) of the following legally described property, hereby request consideration of a change in zoning district classification as specified below:

ADDRESS 0 Keith Parkway **SUBDIVISION** East Melrose Business Park

LOT No.(s) Seven (7)

If a rezoning request involves more than one parcel, City Code requires that the petition be signed by the owners of at least fifty per cent (50%) of the frontage of the lots under consideration. If applicable, owners must fill in the following section:

SIGNATURE	SUBDIVISION	LOT NO.	STREET FRONTAGE
	<u>East Melrose Business Park</u>	<u>7</u>	<u>125'</u>

Strauch III, Ltd., by: C. Randolph Strauch

IF NOT LOCATED IN A RECORDED SUBDIVISION, ATTACH LEGAL DESCRIPTION

EXISTING USE vacant ground

PRESENT ZONING DISTRICT C-2

PROPOSED ZONING DISTRICT I-1

ATTACH:

- a. Vicinity map showing property lines, streets, and existing and proposed zoning.
- b. List of all property owners within, contiguous to, and directly across the street from the proposed rezoning.

NOTE: COMPLIANCE WITH ABOVE REQUIREMENT IS EXTREMELY IMPORTANT. FAILURE TO NOTIFY ANY PROPERTY OWNER FALLING WITHIN THIS CRITERIA WILL POSSIBLY INVALIDATE THE REZONING ORDINANCE PASSED AS A RESULT OF THIS PETITION.

c. A written statement of the reason for the request and justification for the change.

d. If the area to be re-zoned is a portion of a parcel, a survey must be done for the portion to be changed and it must be recorded as a new parcel at the County Recorder's office

Name of Owner Strauch III, Ltd.

Name of Contact Person if other than owner Philip L. Rooney
(A letter granting person to act on Owner's behalf must accompany application if not signed by Owner)

Mailing Address 320 S. Main Street, Findlay, Ohio 45840

Phone No. (Home) 419-788-0183 (Business) 419-425-3821

Email: prooney@flagcitylaw.com

1/26/18
Date


Signature of contact Person

OFFICE USE ONLY

\$250.00 Fee Paid _____ \$100.00 Fee Paid PUD approval _____

Applicable Advertising and Filing Fees Paid _____

Date Petition Submitted to City Council _____

Referral to Planning Commission _____ Referral to Planning & Zoning _____

Planning Commission _____ Disposition _____

Planning & Zoning _____ Disposition _____

Public Hearing Date Set By Council _____ Date
of Newspaper Notice _____

(Must be mailed at least 30 days prior to Hearing)

Date of Notice to Abutting Owners _____
(Must be mailed at least 20 days prior to Hearing)

Referred for Legislation: _____

Date of Readings by Council:

First _____ Second _____ Third _____

Action by Council: _____ Ordinance No. _____

[Print](#) | [Back](#)

Hancock County GIS



Notes

**Adjoining Property Owners
Strauch III Rezoning**

**C. Randolph Strauch
780 South Suncoast Blvd.
Unit 4
Homosassa, FL 34448
Parcel Nos. 330001022540 &
570001019010**

**COI Findlay Industrial 216 LLC
4900 Main Street
Kansas City, MO 64112
Parcel No. 210001030169**

**Gabico, Inc.
427 West Sandusky Street
Findlay, Ohio 45840
Parcel No. 570001019008**

**Lesla M. Smith
22283 Twp. Road 177
Forest, Ohio 45843
Parcel No. 210001030170**

**Reason for Rezoning
Strauch III Rezoning**

The subject property is located south and east of parcels that are being developed for industrial use. Based on the size of the subject parcel and its location adjacent to intended industrial use and lack of street frontage on a major street, its highest and best use would be for industrial use and not general business use.



ALLEY/STREET VACATION PETITION CITY OF FINDLAY

(Revised May 2017)

TO THE COUNCIL OF THE CITY OF FINDLAY, STATE OF OHIO:

FEE PAID:

\$
ADVERTISING AND FILING FEES PAID
\$

DATE:

/ /

DATE:

/ /

We, the undersigned being owners of property abutting the requested S vacation shown on the attached plat, respectfully petition.
street or alley

Your Honorable Body to vacate the S described as:
street/alley

We would like to petition for a street vacation for our property located at 916 S. Main St. (Lot #1377) The house chimney is currently over the property line by 1.2' so we request a street vacation of 7' on the NW side of the home facing Elm St. so we can remove/replace old fencing w/ updated materials. This will not change the existing situation, as it does not impact any residential property but will improve the property.

Being further described as abutting the following described LOTS in the SUBDIVISION of:

Lot #1377 BARND'S FIRST ADDITION (SEE ATTACHED HOUSE LOCATION CERTIFICATE BY PETERMAN ASSOCIATES ON 1/24/18.)

A \$75.00 fee is submitted to pay for the cost of vacating the above-described S (street or alley).

We agree to pay all costs and/or assessments that are now or have been constructed serving this property. Upon adoption of legislation, applicable advertising and filing fees will be invoiced to the petitioner. A plat of the area showing the portion to be vacated & a list of all property owners on that portion of the alley running from street to street, but not in the request for vacation are attached.

OWNER	ADDRESS	LOT NO.
JULIE A. WRIGHT	916 S. MAIN ST.	#1377
DAVID L. WRIGHT	916 S. MAIN ST.	#1377

TO: Applicants for Street or alley Vacation
FROM: Council Clerk

City law requires persons requesting the vacation of a street or alley to file a petition with City Council. Council then refers the request to the City Planning Commission and the Planning & Zoning Committee for their findings. These committees file their report with Council, who in turn makes the final ruling on the request.

APPLICATION REQUIREMENTS

Petition forms are available in the Council Clerk's Office. It requires the signature of a majority of the property owners that abut the requested vacation. A plat of the area shall accompany the application indicating the street or alley to be vacated. This plat can be obtained from the City Engineer's Office.

In addition to the petition for an alley vacation being signed by the abutting property owners, which is notice, if said proposed alley vacation is less than the full alley funning from street to street, either north and south or east and west as the case may be, then the Clerk will also send notices to the abutting property owners on that portion of the alley extended but not in the request for vacation. For example, if an alley runs from north to south from street A to street B, intersected by a east-west alley, and the request is to vacate the alley running from street A to the intersecting east-west alley, then the abutting property owners on the remaining portion of that north-south alley between street A and street B shall also receive notice of the petition to vacate form the Council Clerk. (Rules of Procedure, as amended, of Findlay City Council).

Ideally, the petition must be signed by all abutting property owners. If not, a Public Notice of Consideration to Vacate has to be advertised in the Courier for six consecutive weeks. The cost of the advertising shall be paid by the petitioner. Anyone wishing to address Council concerning the petition may do so as a result of the publication. This can occur at any of the three readings which Council must give an Ordinance that vacates right-of-way.

FEE

At the time of submitting the request to the Council Clerk, a **\$75.00 non-refundable fee** shall accompany the petition. This is to off-set some of the City's expenses. **Upon adoption of legislation, applicable advertising and filing fees will be invoiced to the petitioner.**

ASSESSMENTS

By law, if there were assessments to the abutting properties for improvements to the street or utilities, the petitioners are to pay the assessment fee for the property being vacated. These assessments, if any, are recorded in the City Engineer's Office. They are requested to be researched for the property upon legislation request. The petitioners will be invoiced for the total expense, and it must be paid before Council will vacate the street or alley.

PLANNING COMMISSION ACTION

Planning Commission action on vacation petitions will be in the form of a recommendation to City Council. Council may then either concur with the Commission's recommendation or override it. Concurring action may be accomplished with a simple majority vote, while overriding action requires a two-thirds (2/3) vote of Council. Notice of the Planning Commission Meeting will be sent from the Engineer's Office to the filer of the petition advising him/her when the request shall be heard.

COMMITTEE ACTION

This Committee's action will be in the form of a recommendation to City Council. Council may then either concur with the Committee's recommendation or override it. Action is a simple majority vote to concur or override the Committee report. Notice of the Planning & Zoning Committee Meeting will be sent by the Council Clerk to the petitioners advising them when the request shall be heard.

CITY COUNCIL ACTION

Once the petition is place on Council's agenda, it will be referred to the City Planning Commission and the Committee with all documentation submitted. Both the City Planning Commission and the Planning & Zoning Committee shall review the request. Upon their findings, Council will request legislation and give it three (3) separate readings if the vacation is to proceed.

In order to vacate a public right-of-way, City Council must adopt an ordinance doing so. Normally, legislation is prepared when the Planning & Zoning Committee recommends that an action be taken. However, appropriate legislation can be drawn at the request of any Council member, whether or not the vacation is supported by the Committee. Ordinances required three readings prior to adoption, and this normally occurs over the course of three consecutive meetings of Council.

A majority affirmative vote of at least five (5) members is necessary to enact a vacation ordinance. If Council disagrees with the Planning Commission's recommendation, it will take six (6) affirmative votes of members of Council to enact a vacation ordinance. The ordinance is not effective until at least 30 days after signing by the Mayor.

Revised 12-05

Name of Owner Julie A. Williamson - WRIGHT

Name of Contact Person if other than owner David WRIGHT (husband)
(a letter granting person to act on owner's behalf must accompany application if not signed by owner)

Mailing Address 916 S. MAIN ST. FINDLAY, OH 45840

Phone No. (Home) (419) 348-0517 (Business) () SAME

Email: davidw3312@gmail.com

2, 13, 2018
Date

[Signature]
Signature of contact person

OFFICE USE ONLY

\$75.00 fee paid _____ Applicable Advertising and Filing Fees Paid _____

Date Petition Submitted to City Council / /

Referral to Planning Commission _____ Referral to Planning & Zoning _____

Planning Commission _____ Disposition _____

Planning & Zoning _____ Disposition _____

Public Hearing Date Set by Council _____

Date of Newspaper Notice _____
(must be mailed at least 30 days prior to hearing)

Date of Notice to Abutting Property Owners _____
(must be mailed at least 20 days prior to hearing)

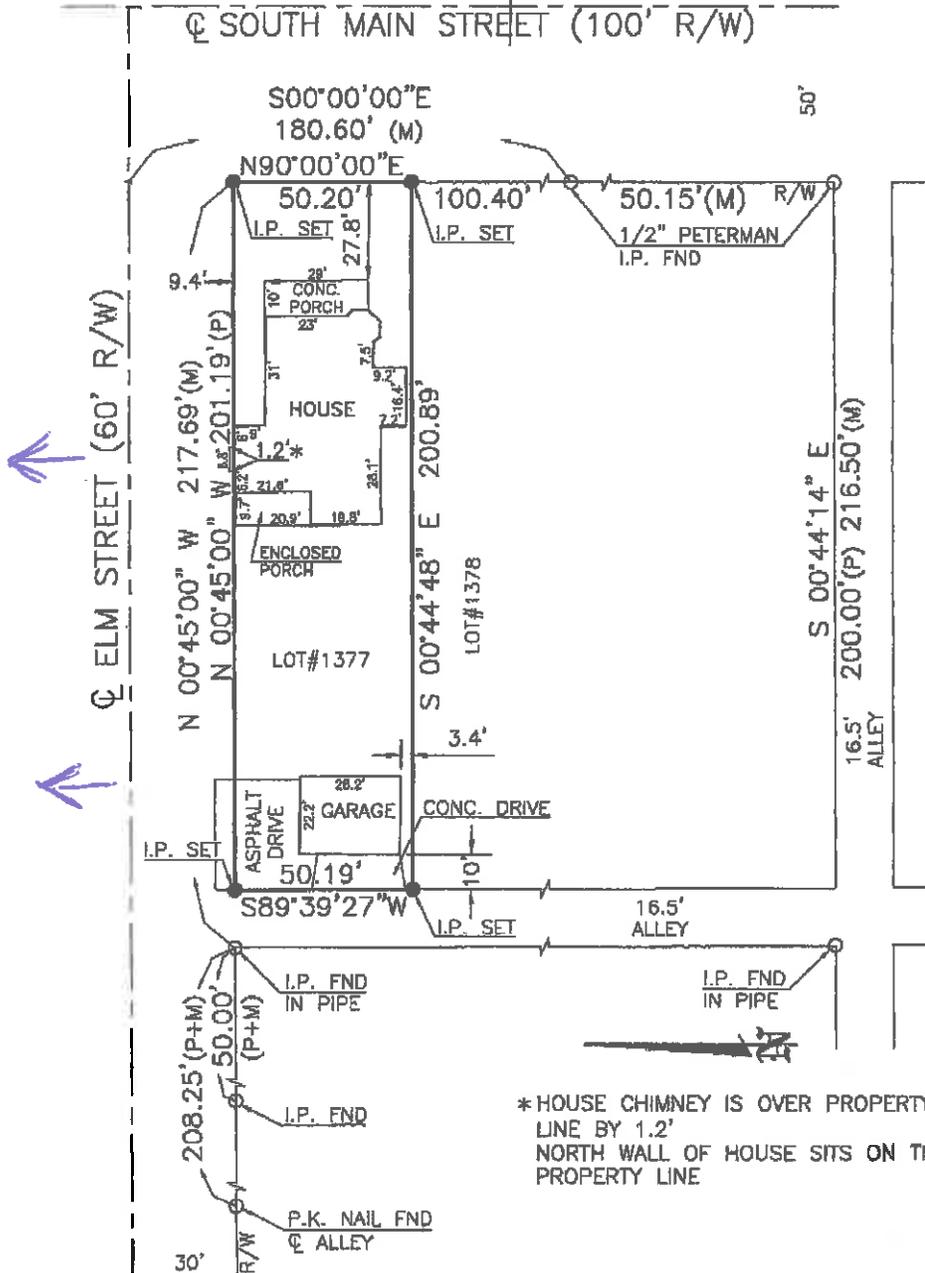
Referred for Legislation: _____

Date of Readings by Council:
First / / Second / / Third / /

Action by Council: _____ Ordinance No. _____

HOUSE LOCATION CERTIFICATE

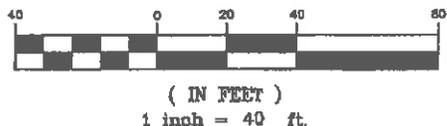
FOR Assured Title Agency and First Federal Bank JOB NO. # 18-0025
 BUYER OWNER NAME: Julie A. Wright
 CITY/VILLAGE Findlay SUBDIVISION Barnd's First Addition LOT # 1377
 TOWNSHIP COUNTY Hancock OHIO
 DESCRIPTION Lot #1377 of the Barnd's First Addition
 PROPERTY ADDRESS 016 South Main Street, Findlay, Ohio 45840



I HEREBY CERTIFY THAT THE FOREGOING PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PREMISES; THAT THE SAME SHOWS THE LOCATION OF THE BOUNDARIES AND ALL IMPROVEMENTS THEREON; THAT THE DIMENSIONS OF THE IMPROVEMENTS AND THE LOCATION THEREOF WITH RESPECT TO THE BOUNDARIES ARE AS SHOWN; THAT THERE ARE NO ENCROACHMENTS BY OR UPON SUBJECT PREMISES UNLESS SHOWN ON THE PLAT; AND THAT ANY EASEMENTS APPARENT FROM VISUAL INSPECTION OF THE PREMISES ARE DELINEATED THEREON.

NOTE: I.P. SET = 5/8"x30" REBAR WITH PETERMAN ASSOCIATES'

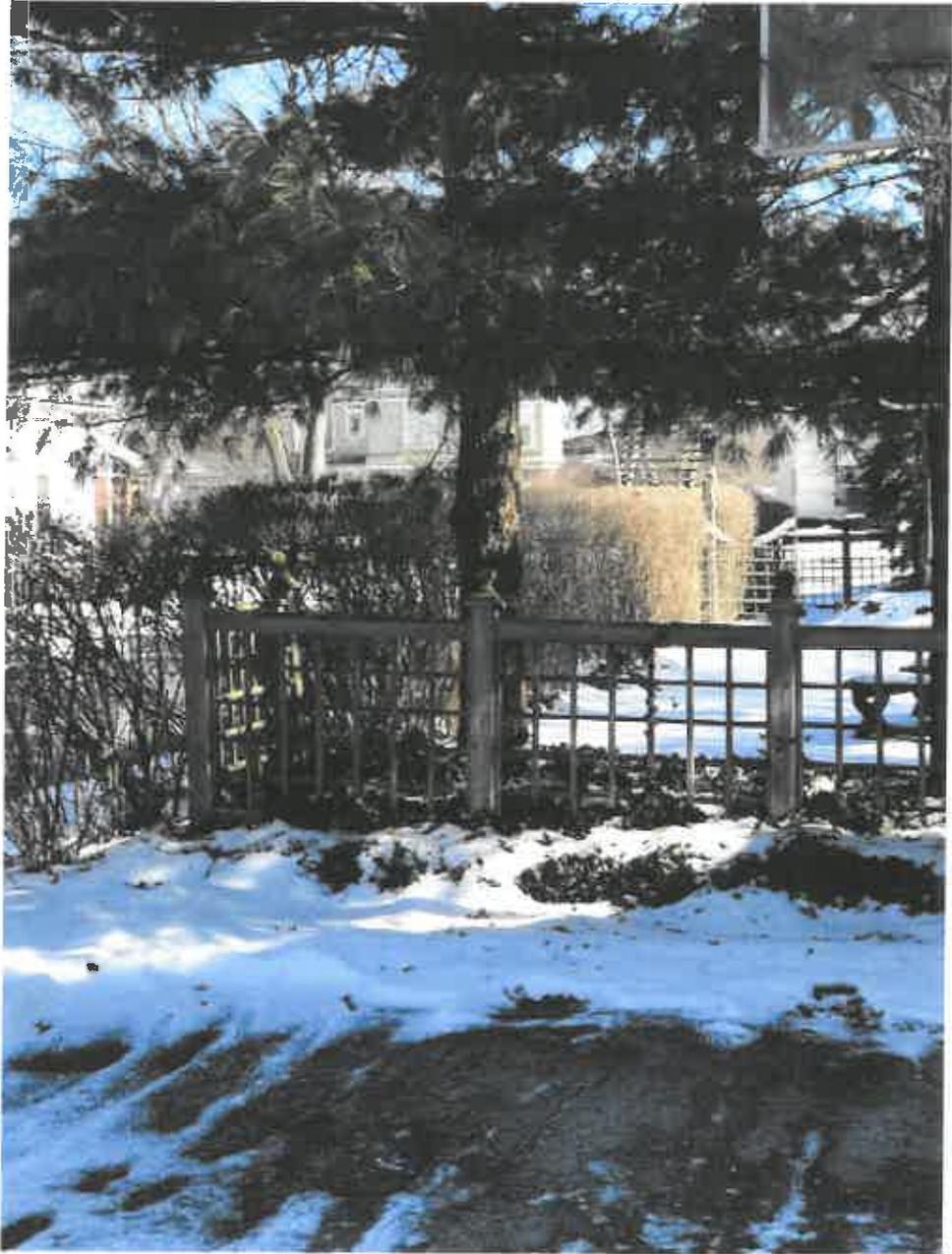
GRAPHIC SCALE

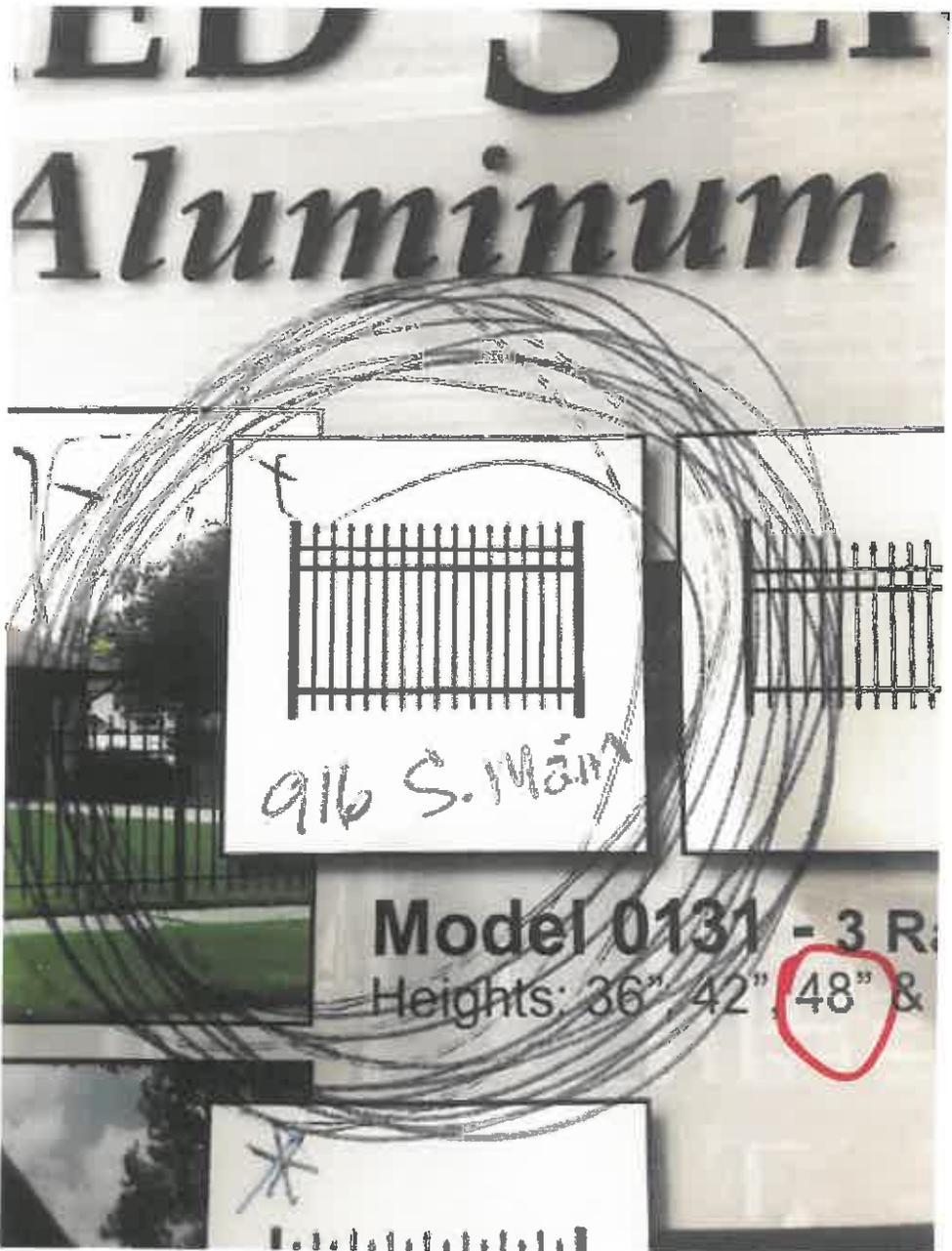


STATE OF OHIO
 NICK E. NICHOLS
 PETERMAN ASSOCIATES, INC.
 3480 N. MAIN STREET
 FINDLAY, OHIO 45840 KCC

DATE 1/24/2018







ED SLI

Aluminum



916 S. Main

Model 0131 - 3 R.

Heights: 36" 42" 48" &





Philip L. Rooney
Christie L. Ranzau

rooney & ranzau, ltd.
attorneys at law
320 s. main st.
findlay, ohio 45840
419-425-3821
flagcitylaw.com

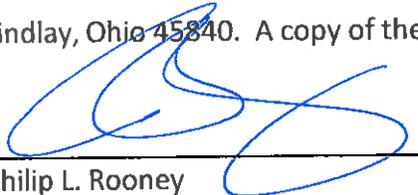
NOTICE OF FILING OF AMENDED PETITION FOR ANNEXATION
Ohio Revised Code §709.03

February 13, 2018

Clerk of Council
City of Findlay, Ohio
Municipal Building
Findlay, Ohio 45840

Jeanie L. Ploeger
Fiscal Officer - Marion Township
6761 Township Road 212
Findlay, Ohio 45840

You are advised that on February 13, 2018, there was filed with the Board of Commissioners of Hancock County, Ohio, an Amended Petition for Annexation of certain territory located North and East of the City of Findlay, East of Crystal Avenue and owned by Humble Robinson Group, LLC and C. Randolph Strauch. A copy of said amended petition is attached hereto and made a part hereof along with the attachments to said amended petition. A hearing on said amended petition has been set by the Board of County Commissioners of Hancock County, Ohio on February 27, 2018 at 10:30 AM in the Commissioner's Conference Room, 514 South Main Street, Findlay, Ohio 45840. A copy of the notice of said hearing is enclosed.



Philip L. Rooney
Agent for Petitioner
320 South Main Street
Findlay, Ohio 45840
(419) 425-3821

RECEIVED

FEB 13 2018

Commissioner's Office
Hancock County, Ohio

AMENDED
PETITION FOR ANNEXATION
Non-expedited

To the Commissioners of Hancock County, State of Ohio:

The undersigned, being the owners of the real estate within the Township of Marion, County of Hancock and contiguous to the City of Findlay, and more particularly described in Exhibit "A" attached hereto, said real estate further described by the plat attached hereto as Exhibit "B", respectfully petitions that the above described real estate be annexed to the City of Findlay.

Philip L. Rooney, 320 South Main Street, Findlay, Ohio 45840, is hereby authorized to act as agent for the Petitioners in securing such annexation.

The number of owners of real estate sought to be annexed is two (2).

This petition has been amended to add additional right of way to the area to be annexed.

The undersigned is the authorized representative of the owners of real property within the parcel of property to be annexed:

HUMBLE ROBINSON GROUP, LLC, an Ohio
Limited Liability Company

Dated: February 13, 2018

By: Lance A. Humble
Its Authorized Representative

Dated: February 12, 2018

C. Randolph Strauch
C. Randolph Strauch

EXHIBIT "A"

VAN HORN



HOOVER

ENGINEERING ♦ SURVEYING ♦ GPS/GIS CONSULTING
Findlay, OH • 3200 N. Main Street • 419.423.5630
Charlotte, NC • P.O. Box 621524 • 704.604.4124

LEGAL DESCRIPTION

Part of SW 1/4, Section 5,
T1N, R11E
Marion Township, Hancock County
State of Ohio

Situated in the SW 1/4 of Section 5, T1N, R11E, Marion Township, Hancock County, State of Ohio, a Tract of land bounded and described as follows:

Commencing at a 1" Iron Pin found on the south line of the SW 1/4 of Section 5, also marking the intersection of Crystal Avenue (R/W Varies) and E. Melrose Avenue (80' R/W);

Thence along the centerline of Crystal Avenue, N 31°38'10" E, a distance of 1480.75 feet to a Mag Nail found marking the northwest corner of the Cunningham Ridge Condominium Plat, Plat Volume 21, Page 280 of the Hancock County Records and marking the POINT OF BEGINNING of the tract to be herein described;

Thence continuing along the centerline of Crystal Avenue, N 31°38'10" E, a distance of 212.12 feet to Mag Nail Set on the south line of a tract of land conveyed to Century Health, Inc. in Volume 2457, Page 2136 of the Hancock County Records;

Thence along the south line of said Century Health tract and the south line of a tract of land conveyed to Stewart, Shelly J. & Todd Hengsteler in Volume 2316, Page 810 of the Hancock County Records, S 89°15'27" E, a distance of 1733.62 feet to a 1/2" Capped Rebar found;

Thence, S 01°26'08" W, a distance of 157.84 feet to a point;

Thence, S 89°30'59" E, a distance of 91.80 feet to a point on the east line of a tract of land conveyed to C. Randolph Strauch in Volume 2267, Page 2710 and Volume 2183, Page 724 of the Hancock County Records;

Thence along the east line of said Strauch tract, S 00°57'27" W, a distance of 1299.77 feet to the south line of the SW 1/4 of Section 5;

Thence along said south line, N 89°16'38" W, a distance of 1342.05 feet to a point;

Thence along the east line of a tract of land conveyed to Pedcor Investments-1997-XXVIII, L.P., in Volume 1524, Page 134, and along the east line of a tract of land conveyed to AHP-Crystal Glen II, LLC, in Deed Volume 2330, Page 831 of the Hancock County Records, N 00°55'28" E, a distance of 790.00 feet to a 1/2" Capped Rebar found at the northeast corner of said tract;

Thence along the north line of said AHP-Crystal Glen II, LLC tract, N 79°05'48" W, a distance of 194.16 feet to a 5/8" Capped rebar set marking the southeast corner of said Cunningham Ridge Condominium Plat;

Thence along the east line of said Plat, N 04°37'40" E, a distance of 382.95 feet to a 5/8" Capped rebar set at the northeast corner of said Plat;

Thence along the north line of said Plat, N 79°57'04" W, a distance of 428.47 feet to the POINT OF BEGINNING, and containing 49.068 acres of land, more or less, all being subject to any prior easements of record, or otherwise.

EXHIBIT "A"

VAN HORN



HOOVER

ENGINEERING ♦ SURVEYING ♦ GPS/GIS CONSULTING
Findlay, OH • 3200 N. Main Street • 419.423.5630
Charlotte, NC • P.O. Box 621524 • 704.604.4124

LEGAL DESCRIPTION

Part of SW 1/4, Section 5,
T1N, R11E
Marion Township, Hancock County
State of Ohio

Note: Bearings are based on the Ohio North 3401 State Plane Coordinate System, NAD 83 (2011).
Distances referenced above are ground distances.

Date: 29. Jan. 2018

Survey and Legal Description by:



Daniel R. Stone
Daniel R. Stone, P.E., P.S.
Ohio Registered Surveyor #8159

Humble Robinson\Strauch Annexation
Attachment 1 – List of Adjoining Property Owners

Century Health, Inc.
1918 North Main Street
Findlay, Ohio 45840
Parcel No. 330000077402

Todd Hengstetler
Shelly Hengstetler
Stewart Hengstetler
6981 Hampton Road
Castle Rock, CO 80108
Parcel No. 330000077400

COI Findlay Industrial 216, LLC
4900 North Main Street
Kansas City, MO 64112
Parcel No. 210001030169

C. Randolph Strauch
780 South Sun Coast Blvd.
Homosassa, FL 34448
Parcel Nos. 570001019010
570001019011 & 570001019013

EFSF, Ltd.
6 Hunter's Gate
Findlay, OH 45840
Parcel No. 570001018610

Fernco Development, Ltd.
Norco Development, Ltd.
101-403 Sixth Street
New Westminster, BC, Canada
V3L 3B1
Parcel No. 610001017196

Pedcor Investments 1997 XXVIII LP
P.O. Box 574
Carmel, IN 46082-0574
Parcel No. 580001015324

AHP-Crystal Glen II, LLC
P.O. Box 574
Carmel, IN 46032-0574
Parcel No. 580001015325

Russell E. Cunningham
Jamie Cunningham
208 Township Road 14
Van Buren, OH 45889
Parcel Nos. 33000102528-
33000102557

James D. Siferd
Jeffrey A. Fish
915 East Bigelow Avenue
Findlay, Ohio 45840
Parcel No. 330000083280

Judith A. Burns
2610 Crystal Avenue
Findlay, OH 45840
Parcel Nos. 330000083260 &
330000083270

Louise A. Hall
2630 Crystal Avenue
Findlay, Ohio 45840
Parcel No. 330000083250

Strauch III, Ltd.
780 South Sun Coast Blvd.
Homosassa, FL 34448
Parcel No. 570001019009

Humble Robinson\Strauch Annexation
Attachment 2 – List of Property Owners

Humble Robinson Group, LLC
811 North Main Street
Bellefontaine, OH 43311
Parcel No. 330001031107 & 330001025007

C. Randolph Strauch
780 South Sun Coast Blvd.
Homosassa, FL 34448
Parcel No. 330001022540



Timothy K. Bechtol
Mark D. Gazarek
Brian J. Robertson
Beth A. Bishop, Clerk

300 South Main Street, Findlay OH 45840 | Phone (419) 424-7044 | Fax (419) 424-7828

February 7, 2018

Philip L. Rooney
320 South Main Street
Findlay, OH 45840

Dear Mr. Rooney,

This letter is to confirm that the amended Humble Robinson Group, LLC Annexation hearing will be held in the Commissioner's conference room on Tuesday, February 27, 2018 at 10:30 a.m. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Beth Bishop".

Beth Bishop, Clerk
Hancock County Commissioners

City of Findlay Design Review Board

Municipal Building 3rd Flood Conference Room
Thursday, November 2, 2017 – 6:00 PM

Minutes

(Staff Report Comments from the meeting are incorporated into the minutes in lighter text. Actual minutes begin with the DISCUSSION Section for each item)

MEMBERS PRESENT: Eric Anderson
Pat Ball
Jeff Fort
Hardy Hartzell
John Hunt
Jerry Murray
Dr. Wires

MEMBERS ABSENT: Brad Weaver

STAFF ATTENDING: Matt Cordonnier, HRPC Director
Jacob Mercer, HRPC Staff
Alec Ochs, HRPC Staff

CALL TO ORDER

ROLL CALL

The following members were present:

Eric Anderson
Pat Ball
Jeff Fort
Hardy Hartzell
John Hunt
Jerry Murray
Dr. Wires

Discussion

Matt Cordonnier welcomed everyone to the first working group meeting of the Design Review Board. The meeting started by reviewing the City of Findlay Ordinance NO. 2017-059 that established the board and the map.

Jerry Murray asked for clarification whether the group has authority over interior renovations. Matt clarified that the board only has the authority to oversee exterior changes. Jerry also wanted to know how the building owners would know about the design review district and its upcoming guidelines. Matt said that HRPC has reached out twice mailing information to every building owners and business owners to make them aware of the district as the ordinance went to Council. In addition, HRPC went out in September to photograph all the properties in the district to provide a baseline for what the buildings look like at the start of the Design Review District enactment.

Jeff Fort asked questions about minimum standard for what constitutes someone bringing a project before the Design Review Board. He felt that the standards needed more definition because they could be considered vague and that applicants would be challenge the Design Review Board in court. Matt said that the standards in the ordinance was left vague intentionally to allow the Board to create a guidelines document that will establish the standards that the Board will enforce.

Dr. Wires also brought up maintenance requirements asking what conditions were necessary to bring an issue to the Board. He worried that certain maintenance issues, such as damaged roofs, would be slowed down by the need to come before the board. Matt responded by stating there is a maintenance section that does allow owners to address immediate maintenance issues without seeking a certificate of appropriateness. Maintenance issues that are a threat to public health and safety should be remedied quickly.

Matt moved the conversation forward, reiterating the point that the Design Review Board is necessary because this Board now gives the city the ability to have a say in the aesthetic look in what is being done in downtown Findlay. He brought up the example of Legends, which was a restaurant that recently did a large exterior renovation in downtown Findlay. Before they did the renovations, nobody in the city had any say in what the building design looked like. Luckily, it looks nice, but we didn't have a say. The existence of the Board now allows our community to have a say in what is appropriate for our downtown.

Eric Anderson noted that the benefit to having flexible design standards was that different areas within the district have different standards. An area on the fringe of the district won't have the same review scrutiny that a project that comes in along Main Street.

Dr. Wires wondered about the ability for applicants to sue board members. Matt will double check with Findlay Law Director Don Rasmussen, but as a member of an entity established by the City of Findlay Ordinance, members would be protected from that. This is also part of the zoning code, so that appeals to this body would go to the Board of Zoning Appeals. Matt would also double check about fees for the Design Review Board.

Moving through the ordinance, there was discussion of the maintenance section. This should be a common sense, teamwork exercise with the board and applicant working through issues together. Once we get the board up-and-running, there will need to be a discussion about how to deal with maintenance in the future. Matt would rather start with the most egregious cases at first. In addition, the timeframe could be flexible to work with the owners to get certain elements addressed.

Matt reminded the board that the Historic Preservation standards from the original Design Review Board was removed from the updated ordinance. This will make the design standards more flexible for the applicants.

Eric Anderson brought up a personal example of a potential project, where he would demolish a building and put up a wall and parking lot. He wondered if that would be an appropriate project to review. Jerry and Matt agreed that these types of projects would be perfect for the board to see, because it falls under “any change”.

Matt reminded everyone that residential properties that exist in the district are exempt from the standards. Any new townhome development would be reviewed. He mentioned a recent City Planning Commission case, which is going to build eight new townhome units at a site in the Design Review District at the corner of S. West Street and W. Front Street. The board expressed interest in maybe having the developer come in as a “test run” with the board providing non-binding feedback to the developer.

Moving onto the guideline document, HRPC staff has worked to compile a draft document with recommendations for the Design Review Guideline document. These were inspired from surrounding communities such as Urbana; Lima; Downers Grove, IL, etc. This guideline book would be the document that applicants could access to see what is most desired within the district. These guidelines are not a rigid set of rules but instead give broad parameters to applicants to use towards their design.

The guidelines make suggestions on certain things to avoid, such as bright florescent colors, certain materials, inappropriate building sizes, inappropriate setbacks, etc. We are not trying to be a planned community such as New Albany, Ohio, where they have a highly detailed, 100+ page guideline with every building looking exactly the same. Unless it is a horrible design, we should help to make the best out of a bad design.

Going into the procedural part of the Board, we will run the Design Review Board as we would Planning Commission. Meetings would occur in the City Council Chambers and be open to the public to attend. The Design Review Board Administrator will write up a staff report to bring to the meeting with a summary of the project. This will provide the board with background information about the building and site to consider during their deliberations about the design.

For the board composition, we currently have eight (8) members on the board and we would like to have seven (7) voting members at each meeting. One member, Angela Debosky, accepted a new job so she will be unable to serve, and will need to be replaced. We will need to establish which board members will serve as “alternates” on the board. Matt will send out a roster with the terms that were given to the board members. Matt will send out the guidelines to the group and will give the group two weeks to send in comments and recommendations.

Next meeting will be on November 30, at 6:00pm.

City of Findlay Design Review Board

Municipal Building 3rd Floor Conference Room
Thursday, November 30, 2017 – 6:00 PM

Minutes

MEMBERS PRESENT:

Pat Ball
Jeff Fort
Hardy Hartzell
Jerry Murray
Brad Wagner

MEMBERS ABSENT:

Eric Anderson
John Hunt
Dr. Wires

STAFF ATTENDING:

Matt Cordonnier, HRPC Director
Jacob Mercer, HRPC Staff

CALL TO ORDER

ROLL CALL

The following members were present:

Pat Ball
Jeff Fort
Hardy Hartzell
Jerry Murray
Brad Wagner

Discussion

Matt Cordonnier welcomed everyone to the second working group meeting of the Design Review Board. The meeting opened with Matt informing the group that he reached out to a lawyer from Toledo, Jeff Stopar, Esq., to review the ordinance and design guidelines for any potential legal issues and any sections that could be challenged in court. Matt then reviewed the timeline for the group, which includes meeting in early January to give the guidelines a final review before sending them to City Council for adoption.

Hardy Hartzell asked whether the City of Findlay had a historic district in the zoning code. Matt clarified that there is a historic district on record with the state, but there are no standards to regulate that district.

The group moved forward with the review of the Design Review Guidelines document. Jerry Murray and John Hunt provided their thoughts and edits to the group before the meeting.

The first change, which was applied throughout the document, was that we use consistent language for the Design Review District and the name of the document. We needed to match the language that was in the ordinance, so the name will be the "Design Review District". We do not want to include the word "downtown" in front of "Design Review District" because the definition of "downtown" can include an area that is outside the review district boundary. In addition, within the guidelines document, we will refer to the items in as guidelines instead of standards.

On page 4, we made a change to the document stating that the Board "will encourage" instead of "would like to assist". This was to make sure there was not any confusion whether the Board is responsible for designing the work for the applicants. The Board is there to review and comment rather than providing design work for the applicant.

On page 5, there was a long discussion about alleys. There was a statement that any façade that could be seen at "street-level" should be up for review by the Board. Jerry suggested that this should include alleys as downtown has several blocks of alleys that are seeing pedestrian activity. Brad Wagner stated that he believed that all businesses should have their dumpsters enclosed in an effort to improve the aesthetics of the district. Pat Ball wanted to make sure that we were not being overly restrictive on dumpster enclosures. For example, there could be areas within the District with buildings that do not have the space required to enclose their dumpster. Matt reiterated that this is part of the Board's responsibility to regulate with common sense to determine whether dumpsters need enclosed or not.

Matt reminded the group that the ordinance does not give the Board the authority to approach building owners retroactively to request they improve their building if the building does not have any maintenance issues. The existing conditions within the District provide a baseline for improvements.

On page 6, Jerry's suggestions that there be a list of items for applicants to provide the Board were approved. This list does not mean that every project must include all these items. The scale of the project would dictate how much information should be provided.

The changes regarding the 30-day period for review on page 6 were not kept because the ordinance states 45-days for review. The reason why 45 days was chosen originally was because we were worried that some applicants might try to avoid the review approval process. There could be a scenario where the applicant submits their plans too late and cannot be added to Design Review Board agenda for the next meeting. If the next month's Design Review Board meeting was scheduled after the 30-day mark, then the design would automatically be approved per the Ordinance standards. Matt envisions there will be some flexibility with the meeting times, but we wanted the Ordinance to provide cover in case these scenarios were to arise. Therefore, Jerry's change to 30 days reverted to 45 days.

Matt accepted Jerry's edits to the General Building Design section on page 7. Some of the

language in that section was subjective to the reviewer. Jerry commented that during the original Design Review Board, an applicant facetiously submitted a design for a building with gargoyles and overly dramatic design features. The intent of the ordinance is to have appropriate design features rather than extravagant architectural details. The statement of having “four sided architecture” was changed to have “Give equal emphasis to all exposed facades”.

There was discussion about the review of parking garage structures. John Hunt questioned a statement on page 7 that buildings within Design Review District should not be auto-oriented. Matt said the intent of the statement was to address the layout of the site by having the building in line with the street building wall rather than having a parking area on the right of way. Therefore, this statement was removed from this page because it is better covered in the massing section. The group agreed there could be gas station or drive-thru bank in the district depending on location and context of the site.

On page 8, Jerry included a section on design objectives to provide better flow of the document. Jerry asked about how we will review projects with these guidelines. Would it be the City Planning Commission method or like a checklist for each project and people rate the project based on certain criteria. Matt said he envisioned the City Planning Commission method where the projects are reviewed and approved subject to changes outlined by the board. For example, an applicant with a new building gets approved contingent they change the color of the doors to a more neutral color. Unlike City Planning Commission though, after the completion of the project we will have the Design Review Board Administrator go out and review to make sure that the agreed design features are implemented.

On page 11, the building materials section was revised because certain buildings materials, such as EIFS, can be acceptable in moderation. Pat Ball asked about whether facades in the alleys would have the same level of scrutiny in terms of materials. The group agreed that it would depend on the building location in the District, and that building facades on pedestrian friendly alleys would have higher level of scrutiny. There may be cases where certain materials might be permissible but the color scheme must be kept for all exposed sides.

The group approved of Jerry’s comments on the entrance section on page 18.

On page 20, John Hunt, indicated that the signage section had some redundancies. The intent was to convey that signage on awnings is appropriate, but we did not want the awnings to become billboards for the building. The plastic backlit awnings would probably not be permitted.

On page 22, the City of Findlay does allow sandwich board signs. Matt will check to see if the City has to approve the placement and location of the signs. Matt thought that if the boards were temporary, they did not need approval. Jerry asked why the sign in the picture was inappropriate vs. Logan’s sign is encouraged. Matt explained that the Logan’s sign was encouraged because it was an appropriate pedestrian scale. In the example, the inappropriate sign was a box sign and scaled for automobiles.

The group approved to move the example appropriate/inappropriate colors section to an appendix. This will allow them to be changed more easily in the future.

In the fencing section on page 26, the group agreed that the dumpster enclosures could potentially use some materials that are discouraged. Again, it depends on the location and context, but discouraged materials are not completely banned from the District.

On page 28, the planter box picture was removed to be replaced by a better landscaping example.

Moving on from the guidelines, Jake Mercer had created two flowcharts for the Board to review. One is a flowchart for a renovation or new construction project submitted to the Board. The second is for projects that have maintenance issues.

Matt ended the meeting with a discussion of fees for the board. Currently, if you start a project in the City of Findlay without a permit, the zoning officer, Todd Richard, would issue a "triple fee". We would like to have something similar but we do not have something established yet. Jeff Fort asked why there is a fee at all. Matt was not opposed to making it free, but there was fear that without a fee people would not come in to submit plans. We think that \$25 fee is appropriate because it is affordable and will not encumber the applicants.

In terms of website, Findlay City Council member Grant Russel, has created a webpage that will be on the City of Findlay website. We also have an email address set up that will direct emails to Matt and Jake at HRPC. HRPC will also be sending out letters to everyone in the Design Review District that the ordinance is in effect and that the guidelines are in place for any new buildings, renovations or changes to business structures within the district.

Next meeting will be in early January 2018.

City of Findlay Design Review Board

Municipal Building 3rd Floor Conference Room
Thursday, January 11, 2018 – 6:00 PM

Minutes

MEMBERS PRESENT:

Pat Ball
Jeff Fort
Hardy Hartzell
Jerry Murray
Eric Anderson
John Hunt

MEMBERS ABSENT:

Brad Wagner
Dr. Wires

STAFF ATTENDING:

Matt Cordonnier, HRPC Director
Jacob Mercer, HRPC Staff

CALL TO ORDER

ROLL CALL

The following members were present:

Pat Ball
Jeff Fort
Hardy Hartzell
Jerry Murray
Eric Anderson
John Hunt

Discussion

Matt Cordonnier welcomed everyone to the third working group meeting of the Design Review Board. The meeting opened with Matt informing the group that he had been in contact with Toledo based lawyer, Jeff Stopar, Esq., to review some feedback on the ordinance and design guidelines for any potential legal issues. Overall, Stopar liked the ordinance, and only had a few minor changes. Stopar also reviewed the Design Review Guidelines document. Stopar reiterated though that he is not an architect, so he did not have many changes. Most of his suggestions were changes for consistency in wording.

Matt reminded the Board that the ordinance has been adopted and is in effect. The goal is that we will have these changes to the ordinance go back to council alongside the Design Review Guidelines. Both the Ordinance changes and adoption of the Design Review Guidelines would go through their three readings simultaneously to ensure everything is in order once the board starts to review projects.

In regards to the Ordinance, Stopar's first suggestion was to clean up the definitions section and use common terminology throughout the document. For example, we had used "Change" and "Alteration" interchangeably throughout the ordinance. He suggested eliminating "Change" and making "Alteration" an all-inclusive term for anything the Board would review.

Stopar also thought that the Ordinance was missing a threshold standard to determine what could be reviewed administratively. He thought it would be best write this explicitly into the Ordinance to remove any question. Jeff Fort said that when the EPA reviews projects, they use the change in taxable value to the property. For example, if the change increases the property value 10%, then it would meet the threshold for review. The group agreed certain monetary thresholds raise the risk of projects either coming just under the threshold or applicants could split up projects to hide their updates.

The group had a large discussion on the term "material". When looking at Section 1138.05 (G) Establishing Administrative Review, Jeff Fort wanted there to be clear language that would give the "Administrator" a defensible position as to how they determine whether an application gets review administratively or if it requires the board to review. There was a bit of confusion in the group because some thought the word "material" meant physical materials such as changing a vinyl siding to brick. Others in the group read it as a substantive change. It was agreed that the intent of the material in that definition was "a substantive change".

Continuing in the "Establishing Administrative Review" section, it read, "The administrator may review small projects or Alterations without involvement of the Board." Going back to the definition of Alteration, states that it must be a "material change" to the property. Jeff thought that was the key word that allowed the administrator to use their judgement towards determining whether projects were reviewed administratively or with the board. He feared that if we removed "material" from the definition of "Alteration" then we would be changing the intent of what needs reviewed. The Board wants to review "substantive changes" rather than "any change".

Jerry asked if we could say, "any minor alteration would be required to submit an application for review". Jeff thought that with our definition of "Alteration", an "Alteration" would need be a material change and not minor. Having "minor" in front of "Alteration" would be contradictory. Jerry asked if we could just leave out the term "Alteration" and say, "The administrator could review minor projects without the Board". That change would allow us to avoid the term alteration all together and would give the administrator some flexibility in determining the level of review of the project. The group agreed that was an acceptable correction.

Under definitions, "Applicant" was changed to read: "Applicant means the property owner, lessee, occupant, or his or her authorized agent...." This was to allow the Administrator the ability to contact the proper person in regards to maintenance issues.

Looking at Section 1138.06 (A) Certificate of Appropriateness Process and Timing, the process should read: "Before commencing any Alteration, the Applicant shall first apply for and secure a Certificate of Appropriateness from the Board." To fit with the prior changes, Jeff Fort noted that it should read "Change" instead of "Alteration". In addition, to clean up confusion in this section regarding what projects should be reviewed administratively or by the Board, Matt suggested three tiers for review:

1. An immaterial change that does not require a certificate of appropriateness
2. A Change that can be approved administratively
3. An Alteration that requires the full board review.

Matt envisioned scenarios where building owners could contact us in the future asking about small projects that would not require them to secure a Certificate of Appropriateness, such as repainting buildings the same color. The Board liked this change to the Ordinance and thought it concisely met the goal of the meeting to determine the thresholds for Administrative Review and Board Review.

Jeff Fort noted that change could be an uppercase "Change" and a lowercase "change" in the document. The uppercase "Change" is the defined term but there are lowercase "changes" that do not meet our definition. Jeff agreed to re-insert the definition of "Change" to the Ordinance and add a statement about "De Minimus Changes" which would not meet the threshold for Administrative Review.

To avoid confusion, Jerry suggested that we should reach out to Jeff Stopar, to have him sit in on the next board meeting to discuss the final edits to the draft. Jeff Fort said that he would volunteer to reach out to Don Rasmussen to discuss our edits to the ordinance. Matt asked if the group was comfortable to bring the ordinance and guidelines to City Council, but the group thought we needed another meeting with a clean final copy before submitting it for Council review.

In Section 1138.07 (B) Exemptions, Jacob noted that Jeff Stopar thought the last two exemptions, regarding existing residential and converting single family into duplexes, were redundant because the opposite scenarios were already listed in the Applicable Properties. The exemptions would still have the maintenance condition but other two could be removed to avoid redundancy.

Eric Anderson noted in 1138.05 (B) Applicable Properties, we had some redundant language. The first applicable properties stated, "Existing non-residential structures, mixed use structures, and existing residential structures with 4 or more units." John Hunt noted that the reason it was originally included was that it was trying to reinforce the difference between existing structures and new structures. It was agreed that we could remove the "existing". We also removed the term "All" from the second applicable property that had read, "All new structures regardless of use".

There was some confusion about the third point, "real property". The intent was to cover any landscaping change to a non-residential property. In one and two, we were talking about structures. The third applicable properties was to capture landscaping and upkeep of vacant lots. To improve the section, we changed number one from "structures" back to "property" so that it covered both

structures and landscaping on the site. It would now read, "Non-residential properties, mixed-use properties, and residential properties with four or more units." For number two, "new Structures regardless of use", was kept the same. The "s" in "Structures" was capitalized because Jacob had added the "Structures" definition from the Zoning Code definition section.

Jacob also reviewed that in 1138.06 (A) Process and Timing, Jeff Stopar suggested adding the statement, "The Board may table an application for no longer than a forty-five day period for further discussion or fact finding purposes." That way, applicants cannot be tabled indefinitely, and if someone is reluctant towards getting us information, then the Board can deny them.

Returning to the Exemptions, Matt reinforced that two and three would be struck, and Jeff would add some language about a "de minimus change" that would not need a Certificate of Appropriateness.

Jeff Fort volunteered that he would go through the document and review all the instances we use "Alteration" or "Change" to ensure that we use the proper terminology.

Next meeting will be in February 2018 after we confirm a meeting time that Jeff Stopar can attend.

City of Findlay Design Review Board

Municipal Building 3rd Floor Conference Room
Thursday, February 8, 2018 – 6:00 PM

Minutes

MEMBERS PRESENT:

Pat Ball
Jeff Fort
Hardy Hartzell
Dr. Wires
Brad Wagner
Eric Anderson
John Hunt

MEMBERS ABSENT:

Jerry Murray

STAFF ATTENDING:

Matt Cordonnier, HRPC Director
Jacob Mercer, HRPC Staff
Leah Wilson, HRPC Staff

GUESTS:

Jeff Stopar (via Conference Call)

CALL TO ORDER

ROLL CALL

The following members were present:

Pat Ball
Jeff Fort
Hardy Hartzell
Dr. Wires
Brad Wagner
Eric Anderson
John Hunt

DISCUSSION

Matt started the meeting by discussing progress since the previous meeting. He stated that Board Member Jeff Fort had made changes to the ordinance and Jeff Stopar, in Toledo, had reviewed them. Matt stated that the board would be chatting with Jeff Stopar today via conference call to discuss any last questions about the ordinance changes. Matt said that he will attend the February 20th City Council meeting to give them an update on progress and answer any questions.

In terms of ordinance, Matt said the main items that needed discussed were the definitions for 'alter', 'change', 'Change', and 'De Minimis' and that having Jeff Stopar on the line will assist

with clearing these items up. At this point, Matt called Jeff Stopar to bring him into the meeting. Jeff Fort opened the discussion explaining that he had been working to clear up the three different levels of project review in order to make the administrator reasonably defensible in making decisions. Fort stated that the Board wants to give the Administrator the latitude to decide what level of oversight or review is appropriate.

Jeff Stopar suggested that two or three separate categories may be useful in the different types of projects. He did not think that there should be an explicit category for unregulated projects. We want people to let us know when they're making changes. The Administrator should be making those De Minimis calls on their own. Jeff Stopar does not want people to make the determination on their own and just start on the projects without contacting the Administrator first. The issue, however, is deciding on what kind of appellate process to have, which has been discussed between Matt and Jeff Stopar. Currently, the only person listed in the Ordinance that may appeal decisions is the applicant themselves. Jeff Stopar asked if everyone would be comfortable with, for example, not allowing neighbors to appeal decisions about changes made in the district. Jeff Fort mentioned that this concept had been discussed previously and that it had been ultimately decided to keep it limited to the applicant. Jeff Stopar agreed with the decision.

Jeff Stopar recommended giving discretion to the administrator to make determinations on what would be considered 'De Minimis' or 'minor Alteration'. Jeff Fort said that the term 'De Minimis' could be removed. He stated that the wording should be broad and vague to allow minor things to be approved by the administrator while allowing for a traditional hearing for major changes. Jeff Stopar suggested we use: "The Administrator has the authority to approve minor alterations, and minor alterations include: 1. when no reasonable basis exists to object to the change based on the design review guidelines, or 2. the proposed change will have a De Minimis impact on the aesthetics of the district." Jeff Stopar said this would allow the administrator to deal with minor things quickly and efficiently. Jeff Fort noted that this could also be applied in cases where the change is minor that it does not need to go through the administrator. Jeff Stopar recommended that there be some sort of documentation to prevent any misunderstandings.

Jeff Stopar reiterated that the main goal is get people to let the city know when changes are being made in a district. The vast majority of changes could probably be administratively approved, and that the larger projects would go to the board. Jeff Fort said that the definition of "Change" is broad enough to provide that differentiation.

Jeff Fort said that he believes only two things were changed on page four and said that 'De Minimis' would be struck. Jeff Fort stated page 4 should now read, "The administrator may review a prospective project and determine 1. The project is an immaterial change within the administrator's delegated authority, or 2. The project is an Alteration requiring board review." Both Jeff Fort and Jeff Stopar agreed with the wording.

Changes written to code will be done by Jeff Stopar and he will forward it down to Matt and Jacob next week. They will then be sent to board to review and finalize. The phone call with Jeff Stopar ended and discussion ensued.

Matt reminded the board that we want to make the guidelines quick, common-sense, and user-friendly. Dr. Wires stated that he attempted to read the Ordinance and that it has so much legal jargon, that the average building owner may not know understand what is being said. He recently changed a door on the back of his business but could not tell based on the Ordinance if he was even allowed to do that. He stated that he does not want to ask for permission to touch up his building, and said that there needs to be something along those lines in the guidelines. Pat Ball agreed. Pat stated that a 'Repair & Maintenance' section could clarify that. Matt stated that business owners will be mailed a one-page summary on what the guidelines mean. Dr. Wires stated that would be helpful. Jeff Fort said that he believes that everyone there understood what Dr. Wires meant but the issue is defining all the terms. Dr. Wires and Pat both agreed that if the appearance of the building does not change with maintenance and repair, an administrator and the board would not need to be involved. Jeff Fort stated that what Dr. Wires and Pat are saying is defined in what Jeff Stopar had mentioned previously in the conversation. Pat asked what the ramifications are if a business owner goes ahead and makes those changes without approval when it was seemingly 'De Minimis'. Matt stated that the summary would address what replacing a door or other similar scenarios mean to business owners.

Jeff Fort suggested a sentence be added to the end of where establishing administrative review is mentioned, "The administrator can determine whether it is something within his/her authority to issue or the board approval is required." He also suggested adding, "The board may establish a set of criteria for these administrators' determinations." Jeff Fort said this should help deal with any future problems in case there is an issue articulating expectations. He said that this way, people with issues will check with the Administrator about changes rather than assuming they are minor enough to make. Pat brought back up the concern about repercussions with building maintenance. Matt said that nothing should happen but at the end of the summary, there will be contact info offering to walk someone through the guidelines if necessary. If someone makes a change that was not evident, it would not be a big deal, but would be suggested to the owner that if a larger change were to be made, that it would need to be reviewed.

Jeff Fort returned to the definition of "Change". He stated that the reason he felt "Change" needed to be put back in is because it is crucial to be all-defining with our jurisdiction and that we need to be delegating on behalf of the board to be making some of these determinations that we are discussing. He said that he believes our jurisdiction must be expanded to cover any change. Matt stated the he would like to add something along the lines of "if it is a similar change or maintenance and repair" but feared that someone will make the argument that they were just maintaining their building by replacing the entire façade, or similar scenarios.

Jeff Fort suggested that any determinations made between meetings should be brought to the meetings and discussed. Matt stated that this is similar to what City Planning Commission does with smaller items. He said each month, a log would be provided listing all of the changes allowed over the past month so that the board could go over it during the meeting.

After this discussion, the meeting was adjourned.

*****CURRENT YEAR*****
 MTD YTD

*****LAST YEAR*****
 MTD YTD

RECEIPTS DEPOSITED:

ALCOHOL MONITORING	\$2,735.80	\$2,735.80	\$3,502.00	\$3,502.00
BOND FEES	\$775.00	\$775.00	\$475.00	\$475.00
CIVIL DEPOSIT TENDERS	\$438.86	\$438.86	\$835.00	\$835.00
COURT COST	\$70,225.55	\$70,225.55	\$61,750.36	\$61,750.36
DUI ENFORCEMENT	\$3,789.34	\$3,789.34	\$4,104.33	\$4,104.33
ELECTRONIC IMAGING	\$4,551.65	\$4,551.65	\$4,846.50	\$4,846.50
FINES & FORFEITURES	245,088.54	\$245,088.54	185,302.68	\$185,302.68
FUND REIMBURSEMENT	\$0.00	\$0.00	\$0.00	\$0.00
INDIGENT DRIVER ALCOHOL	\$1,179.85	\$1,179.85	\$648.00	\$648.00
INMATE MEDICAL EXPENSE	\$0.00	\$0.00	\$0.00	\$0.00
INTEREST	\$71.43	\$71.43	\$11.51	\$11.51
JAIL HOUSING	\$10,607.59	\$10,607.59	\$9,674.90	\$9,674.90
JAIL REIMBURSEMENT	\$1,145.78	\$1,145.78	\$320.00	\$320.00
LEGAL RESEARCH	\$4.00	\$4.00	\$2.10	\$2.10
MEDIATION	\$1,427.70	\$1,427.70	\$1,535.00	\$1,535.00
MISCELLANEOUS	\$33,788.61	\$33,788.61	\$35,085.04	\$35,085.04
MUNI COURT COMPUTERIZATION	\$4,561.00	\$4,561.00	\$4,812.19	\$4,812.19
MUNI COURT IMPROVEMENT	\$14,049.06	\$14,049.06	\$15,174.35	\$15,174.35
RESTITUTION	\$97.08	\$97.08	\$460.33	\$460.33
SPECIAL PROJECTS	\$23,144.37	\$23,144.37	\$24,913.90	\$24,913.90
STATE PATROL	\$21,348.12	\$21,348.12	\$27,677.70	\$27,677.70
TRAFFIC/CRIMINAL BONDS	(\$4,461.44)	(\$4,461.44)	\$19,015.17	\$19,015.17
	<u>434,567.89</u>	<u>\$434,567.89</u>	<u>400,146.06</u>	<u>\$400,146.06</u>

DISTRIBUTIONS:

ALCOHOL MONITORING	\$2,735.80	\$2,735.80	\$3,502.00	\$3,502.00
BOND FEES	\$750.00	\$750.00	\$475.00	\$475.00
CIVIL DEPOSIT TENDERS				
COURT COST	\$69,970.05	\$69,970.05	\$61,708.36	\$61,708.36
DUI ENFORCEMENT	\$3,785.95	\$3,785.95	\$4,100.94	\$4,100.94
ELECTRONIC IMAGING	\$4,539.65	\$4,539.65	\$4,843.50	\$4,843.50
FINES & FORFEITURES	246,283.60	\$246,283.60	185,948.11	\$185,948.11
FUND REIMBURSEMENT				
INDIGENT DRIVER ALCOHOL	\$1,179.85	\$1,179.85	\$648.00	\$648.00
INMATE MEDICAL EXPENSE				
INTEREST	\$71.43	\$71.43	\$11.51	\$11.51
JAIL HOUSING	\$10,607.59	\$10,607.59	\$9,674.90	\$9,674.90
JAIL REIMBURSEMENT	\$1,145.78	\$1,145.78	\$320.00	\$320.00
LEGAL RESEARCH	\$4.00	\$4.00	\$2.10	\$2.10
MEDIATION	\$1,423.70	\$1,423.70	\$1,534.00	\$1,534.00
MISCELLANEOUS	\$46,950.77	\$46,950.77	\$38,357.24	\$38,357.24
MUNI COURT COMPUTERIZATION	\$4,549.00	\$4,549.00	\$4,809.19	\$4,809.19
MUNI COURT IMPROVEMENT	\$14,009.06	\$14,009.06	\$15,164.35	\$15,164.35
RESTITUTION	\$97.08	\$97.08	\$321.73	\$321.73
SPECIAL PROJECTS	\$23,080.37	\$23,080.37	\$24,897.90	\$24,897.90
STATE PATROL	\$21,308.12	\$21,308.12	\$27,677.70	\$27,677.70
	<u>452,491.80</u>	<u>\$452,491.80</u>	<u>383,996.53</u>	<u>\$383,996.53</u>

DISTRIBUTED TO:

	*****CURRENT YEAR*****		*****LAST YEAR*****	
	MTD	YTD	MTD	YTD
CITY OF FINDLAY	180,132.18	\$180,132.18	168,903.34	\$168,903.34
HANCOCK COUNTY	\$26,009.09	\$26,009.09	\$25,246.96	\$25,246.96
OTHERS	195,851.90	\$195,851.90	126,892.70	\$126,892.70
STATE OF OHIO	\$60,837.41	\$60,837.41	\$72,777.11	\$72,777.11
	<u>462,830.58</u>	<u>\$462,830.58</u>	<u>393,820.11</u>	<u>\$393,820.11</u>

Mark C. Miller
 MARK C. MILLER, JUDGE

Alan B. Hackenberg
 ALAN B. HACKENBERG, JUDGE

DISCLAIMER: RECEIPTS COLLECTED ARE NOT TO BE CONFUSED WITH RECEIPTS DEPOSIT

THE SUPREME COURT OF OHIO
Individual Judge
MUNICIPAL COURT AND COUNTY COURT

Court: **FINDLAY MUNICIPAL COURT** Judge: **ALAN D HACKENBERG**
Report for the month of: **January 2018**

Date of completion of most recent physical inventory 07/21/2017
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	B	C	D	E	F	G	H	T	V
	Misdemeanors	O.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	TOTAL	Visiting Judge
Pending beginning of period 1	201	98	121	0	13	1	0	434	0
New cases filed 2	57	14	32	2	4	0	0	109	0
Cases transferred in, reactivated or redesignated 3	5	2	2	0	0	0	0	9	0
TOTAL (Add lines 1-3) 4	263	114	155	2	17	1	0	552	0
Jury trial 5	0	0	0	0	0	0	0	0	0
Court trial 6	2	3	1	0	0	0	0	6	0
Default 7				0	0	1	0	1	0
Guilty or no contest plea to original charge 8	39	15	40					94	0
Guilty or no contest plea to reduced charge 9	6	1	3					10	0
Dismissal for lack of speedy trial(criminal) or want of prosecution (civil) 10	0	0	0	0	0	0	0	0	0
Other Dismissals 11	16	2	5	0	3	0	0	26	0
Transfer to another judge or court 12	1	1	0	0	0	0	0	2	0
Referral to private judge 13				0	0	0	0	0	0
Unavailability of party for trial or sentencing 14	4	0	5	0	0	0	0	9	0
Bankruptcy stay or interlocutory appeal 15	0	0	0	0	0	0	0	0	0
Other terminations 16	1	6	0	0	0	0	0	7	1
TOTAL (Add lines 5-16) 17	69	28	54	0	3	1	0	155	0
Pending end of period (Subtract line 17 from line 4) 18	194	86	101	2	14	0	0	397	0
Cases pending beyond time guideline 19	0	0	0	0	0	0	0	0	0
Number of months oldest case is beyond time guideline 20	0	0	0	0	0	0	0	0	0
Cases submitted awaiting sentencing or judgment beyond time guideline 21	0	0	0	0	0	0	0	0	0

Fax to: (614) 387-9419 -or- Mail to: Court Statistical Reporting Section Supreme Court of Ohio 65 South Front Street, 6th Floor Columbus, Ohio 43215-3431
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ALAN D HACKENBERG	Date
Preparer's name and telephone number if other than judge (print or type)	Date
MARK C MILLER	Date

THE SUPREME COURT OF OHIO
Administrative Judge
MUNICIPAL COURT AND COUNTY COURT

Court: **FINDLAY MUNICIPAL COURT** Judge: **MARK C MILLER**

Report for the month of: **January 2018**

	A	B	C	D	E	F	G	H	I	T	
	Felonyes	Misdemeanors	O.M.V.I.	Other Traffic	Personal Injury & Property	Contracts	F.E.D.	Other Civil	Small Claims	TOTAL	
Pending beginning of period	1	6	96	7	241	9	557	43	1	157	1117
New cases filed	2	8	173	29	692	2	158	35	0	99	1196
Cases transferred in, reactivated or redesignated	3	0	24	0	42	0	0	0	0	0	66
TOTAL (Add lines 1-3)	4	14	293	36	975	11	715	78	1	256	2379
Trial/Hearing by judge (include bindover by preliminary hearing, guilty or no contest pleas and defaults)	5	0	12	2	8	1	144	13	0	2	182
Hearing by Magistrate (Include guilty or no contest pleas and defaults)	6		14	0	46	0	0	0	0	38	98
Transfer (Include waivers of preliminary hearing and individual judge assignments)	7	9	124	26	67	2	7	1	0	0	236
Dismissal for lack of speedy trial (criminal) or want of prosecution (civil)	8	0	0	0	0	0	17	2	1	0	20
Other dismissals (Include dismissals at preliminary hearing)	9	2	7	0	2	0	27	12	0	29	79
Violations Bureau	10		2		512						514
Unavailability of party for trial or sentencing	11	0	19	0	32	0	0	0	0	0	51
Bankruptcy stay or interlocutory appeal	12	0	0	0	0	0	1	0	0	0	1
Other terminations	13	0	22	1	28	0	1	0	0	0	52
TOTAL (Add lines 5-13)	14	11	200	29	695	3	197	28	1	69	1233
Pending end of period (Subtract line 14 from line 4)	15	3	93	7	280	8	518	50	0	187	1146
Cases pending beyond time guideline	16	0	0	0	0	0	0	0	0	0	0
Number of months oldest case is beyond time guideline	17	0	0	0	0	0	0	0	0	0	0

Fax to:
 (614) 387-9419
 -or-
Mail to:
 Court Statistical Reporting Section
 Supreme Court of Ohio
 65 South Front Street, 6th Floor
 Columbus, Ohio 43215-3431

MARK C MILLER

Date

Preparer's name and telephone number if other than judge (print or type)

Date

THE SUPREME COURT OF OHIO
Individual Judge
MUNICIPAL COURT AND COUNTY COURT

Court: **FINDLAY MUNICIPAL COURT** Judge: **MARK C MILLER**
 Report for the month of: **January 2018**

Date of completion of most recent physical inventory
12/16/2016

		B	C	D	E	F	G	H	T	V
		Misdemeanors	O.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	TOTAL	Visiting Judge
Pending beginning of period	1	221	101	165	3	21	2	2	515	0
New cases filed	2	67	12	35	0	3	1	0	118	0
Cases transferred in, reactivated or redesignated	3	6	1	4	0	1	0	0	12	0
<u>TOTAL (Add lines 1-3)</u>	4	294	114	204	3	25	3	2	645	0
Jury trial	5	0	0	0	0	0	0	0	0	0
Court trial	6	0	1	2	0	0	1	0	4	0
Default	7				0	0	1	0	1	0
Guilty or no contest plea to original charge	8	36	30	42					108	1
Guilty or no contest plea to reduced charge	9	5	2	2					9	0
Dismissal for lack of speedy trial(criminal) or want of prosecution (civil)	10	0	0	0	0	0	0	0	0	0
Other Dismissals	11	27	0	11	0	4	0	0	42	0
Transfer to another judge or court	12	2	0	0	0	0	0	0	2	0
Referral to private judge	13				0	0	0	0	0	0
Unavailability of party for trial or sentencing	14	9	0	1	0	0	0	0	10	0
Bankruptcy stay or interlocutory appeal	15	0	0	0	0	1	0	0	1	0
Other terminations	16	1	1	5	0	1	0	0	8	0
<u>TOTAL (Add lines 5-16)</u>	17	80	34	63	0	6	2	0	185	0
Pending end of period (Subtract line 17 from line 4)	18	214	80	141	3	19	1	2	460	0
Cases pending beyond time guideline	19	0	0	0	0	0	0	0	0	0
Number of months oldest case is beyond time guideline	20	0	0	0	0	0	0	0	0	0
Cases submitted awaiting sentencing or judgment beyond time guideline	21	0	0	0	0	0	0	0	0	0

Fax to: (614) 387-9419 -or- Mail to: Court Statistical Reporting Section Supreme Court of Ohio 65 South Front Street, 6th Floor Columbus, Ohio 43215-3431
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MARK C MILLER	Date
Preparer's name and telephone number if other than judge (print or type)	Date
MARK C MILLER	Date



AUDITOR'S OFFICE

318 Dorney Plaza, Room 313
Findlay, OH 45840-3346
Telephone: 419-424-7101 • Fax: 419-424-7866
www.findlayohio.com

JIM STASCHIAK II
CITY AUDITOR

Thursday, February 08, 2018

The Honorable Council
Findlay, Ohio

Council Members,

A set of summary financial reports for the prior month include:

Summary of Year-To-Date Information as of January 31st, 2018
Financial Snapshot for General Fund as of January 31st, 2018
Open Projects Report as of January 31st, 2018
Cash & Investments as of January 31st, 2018

Respectfully Submitted,

Jim Staschiak II
City Auditor

CITY OF FINDLAY
SUMMARY OF YEAR-TO-DATE INFORMATION AS OF JANUARY 31, 2018

	EXPENDITURE BUDGET	Y-T-D EXPENSED	Y-T-D %	ANNUAL REVENUE BUDGET	Y-T-D RECEIVED	Y-T-D %
COUNCIL	184,631	16,511	8.9%	3,000	75	2.5%
MAYOR'S OFFICE	325,040	21,507	6.6%	4,200	651	15.5%
AUDITOR'S OFFICE	643,802	37,164	5.8%	366,501	55	0.0%
TREASURER'S OFFICE	20,298	782	3.9%	-	-	0.0%
LAW DIRECTOR	619,597	41,545	6.7%	104,000	-	0.0%
MUNICIPAL COURT	2,292,731	134,922	5.9%	1,493,700	86,218	5.8%
CIVIL SERVICE OFFICE	133,006	5,352	4.0%	47,500	1,843	3.9%
PLANNING & ZONING	154,075	68,250	44.3%	-	-	0.0%
COMPUTER SERVICES	393,130	23,864	6.1%	381,130	-	0.0%
GENERAL EXPENSE	3,569,584	439,033	12.3%	-	-	0.0%
GENERAL REVENUE	-	-	0.0%	22,872,660	196,395	0.9%
POLICE DEPARTMENT	7,423,052	412,411	5.6%	369,300	11,165	3.0%
DISASTER SERVICES	51,705	18,541	35.9%	-	-	0.0%
FIRE DEPARTMENT	7,685,408	467,934	6.1%	257,800	25,486	9.9%
DISPATCH CENTER	1,238,848	66,241	5.3%	-	-	0.0%
N.E.A.T.	115,755	4,952	4.3%	1,500	-	0.0%
SAFETY DIRECTOR	150,257	6,853	4.6%	-	-	0.0%
HUMAN RESOURCES	155,250	5,638	3.6%	-	-	0.0%
SERVICE DIRECTOR	114,336	3,360	2.9%	-	-	0.0%
ENGINEERING OFFICE	790,624	36,926	4.7%	131,400	12,891	9.8%
PUBLIC BUILDING	421,591	9,208	2.2%	1,000	-	0.0%
ZONING	280,837	12,941	4.6%	57,700	3,855	6.7%
PARK MAINTENANCE	798,855	26,435	3.3%	10,500	842	8.0%
RESERVOIR RECREATION	5,272	-	0.0%	-	-	0.0%
RECREATION MAINTENANCE	110,593	1,791	1.6%	-	-	0.0%
RECREATION FUNCTIONS	862,261	34,725	4.0%	617,700	114,002	18.5%
CEMETERY DEPARTMENT	400,220	15,595	3.9%	109,500	12,998	11.9%
TOTAL GENERAL FUND	28,940,758	1,912,479	6.6%	26,829,091	466,474	1.7%

CONTINUED ON REVERSE

	EXPENDITURE BUDGET	Y-T-D EXPENSED	Y-T-D %	ANNUAL REVENUE BUDGET	Y-T-D RECEIVED	Y-T-D %
SCM&R STREETS	2,693,345	152,730	5.7%	2,726,610	121,089	4.4%
TRAFFIC-SIGNALS	313,338	9,759	3.1%	-	-	0.0%
TOTAL SCM&R FUND	3,006,683	162,490	5.4%	2,726,610	121,089	4.4%
SCM&R HIWAYS	112,827	-	0.0%	139,200	10,138	7.3%
TOTAL SCM&R HIWAYS FUND	112,827	-	0.0%	139,200	10,138	7.3%
AIRPORT OPERATIONS	1,112,238	79,368	7.1%	947,142	56,512	6.0%
TOTAL AIRPORT FUND	1,112,238	79,368	7.1%	947,142	56,512	6.0%
WATER TREATMENT	2,470,905	123,618	5.0%	14,000	635	4.5%
WATER DISTRIBUTION	1,678,191	87,783	5.2%	97,000	3,563	3.7%
UTILITY BILLING	1,182,332	73,306	6.2%	8,318,888	691,036	8.3%
SUPPLY RESERVOIR	516,621	19,171	3.7%	21,494	650	3.0%
TOTAL WATER FUND	5,848,049	303,877	5.2%	8,451,382	695,884	8.2%
SANITARY SEWER MAINT	1,023,993	55,490	5.4%	1,000	1,226	122.6%
STORMWATER MAINT	287,280	11,120	3.9%	771,330	66,684	8.6%
WATER POLLUTION CONTROL	3,244,043	130,178	4.0%	8,981,200	793,244	8.8%
TOTAL SEWER FUND	4,555,316	196,788	4.3%	9,753,530	861,154	8.8%
PARKING	102,710	10,326	10.1%	104,700	4,399	4.2%
TOTAL PARKING FUND	102,710	10,326	10.1%	104,700	4,399	4.2%
SWIMMING POOL	87,074	-	0.0%	72,000	-	0.0%
TOTAL SWIMMING POOL FUND	87,074	-	0.0%	72,000	-	0.0%
CIT ADMINISTRATION	19,880,783	37,644	0.2%	24,614,000	2,044,066	8.3%
TOTAL CIT FUND	19,880,783	37,644	0.2%	24,614,000	2,044,066	8.3%

SNAPSHOT \$ FINANCIAL: GENERAL FUND

2018

Revenues/Expenditures & Key Balances Snapshot as of :

Projected

1/31/2018

GENERAL FUND REVENUES & EXPENSES

Prior Year Ending Cash Balance – Unappropriated		\$	12,355,960
Revenue and Receipts Projection General Fund	\$	26,837,474	
Expenses Appropriated General Fund <i>(assumes \$0.00 returned by departments)</i>	\$	(28,510,977)	
OPERATIONAL SURPLUS/(DEFICIT)			<u>(\$1,673,503)</u>

PROJECTED UNENCUMBERED YEAR END GF CASH BALANCE

\$ 10,682,457

FINANCIAL POLICY AMOUNTS

	Minimum	Proj. Balance	Over/(Short)
Minimum Reserve Balance GF (Resolution 002-2014 16.7% of Budget Expenses)	\$ 4,750,432	\$ 10,682,457	\$5,932,025
GF Rainy Day Reserve Account #10000000-818002 (up to 5% prior year revenues)	\$ 1,000,000	\$ 1,000,000	\$0
Self Insurance Fund #6060	\$ 1,000,000	\$ 776,556	(\$223,444)

MONITORING INTANGIBLE / ANTICIPATED ITEMS

LIKELY

POSSIBLE

GENERAL FUND

Revenue Differential + / (-)

Expense Differential + / (-)

Fund Subsidies + / (-)

Unbudgeted Projects

BUDGETED YEAR END GF CASH BALANCE (excludes rainy day reserve)

2018

\$ 10,682,457

**CITY OF FINDLAY
OPEN PROJECTS AS OF JANUARY 31, 2018**

PROJECT NUMBER	PROJECT NAME	TOTAL	TOTAL	TOTAL	CURRENTLY
		APPROPRIATED	EXPENSED	PENDING	AVAILABLE
		INCEPTION TO DATE	INCEPTION TO DATE	PURCHASE ORDERS	TO SPEND
31942400	DOWNTOWN REVITALIZATION	3,899,564	3,031,000	849,788	18,776
31948200	OHIO 629 - MARATHON	250,000	-	-	250,000
31951300	2017 AFG FOR SCBA	313,975	8,120	305,853	2
31955300	ROWMARK 629 ROADWORK	100,000	1,516	2,234	96,250
31960100	CITY FIBER LOOP INSTALLATION	958,000	358,261	459,339	140,401
31961700	WOOD SHOP ROOF REPLACEMENT	20,000	-	20,000	-
31961900	2016 EMORY ADAMS IMPROVEMENTS	30,000	23,655	6,263	82
31962900	CUBE ICE EXPANSION FEASIBILITY STUDY	25,000	12,000	10,000	3,000
31965000	VOIP PHONE SYSTEM	130,000	10,592	102,578	16,830
31965800	SILT COLLECTOR @ RESERVOIR	355,000	355,000	-	-
31966700	TYLER CASHIERING IMPLEMENTATION	38,500	18,075	20,310	115
31966800	2017 ORC PD REQUIRED TRAINING	14,740	-	-	14,740
31970200	APEX RADIOS FOR PATROL	180,000	166,752	10,429	2,820
31970300	FFD #3 FACILITY UPGRADE	25,000	-	-	25,000
31970600	2017 GIS UPGRADE	10,000	-	10,000	-
31970700	GIS ENHANCEMENT STUDY	29,500	20,194	4,306	5,000
31971100	PARKER BLDG SIDING & INTERIOR	28,000	4,911	13,976	9,113
31971400	2017 COOPER PARK IMPROVEMENTS	5,000	-	5,000	-
31971500	2017 SWALE PARK IMPROVEMENTS	5,000	-	-	5,000
31971600	2017 RIVERSIDE PARK IMPROVEMENTS	20,000	15,674	4,000	326
31971800	2017 EDE PARK IMPROVEMENTS	10,000	373	-	9,627
31972000	2017 SWALE LOT & WALK PATH	70,000	40,245	9,755	20,000
31972500	FOOTBALL BLDG POWER	15,000	4,842	-	10,158
31972600	2017 CEMETERY FOUND & GROUNDS	10,000	-	-	10,000
31972700	MANLEY BLDG LEAN	20,000	-	10,391	9,609
31972900	SALT BARN STRUCTURE	30,000	-	-	30,000
31976400	2017 FFD STATION 2 UPGRADES	23,000	10,337	2,038	10,626
31976600	RESERVOIR PARKING LOT	15,000	-	-	15,000
31976700	FIRE STATION EXHAUST REMOVAL	27,000	27,000	-	-
31976900	2017 CRISIS INTERVENTION TRAINING	5,103	179	-	4,925
31977400	FIRE ENGINE PURCHASE 2017	463,000	-	-	463,000
31977900	PUBLIC SAFETY SOFTWARE SYSTEM	725,000	302,500	422,500	-
31978000	PD QUICK RESPONSE TEAM	87,500	8,464	79,036	-
31978100	FFD 17 BWC PARTICULATE HOODS	12,111	-	12,111	-
31978200	HP GRANT 2018	8,383	-	-	8,383
31980800	ORC PD REQUIRED TRAINING	29,320	25,613	1,415	2,292
	GENERAL FUND PROJECTS	7,987,696	4,445,302	2,361,321	1,181,073
32542300	OIL DITCH CLEANING	20,000	-	-	20,000
32549500	HOWARD RUN DITCH CLEANING	2,000	-	750	1,250
32556000	B4 & B6 SEWER SEPARATION PH 1	20,000	11,580	7,540	880

PROJECT NUMBER	PROJECT NAME	TOTAL	TOTAL	TOTAL	CURRENTLY
		APPROPRIATED	EXPENSED	PENDING	AVAILABLE
		INCEPTION TO DATE	INCEPTION TO DATE	PURCHASE ORDERS	TO SPEND
32556100	B4 & B6 SEWER SEPARATION PH 2	129,000	14,483	11,317	103,200
32842500	BLANCHARD/6TH TRAN ALT PLAN	25,000	9,500	-	15,500
32852700	W SANDUSKY/WESTERN AVENUE	190,000	15,299	1,265	173,436
32852800	E SANDUSKY/BLANCHARD INTERSECTION	20,000	-	-	20,000
32852900	LIMA/WESTERN INTERSECCION	185,000	50,658	-	134,342
32863400	W BIGELOW/NORTHGATE INTERSECTION	125,000	9,465	59,747	55,788
32863700	TIFFIN TRAFFIC POLES PH 1	75,000	57,829	17,171	-
32864600	CR212/CR236 WIDENING	140,000	69,227	66,216	4,558
32870500	CITYWIDE PAVEMENT ASSESSMENT	99,000	87,703	5,859	5,438
32870800	17 STREET PREV MAINTENANCE	500,000	488,936	10,924	140
32871700	N MAIN/FFD 2 SIGNAL	75,000	3,685	12,403	58,912
32871900	TIFFIN AVE POLES PH2	75,000	586	65,279	9,135
32872100	S MAIN/LINCOLN INTERSECTION	125,000	-	-	125,000
32872800	S MAIN/MAIN CROSS INTERSECTION	125,000	-	-	125,000
32873100	S MAIN/ SANDUSKY INTERSECTION	125,000	-	-	125,000
32875600	2017 STREET RESURFACING	1,500,000	1,407,220	65,797	26,983
32875700	WASHINGTON AVE DRAINAGE	15,000	7,932	746	6,322
32875900	PARK STREET REHAB	258,000	15,642	221,334	21,024
32876000	BLANCHARD/LINCOLN LIKE LANE	126,500	76	200	126,224
32876200	TRENTON/MAIN CROSS CURB	375,000	366,418	109	8,474
32876300	ODOT FY 18 RESURFACING	1,000	54	350	595
	SCM&R FUND PROJECTS	4,330,500	2,616,293	547,007	1,167,201
35250600	AIRPORT DRAINAGE IMPROVEMENTS	145,750	5,509	2,691	137,550
	AIRPORT FUND PROJECTS	145,750	5,509	2,691	137,550
35575100	CR300 DRAINAGE	160,300	8,998	117,385	33,917
35577800	HUNTERS CREEK EMERG STORM	85,000	-	85,000	-
35641900	BRANDMAN SEWER & CSO	335,000	65,138	255,286	14,575
35649300	I75 SANITARY SEWER RELOCATION	365,000	352,167	-	12,833
35662200	WPC SCADA SYSTEM UPGRADE	180,000	148,205	5,000	26,795
35674400	2017 SEWER LINING & MANHOLE	442,000	56,120	349,781	36,099
35674500	2017 ANNUAL CSO LTC	200,000	142,352	17,649	40,000
35674900	SEWEWR PARKING LOTS	38,000	15,040	-	22,960
35675000	SANITARY SEWER CR 212	45,000	6,294	1,706	37,000
35675200	HIGH ST SEWER REPLACEMENT	20,000	4,241	1,851	13,908

PROJECT NUMBER	PROJECT NAME	TOTAL	TOTAL	TOTAL	CURRENTLY
		APPROPRIATED	EXPENSED	PENDING	AVAILABLE
		INCEPTION TO DATE	INCEPTION TO DATE	PURCHASE ORDERS	TO SPEND
25675300	EAST & FRONT CSO ELIMINATION	82,738	697	62,070	19,970
35675400	SEWER FLAP GATE PROJECT	128,485	800	98,668	29,017
25675500	DISTRIBUTION DR SAN SEWER	94,530	406	74,530	19,594
	SEWER FUND PROJECTS	2,176,053	800,459	1,068,926	306,668
35710800	WATERLINE EXT TO LANDFILL	80,000	77,407	-	2,593
35741400	BLANCHARD RVR/STANFORD W/L	25,000	10,861	1,130	13,009
35754100	RAW WATERLINE/TRANSFER STATION	210,000	100,334	102,360	7,306
35756300	WTP RETAINING WALL	232,173	229,250	-	2,923
35761400	W SANDUSKY ST WATERLINE	30,000	892	17,075	12,033
35762600	WESTMOOR RD WATERLINE REPLACE	280,000	229,760	19,274	30,966
25773400	RESERVOIR OVERFLOW DESIGN	15,000	-	-	15,000
35773500	S MAIN WL REPLACE	198,140	148,818	25,756	23,566
35773600	DAVIS W REPLACE	110,100	45,481	46,029	18,590
35773700	HEATHER WL REPLACE	108,130	68,877	20,894	18,360
35773800	WOODSIDE DR WL REPLACE	96,000	78,499	33	17,468
25774000	VINCENT WL REPLACEMENT	391,420	210,581	147,547	33,292
35774300	TR215 WATERLINE EXTENSION	411,575	-	381,575	30,000
35774700	W DIST SYS ANALYSIS ASSESSMENT	45,000	-	45,000	-
35775800	RESERVOIR 1 RAMP REPAVING	20,000	-	-	20,000
35776100	WTP UNDER UTILITY CAPACITY	20,000	3,300	1,700	15,000
35777500	DEER LANDING WL OVERSIZING	55,000	304	55,000	(304)
	WATER FUND PROJECTS	2,327,538	1,204,364	863,372	259,803

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CITY OF FINDLAY
CASH & INVESTMENTS AS OF JANUARY 31, 2018

<u>AMOUNT</u>	<u>DESCRIPTION AND RATE</u>	<u>BANK/FIRM</u>
\$ 945,000.00	STAR OHIO @ 1.440%	
121,547.00	STAR OHIO @ 1.440%	
23,003,500.00	STAR OHIO @ 1.440%	
1,403,626.75	STAR OHIO @ 1.440%	
1,000,000.00	STAR PLUS @ 0.95%	
3,005,000.00	SAVINGS ACCOUNT	FIFTH THIRD BANK
999,160.00	FHLB @ 1.000%	HUNTINGTON BANK
1,000,000.00	US TREASURY @ 1.000%	HUNTINGTON BANK
1,994,121.55	FHLMC @ 0.750%	HUNTINGTON BANK
998,710.00	FFCB @ 0.800%	FIFTH THIRD BANK
999,485.95	FHLMC @ 0.850%	D A DAVIDSON
998,600.00	FHLMC @ 0.850%	HUNTINGTON BANK
1,002,320.00	FNMA @ 1.020%	KEY BANK
996,130.00	FFCB @ 0.890%	FIFTH THIRD BANK
999,580.00	US TREASURY @ 1.250%	KEY BANK
1,000,625.00	US TREASURY @ 1.250%	PNC BANK
1,000,300.00	FFCB @ 1.300%	HUNTINGTON BANK
245,000.00	CERTIFICATE OF DEPOSIT @ 0.250%	FIRST FEDERAL BANK
995,429.69	US TREASURY @ 1.237%	HUNTINGTON BANK
245,000.00	CERTIFICATE OF DEPOSIT @ 1.100%	WATERFORD BANK
1,999,040.00	US TREASURY @ 1.250%	D A DAVIDSON
999,120.00	FFCB @ 1.375%	HUNTINGTON BANK
245,000.00	CERTIFICATE OF DEPOSIT @ 0.500%	CITIZENS NATIONAL BANK
986,640.00	US TREASURY @ 1.000%	D A DAVIDSON
996,895.93	FHLB @ 1.550%	HUNTINGTON BANK
1,970,880.00	US TREASURY @ 0.875%	KEY BANK
245,000.00	CERTIFICATE OF DEPOSIT @ 1.200%	FIRST NATIONAL BANK
1,996,875.00	US TREASURY @ 2.000%	PNC BANK
<u>\$ 52,392,586.87</u>	INVESTMENT TOTAL	
3,050,995.57	5/3 BANK ACCOUNT BALANCE	
4,654.50	ACCRUED INVESTMENT INTEREST	
<u>\$55,448,236.94</u>	TOTAL CASH & INVESTMENTS	

UNAPPROPRIATED FUND BALANCES (CURRENT CASH BALANCES ON REVERSE)

GENERAL	\$ 10,682,457
SCM&R	228,609
SCM&R HIWAY	336,228
SEVERANCE PAYOUT RESERVE	479,305
AIRPORT	193,934
WATER	10,034,349
SEWER	8,273,514
STORMWATER	2,699,991
PARKING	14,736
CIT ADMINISTRATION	614,008
CIT CAPITAL IMPROVEMENT	7,650,090

CITY OF FINDLAY
BREAKDOWN OF TOTAL CASH & INVESTMENTS BY FUND AS OF JANUARY 31, 2018

\$13,346,190.46	General Fund
1,000,000.00	General Fund Restricted Rainy Day
2,195,975.37	General Fund Projects
678,304.22	SCM&R Fund
1,354,134.89	SCM&R Fund Projects
7,154.81	County Permissive License Fund
319,758.51	State Highway Fund
589.57	Law Enforcement Trust Fund
37.00	Drug Law Enforcement Trust Fund
263,782.53	ID Alcohol Treatment Fund
58,104.35	Enforcement & Education Fund
332,154.30	Court Special Projects Fund
90,365.02	Court Computerization Fund
3,609.56	METRICH Drug Law Enforcement Trust Fund
98,218.94	Alcohol Monitoring Fund
101,169.29	Mediation Fund
146,898.70	Electronic Imaging Fund
20,440.75	Legal Research Fund
485,951.36	Severance Payout Fund
551,148.34	Debt Service Fund
-	CR 236 TIF Fund
378,819.34	Municipal Court Improvement Fund
364,499.23	Airport Fund
130,497.02	Airport Fund Projects
10,564,298.02	Water Fund
824,128.19	Water Fund Restricted
1,030,700.51	Water Fund Projects
5,960,674.89	Sewer Fund
5,198,936.19	Sewer Fund Restricted
1,375,119.49	Sewer Fund Projects
12,312.23	Parking Fund
-	Parking Fund Projects
16,692.19	Swimming Pool Fund
-	Swimming Pool Fund Projects
27,367.66	Internal Service Central Stores Fund
787,401.02	Internal Service Workers Comp Fund
941,555.80	Internal Service Self Insurance Fund
2,655,313.35	CIT Fund
2,278,970.01	CIT Fund- Restricted Capital Improvements
-	CIT Fund-Restricted Flood Mitigation
4,830.42	Police Pension Fund
4,830.42	Fire Pension Fund
7,620.07	Unclaimed Monies Fund
25,985.22	Tax Collection Agency Fund
1,409,176.75	Cemetery Trust Fund
157,002.94	Private Trust Fund
236,103.97	Guaranteed Deposits
-	Special Assessments Pavements Fund
-	Special Assessments Sidewalks Fund
-	Special Assessments Sidewalks Fund Projects
1,414.04	Special Assessments Storm Fund
<u>\$55,448,236.94</u>	TOTAL CASH & INVESTMENTS

Board of Zoning Appeals

January 11, 2018

Members present: Chairman, Phil Rooney; Sharon Rooney; Kerry Trombley; Blaine Wells.

The meeting was called to order at 6:00 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and the general rules were reviewed. Mrs. Rooney made a motion to remove the tabled hearing. Mr. Trombley seconded the motion. The motion to open was approved 4-0

Rehearing Case # 56635-BA-17 (172 Carlee Lane) was introduced. Mr. Adkins read his comments as follows:

Filed by Leslie Neal, regarding a variance from section 1161.01.1(D)(2) of the City of Findlay Zoning Ordinance. The applicant has constructed an accessory structure at 172 Carlee Lane that is 3.2 feet from the rear property line. The required setback is 5 feet.

This case was previously heard on December 14, 2017, and was considered no action when the board could not reach an agreement on whether to deny or grant the variance.

The applicant has constructed an 8 X 13 shed in the rear yard that was approved per permit number 56004, which stated that the shed had to meet a minimum setback of 5 feet from the rear property line. Upon the final inspection on July 25th, it was discovered that the shed, and its footer, was encroaching into the rear yard setback by 1.5 feet. Mrs. Neal was made aware of the encroachment at the time and stated that they were under the assumption that the permitted fence was 2 feet off the property line, which was not the case, when in reality, their fence is on the property line. We recommend that the shed is moved back to the required setback of 5 feet.

Dustin Neal, 172 Carlee Lane, was sworn in. Mr. Neal explained how they used the fence as a measurement, which when installed, the contractor was asked to leave 24 inches beyond to the property line. With that being said, they thought that the fence was 2 feet from the property line whenever they put up the shed. He continued to explain that they had good intentions in leaving enough space between the neighbor's property. With that in mind, they assumed that the edge of the shed was at least 5 feet from the property line. He explained how after the last meeting in December that he did research that showed that if the screws would come out of the shed to move it, that they would not fit correctly the next time.

Mrs. Rooney asked if at the time of pouring the footers, were they notified that the footer was not five feet from the property line. Mr. Neal answered, "no."

Mr. Wells asked what screening there was between the neighbor's property and theirs. Mr. Neal said that there is a six-foot fence and that the shed is eight feet in height.

There was further discussion about the location of the pin, whether there was an easement in the rear of the property, and other questions about the location of the shed.

There were no communications.

The board discussed the previous decision and what brought the board to a no-action last month.

Mr. Trombley made a motion to approve the variance. The motion was seconded by Mr. Wells.

The motion to approve the variance passed 3-1.

Case # 56693-BA-17 (207 Glendale Avenue) was introduced. Mr. Adkins read his comments as follows:

Filed by Thomas Metz, is seeking a variance from section 1122.06(C)(1) of the City of Findlay Zoning Ordinance. The applicant's construction of an accessory building has caused the lot to be covered by 35.8% of roofed area. The maximum lot coverage cannot exceed 33%.

During the re-inspection of a neighboring property in the fall, it was discovered that Mr. Metz roofed his existing pergola. We do not regulate pergolas in the city, however, once it is roofed it becomes an accessory structure. Once Mr. Metz came into get the appropriate permit, it was discovered that he the roofed area exceeded allowable percentage of 33-percent. We recommend that the roofed surface be removed.

Thomas Metz, 207 Glendale Avenue, was sworn in. He talked about building the pergola two years ago and did research and saw the code did not issue permits for non-roofed surface. He then mentioned that he and his family decided to roof the structure this year and did not know that he needed to get a permit to put the roof on the pergola.

Mr. Trombley recused himself due to conflict.

There was discussion about the amount of percentage the roofed surface causes and none of the neighbors opposed. Further discussion about the difficulty of removal of the structure.

Mr. Wells asked if it was a solid structure, and Mr. Metz state, "yes."

Mr. Metz talked about how none of the neighbors had issues with it and feel like they approve because it adds value to the neighborhood.

Mr. Rooney asked about removable roof such as canvas, and Mr. Richard explained the temporary seasonal are not treated the same because they are not permanent.

There were no communications.

Mrs. Rooney made a motion to approve the variance. Mr. Wells seconded the motion.

The motion to approve the variance passed 3-0.

Case # 56645-BA-17 (151 Stanford Parkway) was introduced. Mr. Adkins read his comments as follows:

Filed by Alynn LLC, regarding a variance from section 1122.05(C) of the City of Findlay Zoning Ordinance. The applicant has proposed to construct a new dwelling at 2602 N. Main Street, that will be 15.3 feet

from the rear lot line. The minimum setback requirement is 30 feet.

In 1954, this site was developed as a mixed use property that included a grocery store and single family dwelling. A variance was granted in 1965 to establish a barber shop that is still in use and include a single family dwelling.

The applicant is looking to demolish the existing dwelling and build a single family home that will still continue to be attached to the existing barber shop. The barber shop is allowed to remain do to the variance it received in 1965. The proposal will have little impact on the neighboring property towards the west since the applicant's rear yard is abutting the side yard, which only has a detached garage on the property.

Sarah Yonker, 1918 Wyoming Trail, explained that she purchased the property to be able to have her barber shop next to where she lives. She explained that it would be able to fit the dwelling she wants and would be tough to do with current codes in place for her zone.

Mr. Trombley brought up discussion about the size of garage and whether there will be any screening in place to screen from neighbor. Mrs. Yonker stated, "no", but she may be the one that needs screening from the Morton building on the neighboring property to the rear.

There was further discussion about the abutting lands and how the garage in the rear would affect the surrounding properties.

There were no communications.

Mr. Wells made a motion to approve. Mrs. Rooney seconded the motion.

The motion to approve the variance passed 4-0.

Minutes for December 14th, 2017, were tabled.

Officers for 2018-2019 were voted on.

Chairman – Phil Rooney was nominated by Mrs. Rooney and second by Mr. Trombley.

Vice Chairman – Doug Warren was nominated by Mr. Rooney and second by Mr. Wells.

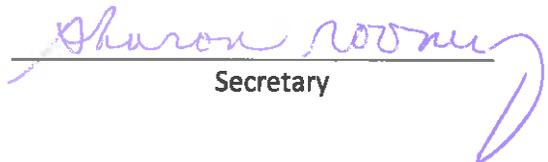
Secretary – Sharon Rooney was nominated by Mr. Rooney and second by Mr. Trombley.

Nominees all passed with a 4-0 vote.

The meeting was adjourned.



Chairman



Secretary



TREASURER'S OFFICE

318 Dorney Plaza, Room 313
Findlay, OH 45840-3346
Telephone: 419-424-7107 • Fax: 419-424-7866
www.findlayohio.com

SUSAN JO HITE
CITY TREASURER

Treasurer's Reconciliation for January 31, 2018

TREASURER

Fifth Third Initial Balance	3,770,951.33
- Withdrawals ()	(8,100,168.16)
+ Deposits	7,551,895.01
Ending Balance	3,222,678.18

- Outstanding checks ()	(156,407.66)
Bank Error	(20,588.15)
deposit in Transit	5,313.20

Treasurer's Checking Bal	3,050,995.57
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Investment Principal	52,392,586.87
Accrued Bond Interest	4,654.50

Treasurer's Total Cash and Investments	55,448,236.94
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AUDITOR

Auditor's Checking Bal	3,050,995.57
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Auditor's Total Cash and Investments	55,448,236.94
---	----------------------

Respectfully submitted,

Treasurer

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.
Safety Director

Brian A. Thomas, P.E., P.S.
Service Director

February 13, 2018

Honorable City Council
Findlay, OH 45804

RE: Fire Hydrants

Dear Council Members:

As you are aware, Water Distribution purchases all fire hydrants that are installed in the City of Findlay to make sure that they meet all of our standards. When there is a construction project that involves the installation of new hydrants, the Contractor is required to purchase the hydrants from Water Distribution.

The County's contractor has started work on the project to extend waterline to the landfill (which will also complete the waterline loop between County Road 99 and State Route 613). This project includes 23 hydrants. This is one-half (1/2) of the budget that Water Distribution has for purchasing hydrants. When the Contractor pays for the hydrants, the monies go back into the Water Fund and does not go back into the budget so that more hydrants can be purchased.

At this time, I am requesting that \$48,500 be transferred from the Water Fund to Water Distribution's budget for the purchase of hydrants to offset the money spent on the 23 hydrants.

By copy of this letter the Law Director is requested to prepare legislation to appropriate funds as follows:

FROM:	Water Fund	\$48,500.00
TO:	Water Distribution (25053000-Other)	\$48,500.00

Please feel free to contact me if you have any questions or require any additional information.

Sincerely,



Brian Thomas
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director
Jim Staschiak II, Auditor

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310
Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245
www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.
Safety Director

Brian A. Thomas, P.E., P.S.
Service Director

February 13, 2018

Honorable City Council
Findlay, OH 45840

RE: HAN-Findlay FY18 Resurfacing (PID100183), Project No. 32876300

Dear Council Members:

By authorization of Ordinance No. 2017-070, a bid opening was held for the above-referenced project on February 8, 2018. Bids were received from four (4) potential contractors with bid amounts ranging from \$718,598.52 to \$854,278.99. The lowest and best bid was received from Helms & Sons Excavating of Findlay, Ohio.

Previously, an amount of \$1,000 was appropriated to the project for startup. At this time, an appropriation for construction, inspection and a contingency is needed to complete the project.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate and transfer funds as follows:

FROM:	ODOT	\$632,366	
TO:	HAN-Findlay FY18 Resurfacing (PID100183), Project No. 32876300		\$632,366
FROM:	CIT Fund - Capital Improvement Restricted Account	\$166,634	
TO:	HAN-Findlay FY18 Resurfacing (PID100183), Project No. 32876300		\$166,634

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director
Jim Staschiak II, Auditor

City of Findlay

Lydia Mihalik, Mayor

ENGINEERING DEPARTMENT

318 Dorney Plaza, Room 304 • Findlay, OH 45840

Phone: 419-424-7121 • Fax: 419-424-7120

www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.
Safety Director

Brian A. Thomas, P.E., P.S.
Service Director

February 6, 2018

Honorable City Council
Findlay, OH 45804

RE: WPC Bar Screens, Project No. 35620900

Dear Council Members:

The above-referenced project has been complete for some time and was closed back in December 2017. Retainage was released and the remaining funds were transferred back to the sewer fund. It has since come to our attention that there was a final change order in the amount of \$6,530.40 that remains unpaid. An appropriation from council is needed in order to complete the change order.

By copy of this letter the Law Director is requested to prepare legislation to appropriate the balance of the funds as follows:

FROM:	Sewer Fund	\$6,530.40	
TO:	WPC (25061000-other)		\$6,530.40

Sincerely,



Brian Thomas
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director
Jim Staschiak II, Auditor

City of Findlay

Lydia Mihalik, Mayor

POLICE DEPARTMENT

John E. Dunbar, Chief of Police

318 Dorney Plaza, Room 116 • Findlay, OH 45840

Phone: 419-424-7194 • Fax: 419-424-7296

www.findlayohio.com

February 15, 2018

The Honorable Council:

A check of the records of this office shows no criminal record on the following:

Daniel Burket

DJB 1 LLC, DBA Stevi B's Pizza, 7535 Patriot Drive,
Findlay, Ohio 45840.

Sincerely,



John E. Dunbar
Chief of Police

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2380 FAX(614)644-3166

TO

1914796		TRFO		DJB 1 LLC DBA STEVI BS PIZZA 7535 PATRIOT DR FINDLAY OH 45840
PERMIT NUMBER				
06	01	2017		
ISSUE DATE				
02	09	2018		
FILING DATE				
D1				
PERMIT CLASSES				
32	044	A	F19868	
TAX DISTRICT		RECEIPT NO.		

FROM 02/13/2018

7748277		SAS 1 AT FINDLAY LLC		SAS 1 AT FINDLAY LLC DBA STEVI BS PIZZA 7535 PATRIOT DR FINDLAY OH 45840
PERMIT NUMBER				
06	01	2017		
ISSUE DATE				
02	09	2018		
FILING DATE				
D1				
PERMIT CLASSES				
32	044			
TAX DISTRICT		RECEIPT NO.		



MAILED 02/13/2018

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/16/2018

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 1914796**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF FINDLAY CITY COUNCIL
MUNICIPAL BLDG RM 114
318 DORNEY PLAZA
FINDLAY OHIO 45840-3346**

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only **ONE** criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA

Permit Number

1914796

Permit Name / DBA

Member / Officer Name

Search**Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 1914796; Name: DJB 1 LLC; DBA: DBA STEVI BS PIZZA; Address: 7535 PATRIOT DR FINDLAY 45840		
DAINEL BURKET	MANAGE MEM	

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)

City of Findlay
City Planning Commission
City Council Chambers, 1st floor of Municipal Building
Thursday, March 8, 2018 - 9:00 AM

AGENDA

CALL TO ORDER

ROLL CALL

SWEARING IN

APPROVAL OF MINUTES

ITEMS TABLED AT THE DECEMBER 14, 2017 MEETING

APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive.

NEW ITEMS

- 1. ALLEY/STREET VACATION PETITION #AV-01-2018 filed to vacate an alley running south from South Street between 615 and 619 South Street, Findlay, OH.**
- 2. ALLEY/STREET VACATION PETITION #AV-02-2018 filed to vacate 7' off the south side of Elm Street along Lot 1377 of Barnd's First Addition also known as 916 S. Main Street.**
- 3. PETITION FOR ZONING AMENDMENT #ZA-01-2018 filed to rezone Lot 7 in the East Melrose Business Park on Keith Parkway from C-2 General Commercial to I-1 Light Industrial.**
- 4. REQUEST TO RE-ESTABLISH A NON-CONFORMING USE at 1205 E. Sandusky Street, Findlay, OH. The applicant wishes to conduct wholesale sales of heating/air conditioning/cooling equipment to contractors out of the existing buildings.**
- 5. PRELIMINARY PLAT APPLICATION #PP-02-2018 for Glenmar Subdivision 1st Addition.**
- 6. FINAL PLAT APPLICATION #FP-03-2018 for Glenmar Subdivision 1st Addition Plat 2.**
- 7. PRELIMINARY PLAT APPLICATION #PP-03-2018 filed for Best Liberty Addition.**
- 8. FINAL PLAT APPLICATION #FP-04-2018 filed for Best Liberty Addition.**

ADMINISTRATIVE APPROVALS

ADJOURNMENT

City of Findlay City Planning Commission

Thursday, February 8, 2018 - 9:00 AM

Minutes

(Staff Report Comments from the meeting are incorporated into the minutes in lighter text. Actual minutes begin with the DISCUSSION Section for each item)

MEMBERS PRESENT: Jackie Schroeder
Dan Clinger
Dan DeArment

STAFF ATTENDING: Judy Scrimshaw, Development Planner
Todd Richard, Zoning Inspector
Jeremy Kalb, Engineering Project Manager
Matt Cordonnier, HRPC Director

GUESTS: Dan Stone, Leah Wilson, Jodi Mathias, Erik Adkins, Toni Poling, Jeff Dean, Tom Shindeldecker, Doug Jenkins

CALL TO ORDER

ROLL CALL

The following members were present:

Jackie Schroeder
Dan Clinger
Dan DeArment

SWEARING IN

All those planning to give testimony were sworn in by Judy Scrimshaw.

APPROVAL OF MINUTES

Dan Clinger made a motion to approve the minutes of January 11, 2018. Jackie Schroeder seconded. Motion carried 3-0-0.

NEW ITEMS

1. FINAL PLAT APPLICATION #FP-01-2018 for Somerset Park 4th Addition

General Information

This is a residential subdivision located off the south side of CR 95 in Section 2 of Liberty Township. It is zoned R-1 One Family in the Township. All abutting land is also zoned R-1 One Family in Liberty Township. It is not within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Large Lot.

Parcel History

A Preliminary Plat for this phase of the subdivision was reviewed in January, 2018.

Staff Analysis

The applicant is proposing to extend Silver Lake Drive to the south and add a cul-de-sac street (Wheatfield Dr.) running east from that extension. There will be 15 new residential lots added with this phase.

All lot sizes comply with the Liberty Township minimum size of 15,000 square feet and 100' at the building setback line.

In a letter we received from the County Engineer's office, they stated that they would not permit the proposed raised island in the cul-de-sac.

Staff Recommendation

HRPC Staff recommends **approval of FINAL PLAT APPLICATION #FP-01-2018 for Somerset Park 4th Addition.**

ENGINEERING

Engineering has some minor comments on the construction drawings and will be working with the consultant to get those comments addressed.

Recommendations: Conditional approval of the plat subject to the construction drawings being modified to the satisfaction of the Engineering department.

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends **approval of FINAL PLAT APPLICATION #FP-01-2018 for Somerset Park 4th Addition subject to the following:**

- **Final approval of construction drawings by the City Engineer's office (ENG)**

DISCUSSION

Dan Clinger stated that the questions he had posed during the discussion of the preliminary plat. He feels that all were appropriately answered and has no further issues.

MOTION

Dan Clinger made a motion to **approve FINAL PLAT APPLICATION #FP-01-2018 for Somerset Park 4th Addition.**

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

2. FINAL PLAT APPLICATION #FP-02-2018 for Deer Landing 1st Addition

HRPC

General Information

This request is located off the east side of TR 227 in Section 29 of Marion Township. It is zoned R-1 Single Family Residential. Parcels to the north, east and west are also zoned R-1. To the south is zoned A-1 Agriculture in the Township. It is not within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Medium Lot.

Parcel History

The Preliminary Plat of Deer Landing 1st Addition was reviewed and approved by FCPC in October, 2017.

Staff Analysis

The applicant is proposing 27 residential lots and one lot for a new detention pond.

Deer Landing and Arrowhead Drives will be extended east and Elk Drive will make a north/south connection between them. Deer Landing Drive will extend east of Elk Drive and stub into the remainder land in the parcel.

All lots are over the 11,000 square foot minimum size that Marion Township requires. Lots 44 and 45 are under the frontage requirement of the Township which is 75'. We know the applicants have met with the Township's zoning commission and perhaps this has been resolved.

Staff Recommendation

HRPC Staff recommends **approval of FINAL PLAT APPLICATION #FP-02-2018 for Deer Landing 1st Addition subject to:**

- **Township approval of the width of Lots 44 and 45**

ENGINEERING

Engineering has some minor comments on the construction drawings and will be working with the consultant to get the comments addressed.

Recommendations: Conditional approval of the plat subject to the construction drawings being modified to the satisfaction of the Engineering department.

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends **approval of FINAL PLAT APPLICATION #FP-02-2018 for Deer Landing 1st Addition subject to:**

- **Township approval of lot width of Lots 44 and 45 (HRPC)**
- **Final approval of construction drawings by the City Engineer's office (ENG)**

DISCUSSION

Dan Stone stated that they obtained variances for Lots 44 and 45 from Marion Township.

Mr. Clinger mentioned that with the preliminary plat for this item, that there was a resident here mentioning some of drainage issues that were on the original development on Lots 5 and 6. Mr. Stone stated that he met with the owner to discuss his concerns. He said that a small catch basin was put in after all of the construction had occurred, and it wasn't large enough to allow the water to go anywhere. They placed another catch basin in the area, and provided a flood route to the swale, so if water is to drain out of the structure, it will go to the catch basin and through their system and end up in the pond. Mr. Stone told the Commission they have done everything they can physically do out there to eliminate any ponding water. Dan DeArment asked if he had reached out to the neighbor to explain this. Mr. Stone stated that the neighbor was out there as they were surveying but said he would reach out to him to explain exactly what they are doing to eliminate the ponding water out there.

MOTION

Dan Clinger made a motion to **approve FINAL PLAT APPLICATION #FP-02-2018 for Deer Landing 1st Addition subject to the following conditions:**

- Final construction drawings must be appropriate.

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

3. APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive.

HRPC

General Information

This request is located on the west side of Canterbury Drive just south of the intersection with Tiffin Avenue. It is zoned O-1 Institutions and Offices. Property to the north and west is also zoned O-1. To the south and east is zoned R-1 Single Family Low Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Office.

Parcel History

This is currently a vacant single family home.

Staff Analysis

The applicant is requesting to change the use of the dwelling to a Child Day Care Center. Day Care Centers are a primary use in the O-1 zoning district.

There are no changes proposed to the footprint of the structure. Cosmetically, the front of the building will change and major renovations will be done to the interior to turn it into space suitable for the intended use.

The applicant is negotiating with the office building on the opposite corner of Canterbury and Tiffin Avenue to lease parking spaces to accommodate employee parking during the day. We would advise some legal recorded document that grants that permission to the Day Care in perpetuity in case of an ownership change on either end.

The applicant is requesting permission to have a second curb cut onto Canterbury to allow for a u-shaped drive for pick up and drop off of children. She would like it to be wide enough for 2 cars to pass. The site looks tight and the drawing is not to scale so it is difficult to tell if this would work.

The rear yard will be fenced in for an outdoor play area. The area on the north end of the home where the existing air conditioning unit is located will also be fenced in and used for trash containers as well.

The applicant proposes planting evergreens along the property lines to the north and south as a buffer for the homes there.

Staff Recommendation

HRPC Staff would like to see some scaled, engineered drawings to determine if the drive will work before issuing any recommendation of approval.

ENGINEERING

Need more information on how the U-shaped drive is going to fit within the property. Looking at the location of the current drive it appears it would be difficult to have a drive that can accommodate the mobility of larger vehicles. The drive may need to be relocated to the north to allow for the needed turn radius.

Would like to see if some onsite parking would be available if the drive was reconfigured.

Recommendations: Tabling the Conditional Use until more information is given on the size and location of the proposed U-shaped drive.

FIRE PREVENTION

Provide all necessary information to Wood County Bldg. Dept. for the proper permits.

STAFF RECOMMENDATION

Staff recommends **that FCPC table APPLICATION FOR CHANGE OF USE #CU-01-2018 to operate a childcare facility at 800 Canterbury Drive until a drawing can be provided to show how a u-shaped drive can be accommodated on the site.**

DISCUSSION

Mr. Clinger mentioned that handicap access is essential and a ramp should be placed to access the facility, which may play a part in how the parking is configured. He also stated that he would like to see parking mostly on-site as the site appears to be large enough to do so. He said his concern with the parking with the building on the adjacent corner is that he isn't sure if the parking is entirely occupied at the moment, so the dynamic could change. Judy Scrimshaw said that that is why she suggested getting a recorded document from the building owner to show that she has a certain number of spaces in the lot, for perpetuity. Mr. Clinger asked if six spots are necessary, and Ms. Scrimshaw stated it was for staff parking. Mr. Clinger stated that he would still like to see those parking spots on site and still thinks it is possible.

Mr. DeArment asked if employees could legally park on the street. Ms. Scrimshaw said that there is parking on that street but was unsure of length of parking time. She said she doesn't think there is a limitation as it is a residential neighborhood. Toni Poling said that she was trying to avoid parking most of the staff onsite because she wants to maintain a residential feel to the facility and plans to add trees out front as well. Ms. Poling stated she will, however, do the plans the way the Planning Commission requests.

Mr. Clinger asked about the height of the fence in the backyard. Ms. Poling stated she had intended to go with a six-foot fence but recently found out she could have an eight-foot fence if desired. She said she would like a privacy fence either way.

MOTION

Dan Clinger made a motion to **table APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive.** They would like Ms. Poling to come back with a drawing to show how the driveway can work and some addition on-site parking if possible.

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

ADJOURNMENT

Lydia L. Mihalik
Mayor

Brian Thomas, P.E., P.S.
Service Director

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service-Safety Director to discuss the 2018 Capital Improvements Plan.

We ~~recommend~~

Discussed 2018-22 Capital Plan

Aye Nay

Grant C Russel
Grant Russel, Chairman

Aye Nay

ABSENT
John Harrington

Aye Nay

[Signature]
Dina Ostrander

Aye Nay

[Signature]
Tom Shindledecker

Aye Nay

Jeff Wobser

APPROPRIATIONS COMMITTEE

DATE: February 8, 2018

LEGISLATION _____

**FINDLAY CITY COUNCIL
CARRY-OVER LEGISLATION
February 20, 2018**

ORDINANCE NO. 2018-008 (*Trenton Ave/Main Cross St curbs replacement*)

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

third reading

ORDINANCE NO. 2018-009 (*632 Davis St rezone*)

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 632 DAVIS STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX, HIGH DENSITY".

third reading

ORDINANCE NO. 2018-013 (*waterline extension to County Landfill*) requires three (3) readings

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

second reading

City of Findlay

Office of the Director of Law

318 Dorney Plaza, Room 310
Findlay, OH 45840
Telephone: 419-429-7338 • Fax: 419-424-7245

Donald J. Rasmussen
Director of Law

FEBRUARY 20, 2018

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, FEBRUARY 20, 2018 MEETING.

RESOLUTIONS

006-2018 A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST FOURTH (1/4) OF SECTION 5, T1N, R11E, A TRACT OF LAND CONSISTING OF 49.068 ACRES OF LAND, MORE OR LESS.

ORDINANCES

2018-014 AN ORDINANCE ENACTING CHAPTER 196 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY ENTITLED "CHAPTER 196, FILING NET PROFIT TAXES" AND DECLARING AN EMERGENCY.

2018-015 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

2018-016 AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

2018-017 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

2018-018 AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO RENEW THE CONTRACT WITH COCA-COLA ENTERPRISES INC., THAT EXPIRED ON MAY 31, 2017 AS STATED IN ORDINANCE NO. 2012-042, FOR AN ADDITIONAL FIVE (5) YEARS WITH A NEW EXPIRATION DATE OF MAY 31, 2022, AND DECLARING AN EMERGENCY.

2018-019 AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS, WHERE REQUIRED, AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2018 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

2018-020 AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS, WHERE REQUIRED, AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2018 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 006-2018

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST FOURTH (1/4) OF SECTION 5, T1N, R11E, A TRACT OF LAND CONSISTING OF 49.068 ACRES OF LAND, MORE OR LESS.

WHEREAS, Ohio Revised Code 709.03 (D) requires a statement from the municipal legislative authority stating what services, if any, that will be provided to the territory proposed to be annexed upon annexation, and approximately when they will be furnished, and;

WHEREAS, it is the desire of this Council to provide said statement in compliance with said Revised Code Section.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That in the event the Hancock County Commissioners should approve the petition for annexation of the subject property referenced above and should the legislative authority of the City of Findlay, Ohio, annex said property, it is the intent of this Council to make available the following services:

- a) street lighting
- b) street maintenance
- c) water distribution system
- d) sanitary sewer system
- e) storm sewer system
- f) engineering services
- g) full-time police protection
- h) full-time fire protection

All of which services will be available to said property upon completion of the annexation.

SECTION 2: That the purpose of this Resolution is not to legally bind the City of Findlay to the rendering of the above referenced services but rather to comply with said Revised Code Section so that the Commissioners may take action upon said annexation petition and further, to represent that this property like all other property within the incorporated limits of the City of Findlay, Ohio, shall be afforded the same services.

SECTION 3: This Resolution shall take effect and be in force from and after the earliest period provided by law.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-014

AN ORDINANCE ENACTING CHAPTER 196 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY ENTITLED "CHAPTER 196, FILING NET PROFIT TAXES" AND DECLARING AN EMERGENCY.

WHEREAS, in House Bill 49 of the 132nd Ohio General Assembly, the State's general appropriations bill for the biennium, includes Section 803.100 purporting to require that municipalities adopt certain municipal income tax provisions that are also adopted within House Bill 49 to authorize State officials to collect and administer municipal net profits taxes; and

WHEREAS, Section 803.100 of House Bill 49 references and relies upon Section 718.04(A) of the Ohio Revised Code, which purports to make municipal income taxing authority conditional upon a municipality's adoption of code sections as dictated by the State; and

WHEREAS, although the municipal income tax provisions of House Bill 49, and Section 718.04(A) of the Ohio Revised Code, violate the Home Rule Amendment, the City nevertheless is compelled to adopt House Bill 49's municipal income tax provisions to avoid any doubt or taxpayer challenge as to its ability to impose a municipal income tax under the terms of Section 803.100 of House Bill 49 and Section 718.04(A) of the Ohio Revised Code; and

WHEREAS, the City is a party to ongoing litigation seeking a declaration that the House Bill 49 municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, and other provisions of Ohio law that usurp the powers of local self-government are unconstitutional, and to enjoin all actions by state officials to implement the House Bill 49 municipal income tax provisions; and

WHEREAS, the City, by enacting this Ordinance, does not concede the legality of House Bill 49's municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, or any other law that is subject to the suit in which the City is participating, and reserves its right to continue prosecution of that lawsuit; and

WHEREAS, when the named plaintiffs prevail in the aforementioned litigation, this Chapter 196 shall be considered immediately and effectively repealed and made null and void and ineffective with no further action required by this Council;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That this Council hereby expressly finds and determines that it does not concede the legality of House Bill 49's municipal income tax provisions; Section 803.100 of House Bill 49; Section 718.04(A) of the Ohio Revised Code; or any other law that is the subject of the action pending in Case Number 2017 CV 10258 in the Franklin County Court of Common Pleas, and that the City reserves its rights to continue its participation in and prosecution of said litigation, and any other litigation challenging the State's authority to dictate municipal tax collection and administration, and that adoption of this Ordinance shall not prejudice the claims of the City therein.

SECTION 2: That "Chapter 196, Filing Net Profit Taxes" attached hereto as "Exhibit A" and made a part hereof as fully and completely as if written herein.

SECTION 3: Provisions of Chapter 196 as displayed in Exhibit A attached hereto shall apply retroactively to January 1, 2018.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio.

WHEREFORE: This Ordinance shall be in full force and effect from and after the earliest period provided by law.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

[Exhibit A]

196.01 FILING NET PROFIT TAXES; ELECTION TO BE SUBJECT TO PROVISIONS OF CHAPTER.

(A) A taxpayer may elect to be subject to sections 196.01 to 196.16 of this Chapter in lieu of the provisions set forth in the remainder of this chapter. Notwithstanding any other provision of this chapter, upon the taxpayer's election, both of the following shall apply:

(1) The state tax commissioner shall serve as the sole administrator of the municipal net profit tax for which the taxpayer as defined in section 196.02(C) of this Chapter is liable for the term of the election;

(2) The commissioner shall administer the tax pursuant to sections 718.80 to 718.95 of the Ohio Revised Code, sections 196.01 to 196.16 of this Chapter, and any applicable provision of Chapter 5703 of the Ohio Revised Code.

(B) (1) A taxpayer shall make the initial election on or before the first day of the third month after the beginning of the taxpayer's taxable year by notifying the tax commissioner and the City of Findlay, on a form prescribed by the tax commissioner.

(2) (a) The election, once made by the taxpayer, applies to the taxable year in which the election is made and to each subsequent taxable year until the taxpayer notifies the tax commissioner and the City of Findlay of its termination of the election.

(b) A notification of termination shall be made, on a form prescribed by the tax commissioner, on or before the first day of the third month of any taxable year.

(c) Upon a timely and valid termination of the election, the taxpayer is no longer subject to sections 196.01 to 196.16 of this Chapter, and is instead subject to the provisions set forth in the remainder of this chapter.

(C) The tax commissioner shall enforce and administer sections 196.01 to 196.16 of this Chapter. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

(1) Prescribe all forms necessary to administer those sections;

(2) Adopt such rules as the tax commissioner finds necessary to carry out those sections;

(3) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the tax commissioner by those sections.

(D) The tax commissioner shall not be considered a tax administrator, as that term is defined in section 718.01 of the Ohio Revised Code and Chapter 194.03.

[Exhibit A]

196.02 DEFINITIONS.

If a term used in sections 196.01 to 196.16 of this Chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Ohio Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall have control over the use of the term in Title LVII of the Ohio Revised Code, unless the term is defined in Chapter 5703 of the Ohio Revised Code, in which case the definition in that chapter shall control. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States related to federal income taxes. If a term is defined in both this section and Chapter 194.03, the definition in this section shall control for all uses of that term in sections 196.02 to 196.16 of this Chapter.

As used in sections 196.02 to 196.16 of this Chapter only:

(A) "Municipal taxable income" means income apportioned or situated to the municipal corporation under section 196.03, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.

(B) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation as described in division (D)(5) of section 718.01 of the Ohio Revised Code and Chapter 194.03, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (B)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code.

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code.

(4) (a) Except as provided in division (B)(4)(b) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code.

[Exhibit A]

(b) Division (B)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.

(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income.

(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income.

(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Ohio Revised Code.

(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.

(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of section 196.07 of this Chapter.

(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of section 196.07 of this Chapter.

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (L)(2) of section 718.01 of the Ohio Revised Code, and is not a publicly traded partnership that has made the election described in division (D)(5) of section 718.01 of the Ohio Revised Code, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

[Exhibit A]

Nothing in division (B) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(C) "Taxpayer" has the same meaning as in section 718.01 of the Ohio Revised Code, except that "taxpayer" does not include natural persons or entities subject to the tax imposed under Chapter 5745 of the Ohio Revised Code. "Taxpayer" may include receivers, assignees, or trustees in bankruptcy when such persons are required to assume the role of a taxpayer.

(1) Unless otherwise prohibited by provisions of Chapter 718 of the Ohio Revised Code, a single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(2) The limited liability company's single member is also a limited liability company

(3) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(4) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of Section 718.01 of the Ohio Revised Code as this section existed on December 31, 2004.

(5) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(6) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(7) For purposes of division (47)(B)(i)(e) of Chapter 194, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars (\$400,000).

(8) This Municipality hereby consents to such election as required in division (47)(B)(i)(e) of Chapter 194 and honors any such consent offered by the Tax Administrator before the effective date of this Chapter.

[Exhibit A]

(D) "Tax return" or "return" means the notifications and reports required to be filed pursuant to sections 196.01 to 196.16 of this Chapter for the purpose of reporting municipal income taxes, and includes declarations of estimated tax.

(E) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the calculation of the taxpayer's adjusted federal taxable income is based pursuant to this chapter. If a taxpayer's taxable year is changed for federal income tax purposes, the taxable year for purposes of sections 196.01 to 196.16 of this Chapter is changed accordingly but may consist of an aggregation of more than one taxable year for federal income tax purposes. The tax commissioner may prescribe by rule an appropriate period as the taxable year for a taxpayer that has had a change of its taxable year for federal income tax purposes, for a taxpayer that has two or more short taxable years for federal income tax purposes as the result of a change of ownership, or for a new taxpayer that would otherwise have no taxable year.

(F) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 196.11 of this Chapter.

196.03 APPLICABILITY; TAXABLE SITUS; APPORTIONMENT.

This section applies to any taxpayer that is engaged in a business or profession in the City of Findlay and that has made the election under section 196.01 of this Chapter.

(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of the City of Findlay shall be considered as having a taxable situs in the City of Findlay for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City of Findlay during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City of Findlay to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are

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performed, excluding compensation from which taxes are not required to be withheld under section 718.01 of the Ohio Revised Code;

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City of Findlay to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(B) (1) If the apportionment factors described in division (A) of this section do not fairly represent the extent of a taxpayer's business activity in the City of Findlay, the taxpayer may request, or the tax commissioner may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(a) Separate accounting;

(b) The exclusion of one or more of the factors;

(c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(d) A modification of one or more of the factors.

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (A) of section 196.11 of this Chapter.

(3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 196.11 of this Chapter.

(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(a) The employer;

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

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(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the tax commissioner determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the tax commissioner makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the tax commissioner's determination was unreasonable.

(D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be situated to the City of Findlay as follows:

(1) Gross receipts from the sale of tangible personal property shall be situated to the City of Findlay only if, regardless of where title passes, the property meets either of the following criteria:

(a) The property is shipped to or delivered within the City of Findlay from a stock of goods located within the City of Findlay.

(b) The property is delivered within the City of Findlay from a location outside the City of Findlay, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City of Findlay and the sales result from such solicitation or promotion.

(2) Gross receipts from the sale of services shall be situated to the City of Findlay to the extent that such services are performed in the City of Findlay.

(3) To the extent included in income, gross receipts from the sale of real property located in the City of Findlay shall be situated to the City of Findlay.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the City of Findlay shall be situated to the City of Findlay.

(5) Gross receipts from rents and royalties from tangible personal property shall be situated to the City of Findlay based upon the extent to which the tangible personal property is used in the City of Findlay.

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(E) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the City of Findlay in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City of Findlay based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City of Findlay to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(F) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under Chapter 194, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to the City of Findlay. In no case shall a taxpayer be required to add to its net profit that was apportioned to the City of Findlay any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to the City of Findlay under this section.

(G) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

196.04 INFORMATION PROVIDED TO TAX ADMINISTRATORS; CONFIDENTIALITY.

(A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by sections 196.01 to 196.16 of this Chapter is confidential, and no person shall disclose such information, except for official purposes, in accordance with a proper judicial order, or as provided in section 4123.271 or 5703.21 of the Ohio Revised Code. The tax commissioner may furnish the internal revenue service with copies of returns filed. This section does not prohibit the publication of statistics in a form which does not disclose information with respect to particular taxpayers.

(B) In May and November of each year, the tax commissioner shall provide the City of Findlay tax administrator with the following information for every taxpayer that filed tax returns with the commissioner under sections 196.01 to 196.16 of this Chapter and that had municipal taxable income apportionable to the City of Findlay under this chapter for any prior year:

[Exhibit A]

- (1) The taxpayer's name, address, and federal employer identification number;
 - (2) The taxpayer's apportionment ratio for, and amount of municipal taxable income apportionable to, the City of Findlay pursuant to section 196.03 of this Chapter;
 - (3) The amount of any pre-2017 net operating loss carryforward utilized by the taxpayer;
 - (4) Whether the taxpayer requested that any overpayment be carried forward to a future taxable year;
 - (5) The amount of any credit claimed under section 718.94 of the Ohio Revised Code.
- (C) Not later than thirty days after each distribution made to municipal corporations under section 718.83 of the Ohio Revised Code, the tax commissioner shall provide to the City of Findlay a report stating the name and federal identification number of every taxpayer that made estimated payments that are attributable to the City of Findlay and the amount of each such taxpayer's estimated payment.
- (D) The information described under divisions (B) and (C) of this section shall be provided to the individual or individuals designated by the City of Findlay tax administrator under section 718.83(D) of the Ohio Revised Code.
- (E) (1) The City/Village expects that the tax commissioner will, pursuant to section 718.84(E) of the Ohio Revised Code, provide tax returns and other information it receives in the performance of its administration of the municipal net profits tax for taxpayers making the election provided in section 196.01 of this Chapter. The tax administrator shall review these returns and information, as well as the information received pursuant to divisions (B) and (C) of this section, and has discretion to refer any taxpayer for audit by the tax commissioner. Such referral shall be made on a form prescribed by the commissioner and shall include any information that forms the basis for the referral.
- (2) if the tax commissioner declines to audit a taxpayer referred by the tax administrator under this section, the City of Findlay reserves its right to pursue any and all remedies, whether at law or in equity, to ensure that the correct tax liability has been calculated and paid by the taxpayer.

196.05 FILING OF ANNUAL RETURN; REMITTANCE; DISPOSITION OF FUNDS.

- (A) (1) For each taxable year, every taxpayer shall file an annual return. Such return, along with the amount of tax shown to be due on the return less the amount paid for the taxable year under section 196.09 of this Chapter, shall be submitted to the tax

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commissioner, on a form and in the manner prescribed by the commissioner, on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year.

(2) If a taxpayer has multiple taxable years ending within one calendar year, the taxpayer shall aggregate the facts and figures necessary to compute the tax due under this chapter, in accordance with sections 196.02, 196.03, and, if applicable, 196.07 of this Chapter onto its annual return.

(3) The remittance shall be made payable to the treasurer of state and in the form prescribed by the tax commissioner. If the amount payable with the tax return is ten dollars or less, no remittance is required.

(B) (1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) (a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed with the commissioner under sections sections 196.01 to 196.16 of this Chapter, copies of any relevant documents or other information.

(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(D) (1) (a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the commissioner receives the request on or before the date the municipal income tax return is due, the commissioner shall grant the taxpayer's extension request.

[Exhibit A]

(c) An extension of time to file under division (D)(1) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date.

(2) If the commissioner considers it necessary in order to ensure payment of a tax imposed in accordance with of section 718.04 of the Ohio Revised Code, the commissioner may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(E) Each return required to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the tax commissioner about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the commissioner to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the commissioner with information that is missing from the return, to contact the commissioner for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the commissioner and has shown to the preparer or other person.

(F) When income tax returns or other documents require the signature of a tax return preparer, the tax commissioner shall accept a facsimile or electronic version of such a signature in lieu of a manual signature.

196.06 ELECTRONIC FILING.

(A) All taxpayers that have made the election allowed under section 196.01 of this Chapter shall file any tax return or extension for filing a tax return, and shall make payment of amounts shown to be due on such returns, electronically, either through the Ohio business gateway or in another manner as prescribed by the tax commissioner.

(B) A taxpayer may apply to the commissioner, on a form prescribed by the commissioner, to be excused from the requirement to file returns and make payments electronically. For good cause shown, the commissioner may excuse the applicant from the requirement and permit the applicant to file the returns or make the payments by nonelectronic means.

(C) The tax commissioner may adopt rules establishing the following:

[Exhibit A]

- (1) The format of documents to be used by taxpayers to file returns and make payments by electronic means;
- (2) The information taxpayers must submit when filing tax returns by electronic means.

196.07 CONSOLIDATED RETURNS

(A) As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to section 1501 of the Internal Revenue Code.

(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (A)(1) of this section.

(4) "Incumbent local exchange carrier" has the same meaning as in section 4927.01 of the Ohio Revised Code.

(5) "Local exchange telephone service" has the same meaning as in section 5727.01 of the Ohio Revised Code.

(B) (1) A taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated tax return for a taxable year if at least one member of the affiliated group of corporations is subject to municipal income tax in that taxable year and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated tax returns under division (B)(2) of this section or a taxpayer receives permission from the tax commissioner. The tax commissioner shall approve such a request for good cause shown.

[Exhibit A]

(2) An election to discontinue filing consolidated tax returns under this section must be made on or before the fifteenth day of the fourth month of the year following the last year of a five-year consolidated tax return election period in effect under division (B)(1) of this section. The election to discontinue filing a consolidated tax return is binding for a five-year period beginning with the first taxable year of the election.

(3) An election made under division (B)(1) or (2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

(4) When a taxpayer makes the election allowed under section 196.01 of this Chapter, a valid election made by the taxpayer under division (B)(1) or (2) of Chapter 194.063 is binding upon the tax commissioner for the remainder of the five-year period.

(5) When an election made under section 196.01 of this Chapter is terminated, a valid election made under this section is binding upon the tax administrator for the remainder of the five-year period.

(C) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated tax return for that taxable year if the tax commissioner determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to a municipal corporation. A taxpayer that is required to file a consolidated tax return for a taxable year shall file a consolidated tax return for all subsequent taxable years unless the taxpayer requests and receives written permission from the commissioner to file a separate return or a taxpayer has experienced a change in circumstances.

(D) A taxpayer shall prepare a consolidated tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(E) (1) Except as otherwise provided in divisions (E)(2), (3), and (4) of this section, corporations that file a consolidated tax return shall compute adjusted federal taxable income, as defined in section 196.02 of this Chapter, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(2) No corporation filing a consolidated tax return shall make any adjustment otherwise required under division (B) of section 196.02 of this Chapter to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

[Exhibit A]

(3) If the net profit or loss of a pass-through entity having at least eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in section 196.03 of this Chapter, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in section 196.03 of this Chapter, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(4) If the net profit or loss of a pass-through entity having less than eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(a) The corporation filing the consolidated tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in section 196.03 of this Chapter, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation;

(b) The pass-through entity shall be subject to municipal income taxation as a separate taxpayer in accordance with sections 196.01 to 196.16 of this Chapter on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(F) Corporations filing a consolidated tax return shall make the computations required under section 196.03 of this Chapter by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

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(G) Each corporation filing a consolidated tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts applicable under sections 196.01 to 196.16 of this Chapter or Chapter 5703 of the Ohio Revised Code to the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

196.08 FAILURE TO PAY TAX.

If a taxpayer that has made the election allowed under section 196.01 of this Chapter fails to pay any tax as required under sections 196.01 to 196.16 of this Chapter, or any portion of that tax, on or before the date prescribed for its payment, interest shall be assessed, collected, and paid, in the same manner as the tax, upon such unpaid amount at the rate per annum prescribed by section 5703.47 of the Ohio Revised Code from the date prescribed for its payment until it is paid or until the date an assessment is issued under section 196.11 of this Chapter, whichever occurs first.

196.09 DECLARATION OF ESTIMATED TAXES.

(A) As used in this section:

(1) "Combined tax liability" means the total amount of a taxpayer's income tax liabilities to all municipal corporations in this state for a taxable year.

(2) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's combined tax liability for the current taxable year.

(B) (1) Except as provided in division (B)(4) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax commissioner, if the amount payable as estimated taxes is at least two hundred dollars.

(2) Except as provided in division (B)(4) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner.

(3) The declaration of estimated taxes shall be filed on or before the fifteenth day of the fourth month after the beginning of the taxable year or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.

[Exhibit A]

(4) The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(C) Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (C)(1) of this section. Remitted taxes shall be made payable to the treasurer of state.

(1) The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows:

(a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the combined tax liability for the taxable year;

(b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the combined tax liability for the taxable year;

(c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the combined tax liability for the taxable year;

(d) On or before the fifteenth day of the twelfth month of the taxable year, ninety per cent of the combined tax liability for the taxable year.

(2) If the taxpayer determines that its declaration of estimated taxes will not accurately reflect the taxpayer's tax liability for the taxable year, the taxpayer shall increase or decrease, as appropriate, its subsequent payments in equal installments to result in a more accurate payment of estimated taxes.

(3) (a) Each taxpayer shall report on the declaration of estimated taxes the portion of the remittance that the taxpayer estimates that it owes to each municipal corporation for the taxable year.

(b) Upon receiving a payment of estimated taxes under this section, the commissioner shall immediately forward the payment to the treasurer of state. The treasurer shall credit the payment in the same manner as in division (B) of section 718.85 of the Ohio Revised Code.

(D) (1) In the case of any underpayment of estimated taxes, there shall be added to the taxes an amount determined at the rate per annum prescribed by section 5703.47 of the Ohio Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

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(a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently due.

(3) All amounts collected under this section shall be considered as taxes collected under sections 196.01 to 196.16 of this Chapter and shall be credited and distributed to municipal corporations in accordance with section 718.83 of the Ohio Revised Code.

(E) An underpayment of any portion of a combined tax liability shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety per cent of the combined tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a municipal income tax return for that year.

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196.10 ADDITIONAL PENALTIES.

(A) In addition to any other penalty imposed by sections 196.01 to 196.16 of this Chapter or Chapter 5703. of the Ohio Revised Code, the following penalties shall apply:

(1) If a taxpayer required to file a tax return under sections 196.01 to 196.16 of this Chapter fails to make and file the return within the time prescribed, including any extensions of time granted by the tax commissioner, the commissioner may impose a penalty not exceeding twenty-five dollars per month or fraction of a month, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which the return is filed. The aggregate penalty, per instance, under this division shall not exceed one hundred fifty dollars.

(2) If a person required to file a tax return electronically under sections 196.01 to 196.16 of this Chapter fails to do so, the commissioner may impose a penalty not to exceed the following:

(a) For each of the first two failures, five per cent of the amount required to be reported on the return;

(b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the return.

(3) If a taxpayer that has made the election allowed under section 196.01 of this Chapter fails to timely pay an amount of tax required to be paid under this chapter, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid.

(4) If a taxpayer files what purports to be a tax return required by sections 196.01 to 196.16 of this Chapter that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of sections 196.01 to 196.16 of this Chapter, a penalty of up to five hundred dollars may be imposed.

(5) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under sections 196.01 to 196.16 of this Chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return.

(6) If any person makes a false or fraudulent claim for a refund under section 196.12 of this Chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund,

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may be assessed under section 196.11 of this Chapter without regard to any time limitation for the assessment imposed by division (A) of that section.

(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return.

(C) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties.

(D) All amounts collected under this section shall be considered as taxes collected under sections 196.01 to 196.16 of this Chapter and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under section 718.83 of the Ohio Revised Code.

196.11 ASSESSMENTS AGAINST TAXPAYER.

(A) If any taxpayer required to file a return under sections 196.01 to 196.16 of this Chapter fails to file the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the return or tax is due, based upon any information in the commissioner's possession.

The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the date the return subject to assessment was required to be filed or the date the return was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in section 196.12 of this Chapter for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a return subject to assessment as required by sections 196.01 to 196.16 of this Chapter, or that files a fraudulent return. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Ohio Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment

[Exhibit A]

is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Ohio Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Ohio Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Ohio Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Ohio Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D) All money collected under this section shall be credited to the municipal income tax fund and distributed to the municipal corporation to which the money is owed based on the assessment issued under this section.

(E) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the taxpayer assessed or the taxpayer's legal representative in the manner provided in section 5703.37 of the Ohio Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy

[Exhibit A]

the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 196.12 of this Chapter, with interest on that amount as provided by that section.

196.12 REFUND APPLICATIONS.

(A) An application to refund to a taxpayer the amount of taxes paid on any illegal, erroneous, or excessive payment of tax under sections 196.01 to 196.16 of this Chapter, including assessments, shall be filed with the tax commissioner within three years after the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (A) of section 196.11 of this Chapter. The application shall be filed in the form prescribed by the tax commissioner.

(B) (1) On the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. The amount determined shall be based on the amount overpaid per return or assessment. If the amount is greater than ten dollars and not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the tax refund fund created in section 5703.052 of the Ohio Revised Code. If the amount is greater than ten dollars but less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Ohio Revised Code.

(2) Upon issuance of a refund under this section, the commissioner shall notify each municipal corporation of the amount refunded to the taxpayer attributable to that municipal corporation, which shall be deducted from the municipal corporation's next distribution under section 718.83 of the Ohio Revised Code.

(C) Any portion of a refund determined under division (B) of this section that is not issued within ninety days after such determination shall bear interest at the rate per annum prescribed by section 5703.47 of the Ohio Revised Code from the ninety-first day after such determination until the day the refund is paid or credited. On an illegal or

[Exhibit A]

erroneous assessment, interest shall be paid at that rate from the date of payment on the illegal or erroneous assessment until the day the refund is paid or credited.

196.13 AMENDED RETURNS.

(A) If any of the facts, figures, computations, or attachments required in an annual return filed by a taxpayer that has made the election allowed under section 196.01 of this Chapter and used to determine the tax due under sections 196.01 to 196.16 of this Chapter must be altered as the result of an adjustment to the taxpayer's federal income tax return, whether initiated by the taxpayer or the internal revenue service, and such alteration affects the taxpayer's tax liability under those sections, the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The amended return shall be filed not later than sixty days after the adjustment is agreed upon or finally determined for federal income tax purposes or after any federal income tax deficiency or refund, or the abatement or credit resulting therefrom, has been assessed or paid, whichever occurs first. If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the commissioner before filing the amended return.

(B) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due together with any penalty and interest thereon. An amended return required by this section is a return subject to assessment under section 196.11 of this Chapter for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. The amended return shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal tax return.

(C) In the case of an overpayment, an application for refund may be filed under this division within the sixty-day period prescribed for filing the amended return, even if that period extends beyond the period prescribed in section 196.12 of this Chapter, if the application otherwise conforms to the requirements of that section. An application filed under this division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return unless it is also filed within the time prescribed in section 196.12 of this Chapter. The application shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return.

[Exhibit A]

196.14 EXAMINATION OF RECORDS AND OTHER DOCUMENTS AND PERSONS.

(A) The tax commissioner, or any authorized agent or employee thereof, may examine the books, papers, records, and federal and state income tax returns of any taxpayer or other person that is subject to sections 196.01 to 196.16 of this Chapter for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due as required under those sections. Upon written request by the commissioner or a duly authorized agent or employee thereof, every taxpayer or other person subject to this section is required to furnish the opportunity for the commissioner, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(B) The records and other documents of any taxpayer or other person that is subject to sections 196.01 to 196.16 of this Chapter shall be open to the tax commissioner's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The commissioner may require any person, by notice served on that person, to keep such records as the commissioner determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by a municipal corporation.

(C) The tax commissioner may examine under oath any person that the commissioner reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The commissioner may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(D) No person issued written notice by the tax commissioner compelling attendance at a hearing or examination or the production of books, papers, records, or federal income tax returns under this section shall fail to comply.

196.15 CREDITS.

(A) A credit, granted by resolution or ordinance of the City of Findlay pursuant to Chapter 194.064 to 194.065, shall be available to a taxpayer that has made the election allowed under section 196.01 of this Chapter, against the municipal corporation's tax on income. A municipal corporation shall submit the following information to the tax

[Exhibit A]

commissioner on or before the later of January 31, 2018, or the thirty-first day of January of the first year in which the taxpayer is eligible to receive the credit:

(1) A copy of the agreement entered into by the City of Findlay and taxpayer under Chapter 194.064 to 194.065;

(2) A copy of the ordinance or resolution authorizing the agreement entered into between the City of Findlay and the taxpayer.

(B) (1) Each taxpayer that claims a credit shall submit, with the taxpayer's tax return, documentation issued by the City of Findlay granting the credit that confirms the eligibility of the taxpayer for the credit, the amount of the credit for which the taxpayer is eligible, and the tax year to which the credit is to be applied.

(2) Such documentation shall be provided in the form prescribed by the tax commissioner.

(3) Nothing in this section shall be construed to authorize the tax commissioner to enter into an agreement with a taxpayer to grant a credit, to determine if a taxpayer meets the conditions of a tax credit agreement entered into by the City of Findlay and taxpayer under Chapter 194.064 to 194.065, or to modify the terms or conditions of any such existing agreement.

196.16 RECKLESS VIOLATIONS; PENALTIES.

(A) Except as provided in division (B) of this section, whoever recklessly violates division (A) of section 196.04 of this Chapter shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both.

(B) Each instance of access or disclosure in violation of division (A) of section 196.04 of this Chapter constitutes a separate offense.

(C) These specific penalties shall not be construed to prevent the City of Findlay from prosecuting any and all other offenses that may apply.

ORDINANCE NO. 2018-015

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	Water Fund	\$ 48,500.00
TO:	Waterline Distribution #25053000-other	\$ 48,500.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that additional fire hydrants may be purchased,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-016

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated and transferred:

FROM:	ODOT	\$ 632,366.00
TO:	HAN-Findlay FY18 Resurfacing (PID100183) <i>Project No. 32876300</i>	\$ 632,366.00
FROM:	CIT Fund – Capital Improvement Restricted Account	\$ 166,634.00
TO:	HAN-Findlay FY18 Resurfacing (PID100183) <i>Project No. 32876300</i>	\$ 166,634.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate and transfer said funds so that the aforementioned project may proceed,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-017

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	Sewer Fund	\$ 6,530.40
TO:	WPC #25061000-other	\$ 6,530.40

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that the final change order for the aforementioned project may be paid,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-018

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO RENEW THE CONTRACT WITH COCA-COLA ENTERPRISES INC., THAT EXPIRED ON MAY 31, 2017 AS STATED IN ORDINANCE NO. 2012-042, FOR AN ADDITIONAL FIVE (5) YEARS WITH A NEW EXPIRATION DATE OF MAY 31, 2022, AND DECLARING AN EMERGENCY.

WHEREAS, Council previously entered into a contract with Coca-Cola Enterprises Inc. for a beverage and scoreboard agreement at the CUBE for a continued cost of up to twenty-five thousand dollars (\$25,000.00) for placement at Flag City Multi-Sports Complex facilities, which has become the property of the City of Findlay, and;

WHEREAS, the City agrees to allow Coca-Cola Enterprises Inc. to continue to be the exclusive provider of its branded products at said facilities, and;

WHEREAS, Coca-Cola Enterprises Inc. agrees to continue to pay the City a commission on all their products vended at said facilities, as an annual rebate per case on all bottled products purchased from the bottler sold through concession stands or at special events.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Service-Safety Director of the City of Findlay, Ohio be and he is hereby authorized to enter into a renewal agreement with Coca-Cola Enterprises Inc. for the furnishing of scoreboards at the following locations:

- two (2) at the CUBE
- one (1) at Cooper Field
- one (1) at the football complex

as well as a point of sales system at the CUBE and Marathon Diamonds, along with coolers, water bottles and other Coca-Cola advertising products with at total package of forty-eight thousand thirty-five dollars and no cents (\$48,035.00), and permit Coca-Cola Enterprises Inc. to be the exclusive beverage provider for the CUBE Arena and Sports Plex, Marathon Diamonds, Riverside Pool, Emory Adams Park, as well as Rawson and Riverside Parks.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason that it is immediately necessary to authorize said contract as this agreement has a proposed start date retroactive to June 1, 2017 for a period of five (5) years, ending May 31, 2022.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-019

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS, WHERE REQUIRED, AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2018 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Service Director and the Safety Director of the City of Findlay be and they are hereby authorized to advertise for bids where necessary pursuant to law and enter into contracts for construction of various projects as set forth in the capital improvements program for the year 2018.

SECTION 2: That to pay for the costs of said equipment purchases and project construction there is hereby appropriated and transferred the following sums;

FROM: CIT Fund - Capital Improvements Restricted Account	\$1,078,650	
TO: Police #21012000-other		\$ 160,150
TO: Parking #25075000-other		\$ 30,000
TO: Fire #210140000-other		\$ 52,000
TO: Municipal Court #21006000-other		\$ 28,000
TO: Street Dept #2204000-other		\$ 432,000
TO: Parks Maintenance #21034000-other		\$ 160,000
TO: Cemetery #21046000-other		\$ 29,000
TO: Traffic Lights #22043200-other		\$ 80,000
TO: Airport #25010000-other		\$ 107,500
FROM: Water Fund	\$ 689,000	
TO: Water Distribution #25053000-other		\$ 539,000
TO: Utility Billing #25072000-other		\$ 20,000
TO: Water Treatment #25050000-other		\$ 80,000
TO: Reservoir #35073000-other		\$ 50,000
FROM: CIT Fund - Capital Improvements Restricted Account	\$ 497,500	
TO: Street Preventive Maintenance 2018 #32880800-other		\$ 250,000
TO: Riverside Park Court Conversion #31982700-other		\$ 50,000
TO: Traffic Signal Upgrades #32882100-other		\$ 112,500
TO: Howard Street Sewer Separation #35577600-other		\$ 50,000
TO: Fishlock Avenue Waterline #35782000-other		\$ 15,000
TO: Blanchard River Greenway Trail Extension – Design Phase #31980300-other		\$ 20,000
FROM: Water Fund	\$ 600,000	
TO: Asset Management Per OEPA/Master Plan #35781900-other		\$ 350,000
TO: Replacement of Hypo Chloride Tanks #35781700-other		\$ 200,000
TO: SCADA Upgrade #35781800-other		\$ 25,000
TO: Planning for Office Renovations #35782200-other		\$ 10,000
TO: Fishlock Avenue Waterline #35782000-other		\$ 15,000

FROM: Sewer Fund	\$ 170,000	
TO: Annual Sewer & Manhole Lining Program #35680200-other		\$ 20,000
TO: Annual Sewer Televising #35681100-other		\$ 20,000
TO: Annual Combined Sewer Overflow (CSO LTCP) #35680500-other		\$ 25,000
TO: Clarifier 1 & 2 Rehab #35681500-other		\$ 20,000
TO: UV Replacement Phase 1 #35681200-other		\$ 20,000
TO: Washington Avenue/Park Street Sanitary Sewer Improvements Phase 1 #35677700-other		\$ 45,000
TO: LTCP Evaluation Study, Phase 2 #35674500-other		\$ 20,000
 FROM: Sewer Fund – Stormwater Restricted Account	 \$ 50,000	
TO: Annual Stormwater Management (MS4) #35580900-other		\$ 25,000
TO: Annual Ditch Maintenance #35580600-other		\$ 25,000

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that these projects may proceed expeditiously.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

**2018 CAPITAL IMPROVEMENTS APPROPRIATIONS
1ST QTR**

Appropriate Funds - Departments

From:	CIT Fund - Capital Improvements Restricted Account	\$1,078,650	
To:	Police Department #21012000-other	\$160,150	
	Replace 2014 Ford Taurus Interceptor (Patrol)		\$43,500
	Replace 2014 Ford Taurus SUV		\$43,500
	Replace 2014 Ford Taurus (Detectives)		\$43,500
	Replace 2001 Tactical Throw Phone		\$29,650
To:	Parking #25075000-other	\$30,000	
	Replace 2003 Ford Taurus (Parking Vehicle)		\$30,000
To:	Fire Department #21014000-other	\$52,000	
	Replace 2009 Ford Escape FM1		\$26,000
	Replace 2009 Ford Escape FM2		\$26,000
To:	Municipial Court #21006000 - other	\$28,000	
	Replace 2004 Pontiac Grand Am		\$28,000
To:	Street Department #22040000-other	\$432,000	
	Replace 1982 GMC Single Axle Truck		\$155,000
	Asphalt Paver		\$165,000
	New Swing Excavator		\$100,000
	Paint Machine		\$12,000
To:	Parks Maintenance #21034000-other	\$160,000	
	Mower		\$15,000
	Large Tractor & Attachements		\$60,000
	One Ton Dump Truck		\$85,000
To:	Cemetery #21046000-other	\$29,000	
	Replace Two Gravely Mowers		\$29,000
To:	Traffic Lights #22043200-other	\$80,000	
	Traffic signal equipment		\$80,000
To:	Airport #2501000 - other	\$107,500	
	Replace 1996 Ford JET refueling truck		\$107,500

**2018 CAPITAL IMPROVEMENTS APPROPRIATIONS
1ST QTR**

Appropriate Funds - Departments (continued)

From:	Water Fund	\$689,000	
To:	Water Distribution #25053000-other	\$539,000	
	Replace 1990 1-Ton Dump Truck		\$65,000
	Pug Hug to Clean Fire Hydrants		\$10,000
	Replace 12 Ton Trailer		\$14,000
	Replace Trailer Vac with Vector Truck for Hydro Excavating		\$450,000
To:	Utility Billing #25072000-other	\$20,000	
	Four Gateways		\$20,000
To:	Water Treatment #25050000-other	\$80,000	
	Replace Equipment		\$50,000
	Replace 2007 Ford Escape (Lab Vehicle)		\$30,000
To:	Reservoir #35073000-other	\$50,000	
	Replace 2008 Ford Truck (Supply Reservoir)		\$40,000
	Boat for Testing Reservoir		\$10,000

Appropriate Funds - Projects

From:	CIT Fund - Capital Improvements Restricted Account	\$507,500	
To:	Street Preventive Maintenance 2018 (32880800 - other)		\$250,000
To:	Riverside Park Court Conversion (31982700 - other)		\$50,000
To:	Traffic Signal Upgrades (32882100 - other)		\$112,500
To:	Howard Street Sewer Separation (35577600 - other)		\$50,000
To:	Annual Street Resurfacing/Curb Repairs (32880100 - other)		\$10,000
To:	Fishlock Avenue Waterline (35782000 - other)		\$15,000
To:	Blanchard River Greenway Trail Extension - Design Phase (31980300 - other)		\$20,000

**2018 CAPITAL IMPROVEMENTS APPROPRIATIONS
1ST QTR**

Appropriate Funds - Projects (continued)

From:	Water Fund	\$720,000
To:	Asset Management Per OEPA/Master Plan (35781900 - other)	\$350,000
To:	Replacement of Hypo Chloride Tanks (35781700 - other)	\$200,000
To:	SCADA Upgrade (35781800 - other)	\$25,000
To:	Planning for Office Renovations (35782200 - other)	\$10,000
To:	Sandusky St Waterline Extension to Dold Farms (35780400 - other)	\$20,000
To:	Concord Ct Waterline Replacement (35780700 - other)	\$20,000
To:	Milton St Waterline Replacement (35781000 - other)	\$20,000
To:	Summit St Waterline Replacement (35781300 - other)	\$20,000
To:	Woodworth Drive Waterline Replacement (35781400 - other)	\$20,000
To:	Merriweather Drive Waterline Replacement (35781600 - other)	\$20,000
To:	Fishlock Avenue Waterline (35782000 - other)	\$15,000
From:	Sewer Fund	\$170,000
To:	Annual Sewer & Manhole Lining Program (35680200 - other)	\$20,000
To:	Annual Sewer Televising (35681100 - other)	\$20,000
To:	Annual Combined Sewer Overflow (CSO LTCP) (35680500 - other)	\$25,000
To:	Clarifier 1 & 2 Rehab (35681500 - other)	\$20,000
To:	UV Replacement Phase 1 (35681200 - other)	\$20,000
To:	Washington Avenue / Park Street Sanitary Sewer Improvements, Phase 1 (35677700 - other)	\$45,000
To:	LTCP Evaluation Study, Phase 2 (35674500 - other)	\$20,000
From:	Sewer Fund - Stormwater restricted acct	\$50,000
To:	Annual Stormwater Management (MS4) (35580900 - other)	\$25,000
To:	Annual Ditch Maintenance (35580600 - other)	\$25,000

**2018 CAPITAL IMPROVEMENTS REQUEST FOR COUNCIL
EXHIBIT A**

Authorize Bid and/or Contract

<u>Project Name:</u>	<u>Project No.:</u>
Street Preventive Maintenance 2018	32880800
Riverside Park Court Conversion	31982700
Traffic Signal Upgrades	32882100
Howard Street Sewer Separation	35577600
Annual Street Resurfacing/Curb Repairs	32880100
Fishlock Avenue Waterline	35782000
Blanchard River Greenway Trail Extension - Design Phase	31980300
Asset Management Per OEPA/Master Plan	35781900
Replacement of Hypo Chloride Tanks	35781700
SCADA Upgrade	35781800
Planning for Office Renovations	35782200
Sandusky St Waterline Extension to Dold Farms	35780400
Concord Ct Waterline Replacement	35780700
Milton St Waterline Replacement	35781000
Summit St Waterline Replacement	35781300
Woodworth Drive Waterline Replacement	35781400
Merryweather Drive Waterline Replacement	35781600
Fishlock Avenue Improvements	35782000
Annual Sewer & Manhole Lining Program	35680200
Annual Sewer Televising	35681100
Annual Combined Sewer Overflow (CSO LTCP)	35680500
Clarifier 1 & 2 Rehab	35681500
UV Replacement Phase 1	35681200
Washington Avenue / Park Street Sanitary Sewer Improvements, Phase 1	35677700
LTCP Evaluation Study, Phase 2	35674500
Annual Stormwater Management (MS4)	35580900
Annual Ditch Maintenance	35580600

Any equipment estimated to cost over \$50,000 and not on State bid list.

ORDINANCE NO. 2018-020

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS, WHERE REQUIRED, AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDINANCE WITH THE 2018 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Service Director of the City of Findlay be and he is hereby authorized to advertise for bids where necessary pursuant to law and enter into contracts for construction of various projects as set forth in the capital improvements program for the year 2018.

SECTION 2: That to pay for the costs of said equipment purchases and project construction there is hereby appropriated and transferred the following sums;

FROM: CIT Fund - Capital Improvements Restricted Account	\$ 10,000	
TO: Annual Street Resurfacing/Curb Repairs #32880100-other		\$ 10,000
FROM: Water Fund	\$ 120,000	
TO: Sandusky St Waterline Extension to Dold Farms #35780400-other		\$ 20,000
TO: Concord Ct Waterline Replacement #35780700-other		\$ 20,000
TO: Milton St Waterline Replacement #35781000-other		\$ 20,000
TO: Summit St Waterline Replacement #35781300-other		\$ 20,000
TO: Woodworth Drive Waterline Replacement #35781400-other		\$ 20,000
TO: Merriweather Drive Waterline Replacement #35781600-other		\$ 20,000

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that these projects may proceed expeditiously.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

**2018 CAPITAL IMPROVEMENTS APPROPRIATIONS
1ST QTR**

Appropriate Funds - Departments (continued)

From:	Water Fund	\$689,000	
To:	Water Distribution #25053000-other	\$539,000	
	Replace 1990 1-Ton Dump Truck		\$65,000
	Pug Hug to Clean Fire Hydrants		\$10,000
	Replace 12 Ton Trailer		\$14,000
	Replace Trailer Vac with Vector Truck for Hydro Excavating		\$450,000
To:	Utility Billing #25072000-other	\$20,000	
	Four Gateways		\$20,000
To:	Water Treatment #25050000-other	\$80,000	
	Replace Equipment		\$50,000
	Replace 2007 Ford Escape (Lab Vehicle)		\$30,000
To:	Reservoir #35073000-other	\$50,000	
	Replace 2008 Ford Truck (Supply Reservoir)		\$40,000
	Boat for Testing Reservoir		\$10,000

Appropriate Funds - Projects

From:	CIT Fund - Capital Improvements Restricted Account	\$507,500	
To:	Street Preventive Maintenance 2018 (32880800 - other)		\$250,000
To:	Riverside Park Court Conversion (31982700 - other)		\$50,000
To:	Traffic Signal Upgrades (32882100 - other)		\$112,500
To:	Howard Street Sewer Separation (35577600 - other)		\$50,000
To:	Annual Street Resurfacing/Curb Repairs (32880100 - other)		\$10,000
To:	Fishlock Avenue Waterline (35782000 - other)		\$15,000
To:	Blanchard River Greenway Trail Extension - Design Phase (31980300 - other)		\$20,000

**2018 CAPITAL IMPROVEMENTS APPROPRIATIONS
1ST QTR**

Appropriate Funds - Projects (continued)

From:	Water Fund	\$720,000
To:	Asset Management Per OEPA/Master Plan (35781900 - other)	\$350,000
To:	Replacement of Hypo Chloride Tanks (35781700 - other)	\$200,000
To:	SCADA Upgrade (35781800 - other)	\$25,000
To:	Planning for Office Renovations (35782200 - other)	\$10,000
To:	Sandusky St Waterline Extension to Dold Farms (35780400 - other)	\$20,000
To:	Concord Ct Waterline Replacement (35780700 - other)	\$20,000
To:	Milton St Waterline Replacement (35781000 - other)	\$20,000
To:	Summit St Waterline Replacement (35781300 - other)	\$20,000
To:	Woodworth Drive Waterline Replacement (35781400 - other)	\$20,000
To:	Merriweather Drive Waterline Replacement (35781600 - other)	\$20,000
To:	Fishlock Avenue Waterline (35782000 - other)	\$15,000
 From:	 Sewer Fund	 <b style="text-align: right;">\$170,000
To:	Annual Sewer & Manhole Lining Program (35680200 - other)	\$20,000
To:	Annual Sewer Televising (35681100 - other)	\$20,000
To:	Annual Combined Sewer Overflow (CSO LTCP) (35680500 - other)	\$25,000
To:	Clarifier 1 & 2 Rehab (35681500 - other)	\$20,000
To:	UV Replacement Phase 1 (35681200 - other)	\$20,000
To:	Washington Avenue / Park Street Sanitary Sewer Improvements, Phase 1 (35677700 - other)	\$45,000
To:	LTCP Evaluation Study, Phase 2 (35674500 - other)	\$20,000
 From:	 Sewer Fund - Stormwater restricted acct	 <b style="text-align: right;">\$50,000
To:	Annual Stormwater Management (MS4) (35580900 - other)	\$25,000
To:	Annual Ditch Maintenance (35580600 - other)	\$25,000

**2018 CAPITAL IMPROVEMENTS REQUEST FOR COUNCIL
EXHIBIT A**

Authorize Bid and/or Contract

<u>Project Name:</u>	<u>Project No.:</u>
Street Preventive Maintenance 2018	32880800
Riverside Park Court Conversion	31982700
Traffic Signal Upgrades	32882100
Howard Street Sewer Separation	35577600
Annual Street Resurfacing/Curb Repairs	32880100
Fishlock Avenue Waterline	35782000
Blanchard River Greenway Trail Extension - Design Phase	31980300
Asset Management Per OEPA/Master Plan	35781900
Replacement of Hypo Chloride Tanks	35781700
SCADA Upgrade	35781800
Planning for Office Renovations	35782200
Sandusky St Waterline Extension to Dold Farms	35780400
Concord Ct Waterline Replacement	35780700
Milton St Waterline Replacement	35781000
Summit St Waterline Replacement	35781300
Woodworth Drive Waterline Replacement	35781400
Merryweather Drive Waterline Replacement	35781600
Fishlock Avenue Improvements	35782000
Annual Sewer & Manhole Lining Program	35680200
Annual Sewer Televising	35681100
Annual Combined Sewer Overflow (CSO LTCP)	35680500
Clarifier 1 & 2 Rehab	35681500
UV Replacement Phase 1	35681200
Washington Avenue / Park Street Sanitary Sewer Improvements, Phase 1	35677700
LTCP Evaluation Study, Phase 2	35674500
Annual Stormwater Management (MS4)	35580900
Annual Ditch Maintenance	35580600

Any equipment estimated to cost over \$50,000 and not on State bid list.