

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**February 20, 2018**

**COUNCIL CHAMBERS**

**PRESENT:** Frische, Harrington, Hellmann, Niemeier, Russel, Shindledecker, Slough, Watson, Wobser

**ABSENT:** Ostrander

President Monday opened the meeting with the Pledge of Allegiance. He requested a moment of silence for the two (2) Westerville, Ohio Police Officers Eric Joering and Anthony Morelli who lost their lives in the line of duty. Also, for the seventeen (17) lives lost during the Parkland, Florida shooting.

## **ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:**

Councilman Slough moved to accept the February 6, 2018 Regular Session City Council meeting minutes. Councilman Hellmann seconded the motion. All were in favor. Motion carried. Filed.

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

**RECOGNITION/RETIREMENT RESOLUTIONS:** - none.

**PROCLAMATIONS:** - none.

## **PETITIONS:**

### **Zoning amendment request – 2350 Kelth 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. Referred to City Planning Commission and Planning & Zoning Committee.

### **Street 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 Bamd's First Addition (201.19 feet by 7.0 feet). 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 Phillip 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. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

**WRITTEN COMMUNICATIONS:** - none.

## **ORAL COMMUNICATIONS:**

### **Hancock Regional Planning Commission Director Matt Cordonnier – Design Review Board and Design Review District**

Mr. Cordonnier provided Council with an update on the Design Review Board and Design Review District. Back in September last year, City Council created the Design Review Board which created Findlay Zoning Code 1138 that established the Board and District. In October last year, City Council confirmed the appointments of Eric Anderson, Pat Ball, Angela Debosky, Jeff Fort, John Hunt, Hardy Hartzel, Jerry Murray, Brad Wagner, and Dr. Duane Wires. Within the Ordinance, it states the Design Review Board will maintain a written set of design guidelines that will assist in evaluating all proposed projects. The guidelines are adopted by City Council. The guidelines are what the Design Review Board and the Hancock Regional Planning Commission have been working on since the first meeting was held in November. The Design Review Board is pleased with the design guidelines and they have asked him to bring them to City Council. In tonight's packet are all the minutes from the Design Review Board meetings that have been held the last few months. They predict to adopt the guidelines as early as March.

### **Discussion:**

Councilman Russel pointed out that when the appointees to the board were named, it was obvious it would be a good board, and the minutes reflect that. They have done an incredible amount of detailed work of going through the original code and cleaning it up. He appreciates their efforts as well as HRPC's efforts to make the city better. He looks forward to seeing the guidelines. Mr. Cordonnier replied that when they went through the guidelines, they also thoroughly went through the Ordinance that was passed in October and have some suggested changes. They will be amending the original ordinance at the same time as the guidelines are being brought forth. Most of the changes to the ordinance are technical differences between of either a change or alteration and do not change the essence of the code.

Councilman Wobser noted that by reading through the minutes, the board is headed in the right direction and are finding a good balance. The City does not want to hinder those who want to invest, but maintain the basic integrity of the different areas of our City. This one just happens to be our downtown. Many think downtown design means being infringed upon, but is actually a good thing that will ultimately reflect how the board works. So far, it looks like they are headed down the right direction. Mr. Cordonnier replied that they had a couple of skeptics on the board which provided a good balance. The board wants any changes to be quick, fair, and not a burden to those downtown.

Councilman Hellmann asked if the board anticipates passing the ordinance in three (3) readings or can have a special Council meeting to take a closer look at it. Mr. Cordonnier replied the board left it up to him to bring it to City Council. There is a lot to cover. He is open to a Committee of the Whole meeting or whatever is needed to finalize it. There still is some question as to whether or not the guidelines affect the zoning code and what the adoption means, so they are still working through that legal question.

Councilman Harrington suggested this go to the Planning and Zoning Committee who will then give their recommendation to City Council.

Councilman Russel pointed out that per Council's rules, any change to the zoning code needs to go to the Planning and Zoning Committee. He also recommended a Committee of the Whole meeting after Planning and Zoning discuss it. He asked the Mayor if there are any plans to fill the vacancy on the board in the near future. Matt Cordonnier replied that he has been approached by lady who works in the sign industry who is interested in serving on the board. He is going to give that recommendation to the Mayor who will then request the appointment to City Council. Councilman Russel added that it is important to have that person on early on because there is a lot of good discussion that is going on.

President Monday asked Council if this should to go Planning and Zoning initially. Mr. Cordonnier replied that there is nothing that is ready to bring to Council yet. President Monday noted that once it is ready to come to City Council, it will first go to the Planning and Zoning Committee then there will be a Committee of the Whole meeting.

## **REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:**

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

Discussion:

Councilman Russel requested a minor change to the November 2, 2017 minutes. One of the members is listed as Brad Weaver and should be Brad Wagner. Filed.

**Findlay Municipal Court Activities Report** – January 2018. Filed.

### **City Auditor Jim Staschiak – summary financial reports**

A set of summary financial reports for the prior month follows including:

- Summary of Year-To-Date Information as of 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

Filed.

**Board of Zoning Appeals Minutes** – January 11, 2018. Filed.

**Treasurer's Reconciliation Report** – January 31, 2018. Filed.

### **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

Filed.

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

Filed.

**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

Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for DJB 1 LLC dba Stevi Bs Pizza, located at 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

Councilman Slough moved for no objections be filed. Seconded by Councilman Harrington. All were in favor. Filed.

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

**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.*

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

**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.

First reading of the Ordinance.

**ORDINANCES**

**ORDINANCE NO. 2018-008** (*Tranton Ave/Main Cross St curbs replacement*) requires three (3) readings **third reading adopted**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-008 and is hereby made a part of the record.

**ORDINANCE NO. 2018-009** (*632 Davis St rezone*) **third reading adopted**  
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 632 DAVIS STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX, HIGH DENSITY".

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-009 and is hereby made a part of the record.

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

Second reading of the Ordinance.

**ORDINANCE NO. 2018-014** (*income tax ordinance*) requires three (3) readings

first reading

adopted during  
OLD BUSINESS

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.

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

**ORDINANCE NO. 2018-015** (*fire hydrants*) requires three (3) readings

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2018-016** (*HAN-Findlay FY18 Resurfacing (PID100183)*) requires three (3) readings

first reading

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

First reading of the Ordinance.

**ORDINANCE NO. 2018-017** (*WPC Bar Screens, Project No. 35620900*) requires three (3) readings

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2018-018** (*renewal Coca-Cola Enterprises, Inc. contract*) requires three (3) readings

first reading

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 of the Ordinance.

**ORDINANCE NO. 2018-019** (*5-year Capital Plan*) requires three (3) readings

first reading

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.

First reading of the Ordinance.

**ORDINANCE NO. 2018-020** (*5-year Capital Plan*) requires three (3) readings

first reading

adopted

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.

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

Discussion:

Councilman Russel noted that during the Appropriations Committee meeting, it was requested that the Service Director split the capital plan into two (2) parts. One Ordinance is for the items that need to go out to bid soon, which is this Ordinance. It allows the City to take advantage of a very good bidding environment of thirty percent (30%) lower bid rates than expected based on the environment we are in. There are two (2) capital plan ordinances on tonight's agenda. He supports them.

Ayes: Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance volume XXI, Page 2018-020 and is hereby made a part of the record.

## **UNFINISHED BUSINESS:** **OLD BUSINESS**

Councilwoman Frische was in attendance for the February 7, 2018 Income Tax Board meeting, but does not recall the income tax ordinance (2018-014) being discussed during that meeting. She asked what the changes are and when it has to be done. Mayor Mihalik replied this has to do with the lawsuit that the City has filed along with over another one hundred (100) communities across the State of Ohio that are seeking an injunction to try and remedy the legislation that was passed in last year's budget bill that allows the State to collect net profit taxes on behalf of cities. Law Director Rasmussen added that Frost Brown Todd LLC is who is doing the legislation and is arguing the case. They have completed their preliminary hearing and the Judge has indicated that he would provide his ruling by February 23, 2018. The issue for the City, and also with a lot of cities, is that we currently have an income tax code, but if the Judge rules against it, the current code would not allow us to collect taxes and could cause a gap in the collection of taxes. Frost Brown Todd LLC's recommendation is to enact another ordinance which is the exact same income tax ordinance we currently have and has been moved to Chapter 196, so that we have the best protection if the Judge would rule against us, it would make it retroactive to January 1 and there would not be a gap of time where someone might be able to argue that they do not owe the City income taxes for that period of time simply because the Judge ruled against the City and therefore, the old Ordinance was still in effect the first of the year. If the Judge comes back the end of this week and halts the process and litigates the issue, this will expire without doing anything and will be back to the original ordinance. Law Director Rasmussen has been working with Frost Brown Todd LLC on the Ordinance and making changes to it. He was not sure it would be ready in time. Some cities are not doing anything, some are doing the same that we are, and some are putting in additional language. He followed what the outside counsel thought was best.

Councilman Harrington noted that he made the motion to suspend the statutory rules to give the Ordinance its second and third readings during the legislation portion of tonight's meeting for the reasons the Law Director just stated. He does not want anyone to avoid paying taxes that they owe to the City of Findlay. He moved to reconsider Ordinance No. 2018-014, seconded by Councilman Russel. All were in favor.

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

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Harrington.

### Discussion:

Councilwoman Frische asked if this ordinance is the same ordinance as the current ordinance and if the only thing that has changed is that it has moved to Chapter 196. She asked if this is retroactive in case someone does not want to pay their taxes in the month of January and would want to dispute it, this ordinance would not allow them to do so. She asked if there are any other changes. Law Director Rasmussen replied that if House Bill 49 would go into effect we have asked the court to issue an injunction. We have had the preliminary argument from both sides that wrapped up late last week with the Judge stating he will rule by the 23<sup>rd</sup> of this month. If the Judge would rule against us, House Bill 49 becomes effective January 1<sup>st</sup> and we would not have that language for the period of January through February. This ordinance is to allow us to have this piece of legislation in effect January 1, 2018 if the Judge rules against us. If the Judge rules in favor of us, it disappears and we continue to litigate this and our regular code will remain in effect until there is a final judgment by the courts. Councilwoman Frische asked if it is predicted that will happen yet this year. Law Director Rasmussen replied he is unsure, but assumes there is a lot of pressure at the State and that this lawsuit encompasses one hundred thirty-seven (137) cities. All the big cities are included in it and he predicts there will be a lot more back and forth discussion about it. They may just end up sending it back to committee and go through the whole process again. He thinks we will prevail at this stage. Councilwoman Frische believes it makes sense to suspend the statutory rules and give the Ordinance its second and third readings now that she understands what the Law Director is saying, but that it should have been discussed with the Income Tax Board before it came to Council. Law Director Rasmussen replied that this all happened after the Income Tax Board met. It came via emails that he received. In a perfect world, it would have gone to the Board first, but people were still arguing what the best route is and what exactly to do to best serve their communities. He went with their suggestion.

Councilman Russel pointed out that the first part of Section 1 of the Ordinance "That this Council hereby expressly finds and determines that it does not concede the legality of House Bill 49's municipal income tax provisions" explains that the State is going to collect the business part of the income tax on the City's behalf and then charge us one percent (1%) of collections for doing that for us, which has a serious impact on the revenue stream for the City of Findlay. The way that part of the Ordinance is written expresses the concerns that cities around Ohio have for House Bill 49. He appreciates the way it was stated so strongly. While it is not pleasant that Council has to be here with this right now, it is important. He suggested Council vote on it tonight.

Ayes: Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance volume XXI, Page 2018-014 and is hereby made a part of the record.

Councilman Shindledecker pointed out that Council received a copy of a letter at the last meeting from the Blanchard Station Housing Partners concerning a new fifty (50) unit development off of Crystal Avenue/East Melrose. While housing for low-income, moderate-income, and high-income is needed, there are already so many low to moderate income housing in that area and is putting an extreme strain on the public school system. Those students would go to Jacobs and Washington Schools. Jacobs Elementary School has a seventy-nine percent (79%) free or reduced lunch rate among their students, and Washington Elementary School has a seventy-one percent (71%) rate. Chamberlin Hill Elementary School and Jefferson Primary School on the south end of Findlay both have forty-one percent (41%) rate. Council has the ability to raise an objection within forty-five (45) days, similar to what they are allowed to do for an objection to a liquor license, but do not normally object because it is futile to do so. If Council does decide to object, he would not vote to file an objection, but he is concerned and hopes that when further developments come to the City, that the Administration would encourage development in other areas of the community.

Councilman Watson asked what the Administration's thoughts are on this matter. Mayor Mihalik replied that area of town does have a high level of poverty. All of our tax credit and/or subsidized housing developments receive a tremendous amount of scrutiny including the senior housing on the south side of town next to Fox Run, as well as this one on Melrose. The City does everything they can to make sure that they obey the rules that are put in place, which there are a ton of them. There are a lot of hoops they have to go through in order to make it happen. This type of development was seeking the perfect tract of land which happened to be the area on Melrose. The City does not have many large areas of land that are properly zoned for that type of development, so it fit in nicely there.

She has heard of this development being referred to as the Workforce Housing. The company that is running it is very different than the companies that run the existing tax credit and/or subsidized housing developments that are at Crystal and Melrose. It is a different clientele and different cost than what we are used to. They have met all the criteria in order to get the zoning change, the annexation, and the approval through the City Planning Commission. She is unsure if the City has the ability to discourage that type of development due to what its potential impact could be on the public school system. She suggested continued dialog, continue helping individuals get into jobs that pay well, and continue to attract new jobs that also pay well and provide a living wage which is what the City has been focused on for quite some time. She is unsure what the City is legally capable of doing to make them do anything differently. The land use plan has not been updated in a while, and have been waiting on a zoning map rewrite to be completed. The location selected for this is the most available ground for multi-family housing. There is no doubt in her mind that it is needed. She has been told that there are seventy-nine (79) families that are homeless within the school system. There definitely is a need for that type of housing. The City can work with the school district to do what we can, but does not think we can prohibit that type of development because of what the impact could be to the school system.

Councilman Harrington noted that his grandchildren have attend both Jacobs Elementary School and south-end schools and does not think there should be any question on the quality of the education that they received. Demographics does not determine anything on the quality of the education that they receive. They may get a free breakfast and/or lunch, but they are getting a very good education. The school administrators will work hard to make sure that if it does make an impact on certain schools, they will make the correct adjustments accordingly. Councilman Shindledecker's concern about the schools are unwarranted and should not be a concern.

Safety Director Schmelzer added that the organizations that put up the housing receives a lot of scrutiny. A well run organization with a good tract record that is putting up good housing is in many ways better than an existing development that has seen its age and has not been subsidized and not well maintained. It is a good trade off. To strictly blame subsidized housing is misplaced. Findlay does not have residential standard building standards, which is a whole different topic. The quality of the organization that is proposing the project was a large factor in the decision.

Councilman Wobser pointed out that Jacobs School is part of the Leader In Me program. If someone were to ask him where to go to visit an elementary school in Findlay, he would send them there. His visits there have been excellent and delightful because of the children there in the way they act. It is a program that the Raise The Bar Committee is continuing to help propagate throughout the City, School Board, and County. They are doing a fine job there. The construction of the housing comes down to the individuals/companies who are running them. If they are not running them well, they will ultimately get run down. To echo the Mayor and Safety Director's comments, there was a lot of time put into checking the background of those building this complex, as well as other complexes, so it would be hard for the City to decline this or discourage it because places like this are needed in our City for people to live here. Seventy percent (70%) of the workforce drives into our City everyday to work. He would prefer to have them live here instead of outside city limits and to do their shopping and retail work here versus going out of town. He believes the City is on the right track with this.

City Auditor Staschiak thanked the Service Director for his efforts on the Capital Plan. The format goes back to when Robert Ruse was in office as he was the first one to develop it in that format and present it with additional pictures and projects and has been used in various iterations by different Administrations to different extents. The enhancements the Service Director has provided to it includes all the project information and all the outstanding items and was is a huge help. He also thanked the City Auditor's Office on their due diligence on receiving the Ohio Auditor's State's Award with distinction from the Auditor of State's Office. Findlay's staff is very dedicated and has worked tirelessly to make sure that the reporting is done timely, properly, and without error.

## **NEW BUSINESS**

Councilman Slough was traveling north on Main Street where he observed a pedestrian almost get hit by a car using the crosswalk. He asked what safety precautions are taking place so that there is not a loss of human life. He also asked what something like that could do financially to the City if a lawsuit was filed. Safety Director Schmelzer replied that signage for the crosswalks have been installed. The pavement markings make it a legal crosswalk. He recommended educating the public on what pedestrian and vehicle responsibilities are and what makes them liable. Mayor Mihalik added that just because there is a crosswalk does not give a pedestrian the right to just run out in front of a car. The City worked with the State Highway Patrol a couple of weeks ago to temporarily install a speed radar detector downtown to help motorists realize how fast they were going which generated a good report back. For the most part, motorists were traveling at or below the speed limit. It was her intention to help motorists realize that it is only 25mph downtown and the detector was helpful in doing so. Motorists need to get used to having pedestrians in the crosswalks and need to pay attention and be less distracted while driving.

Councilman Wobser suggested having the Chief of Police provide a series of newspaper articles stating what the laws are for crosswalks as Findlay does not have many in town. There is one on Main Cross Street, but that has flashing lights for pedestrians to cross. He asked if the ones on Main Street will eventually have the flashing lights. He also suggested some information on what motorist's responsibilities are when emergency vehicles are coming down the road. He believes there are some misunderstandings on it as he has witnessed some motorists stop in the spot they are in and not get over which blocks both lanes of traffic, and with the medians, it makes it difficult for emergency vehicles to get through.

Councilman Russel noted that at the intersection of Baldwin and Main, there was an individual that was hit and severely injured. That is a regular crosswalk. Unfortunately, crosswalk accidents do happen. Motorists do recognize that mid-block crossings are crosswalks, but make navigating downtown much easier and he appreciates them being there. Mayor Mihalik added that there will most likely be some benefit to them when it warms up and pedestrians are out more. It will get easier for motorists once they get used to them.

Councilwoman Frische asked the status of installing reflectors as they would be helpful at night. Service Director/Acting City Engineer Thomas replied he is looking into them. It is just a matter of finding something that will hold up and getting the money to purchase them and install them.

Councilman Wobser asked if there is a crosswalk on the north side of North Main Street. Mayor Mihalik replied there is on the north side of the bridge. Councilman Wobser added that one is a tough one to see. It comes up quick.

Councilman Shindledecker: **INTER-GOVERNMENT RELATIONS & LEGISLATION REVIEW COMMITTEE** meeting on February 28, 2018 at 4:30pm in the first floor Council Office (CO).

Karim Baroudi, Health Commissioner of the Findlay-Hancock Health District recently met with the County Commissioners concerning a new location he has in mind for the Health Department. The Commissioners told him they do not have any money and should talk to the City, so he emailed Councilman Shindledecker. Mr. Baroudi will be in attendance.

Councilman Harrington: **PLANNING & ZONING COMMITTEE** meeting on March 8, 2018 at 12:00pm in the first floor Council Office (CO).  
agenda: 1. 1205 E Sandusky St re-establish non-conforming use  
2. South St vacation  
3. 2350 Keith Pkwy rezone  
4. 916 S Main St vacation

Councilman Russel made a motion to excuse the absence of Councilwoman Ostrander. Seconded by Councilman Slough. All were in favor. Filed.

Mayor Mihalik informed Council that the State of the City Address will be given on Tuesday, February 27, 2018 at 11:30am at Millstream Career Center. There will be special guests from Jacobs Elementary School and also the Skills USA Kids. There will also be a ribbon cutting for the second (2<sup>nd</sup>) Welding Class Bay classroom.

President Monday adjourned Council at 7:51pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL