# FINDLAY CITY COUNCIL MINUTES

# REGULAR SESSION

# March 20, 2018

# **COUNCIL CHAMBERS**

PRESENT: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson

ABSENT: Wobser, Mayor Mihalik, Council President Monday

Council Clerk Denise DeVore opened the meeting with the Pledge of Allegiance and a moment of sllent prayer.

Council Clerk Denise DeVore asked for a motion to appoint an Acting President Pro-Tern for tonight's meeting.

Councilman Hellmann explained why an Acting President Pro-Tem is needed for tonight's meeting. Both Mayor Mihalik and President Monday are absent tonight. When the Mayor is absent, the President of City Council becomes the Acting Mayor, but since the President is also absent, President Pro-Tem Russel becomes the Acting Mayor which leaves the President Pro-Tem position open. In this situation, Council nominates a Councilmember to be the Acting President Pro-Tem.

Councilman Hellmann moved to appoint Councilman Slough as Acting President Pro-Tem. Councilman Harrington seconded the motion. All were in favor. Filed

# ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

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

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

Law Director Rasmussen requested an Executive Session at the end of tonight's meeting to discuss a personnel matter.

### RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 007-2018 (Dean Adler retirement) first reading adopted A RESOLUTION COMMENDING DEAN ADLER FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

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

PROCLAMATIONS: - none.

PETITIONS: - none.

WRITTEN COMMUNICATIONS: - none.

### **ORAL COMMUNICATIONS:**

Public Health Commissioner Karlm Baroudi - 2017 Hancock Public Health Department annual report

Mr. Baroudi was appointed to the position of Health Commissioner for the combined the Hancock Public Health District approximately a year and a half ago. He plans to come before City Council on an annual basis to update them the status of the merged Health Department and he will take back any of the concerns Council or Findlay constituents have. Mr. Baroudi distributed the Health Department's 2017 annual report. He pointed out that ten (10) pages have been added to the report this year. There was not enough space to mention everything that has been done in the last two (2) years, but noted that the merger is going well. It is meeting all the objectives that both the City and County put in place for the merger to happen. They stabilized the budget and is in the black this year. They have utilized a lot of Federal and State grant dollars. The Health Department offers fifty plus (50+) services (i.e. birth and death certificates, shots, working with Law Enforcement, First Responders, and community partners, etc.). The Health Department wants to hear back from Council on how they are doing. Their contact information is in the annual report he handed out. They would also like to hear what concerns Findlay's constituents have. The Health Department's goal is to serve the community well. Mr. Baroudi visited the townships this past summer where he tells the Township Trustees that the merger is the best decision the City and County has made. The accreditation is going to happen. They already applied for it. They are required to finish their documentation by August and are expecting a site visit in early 2019 which is a year ahead of the mandated deadline set up by the State.

#### Discussion:

Councilman Hellmann thanked Mr. Baroudi for coming before City Council tonight and mentioned that an annual update would be helpful. He asked Mr. Baroudi if the Health Department is still looking for a new home and if he is pleased with the direction that it is going. Mr. Baroudi replied that they are looking at many options for a new home. He has been working with some of the Council subcommittees and County Commissioners on options. Once the plans have been confirmed, he will bring them back to City Council and will provide a full presentation of what their needs are and will see how Council can help in that matter. The Health Department definitely needs a new headquarters. They are expanding their services and are landlocked where they are right now, so they are not able to bring in more dollars or provide more services because of the limited space they are in right now.

Councilman Niemeyer asked what the accreditation date is. Mr. Baroudi replied that the State mandated that all Health Departments be accredited by 2020. They are finishing up their application by August 2018 and then within six (6) months, they will come and do a site visit and then shortly thereafter, they will get National recognition for it. Findlay-Hancock County is doing a lot better than surrounding communities that are still struggling.

Councilwoman Frische asked if the Health Department will be able to get accreditation without obtaining a new location. Mr. Baroudi replied there are two (2) separate steps in the process. The first (1st) step is documentation (i.e. policies, procedures, quality improvements, performance management, and how Findlay-Hancock County is a better Health Department). The second (2nd) step is a site visit. They will make a recommendation to the Board if Findlay-Hancock County Health Department should be awarded accreditation based off of those two (2) steps. Location is very important to the accreditation decision. They are looking to see if it is accessible, clean, and is a secure location where clients can go and get the services they need.

Acting Mayor/Councilman Russel asked what the top two (2) or three (3) challenges for Hancock Health and/or the community are aside from location. Mr. Baroudi replied the Opiate epidemic is taking a big toll on the First Responders, Law Enforcement, the Health Department, and all the partners in the community. There are also some re-emerging diseases (i.e. Hepatitis A) that are more wide-spread than those last year. The vaccine for it is only a recommended vaccine because they thought they had it under control, but it is coming back as a side effect of the Opiate epidemic. Obesity was determined to be the number one (#1) issue. It was identified during the health assessments that were conducted back in 2015. Another assessment will be done in 2018 to see if the initiatives to the outreach that was done made any difference. They will do a comprehensive health assessment every three (3) years. They will work on the top two (2) or three (3) issues in between the assessments. Diabetes is another top issue. In comparing ourselves to the rest of the country, we are still high in smoking rates, seat belt use, and child restrain use. There is a meeting next week with the Board to discuss child death review. There were two (2) child deaths in traffic accidents where the child was most likely not restrained properly. There are Health Advocators who go out and try to educate and help constituents with those issues. Every three (3) years after the assessment is conducted, there will be issues to work on. He will come back to City Council and report on them.

#### Charles William - fence

Mr. William is very proud of this town, but he witnessed something that was done that was beyond corrupt. Mr. Best wanted a fence put up. Mr. William has no problems with the fence being put up with a thirty foot (30') setback, but ten foot (10') from the street is wrong. The person that ramrodded the meeting was Mr. Rooney, the Lawyer for Mr. Best. He should not have said anything the entire meeting as he represented Mr. Best. There was also a Realtor present at the meeting, also named Rooney who voted for the fence, but should not have as she has a vested interest, as she sells real estate, as does tonight's Acting President Pro-Tem Slough. Ms. Rooney should have excused her vote, but did not. He was upset with the situation, so he went to the Assistant Mayor (pointed to Safety Director Schmelzer) so he could go through all the channels to see how things work. Mr. Schmelzer disagreed with him saying Ms. Rooney had a right to vote, but Mr. William disagrees because she sells real estate. He told both the Law Director and the Mayor who were puzzled about it. He was impressed to get a meeting with them so quickly. Mr. William feels Ms. Rooney should have to sign something in writing stating she will not sell any real estate in Hunters Creek or any real estate for Mr. Best. He obtained a copy of the CD (he referred to it as a tape) of the meeting from the Mayor, but part of what was written was omitted from the tape. Ms. Rooney had stated that Mr. William's building was a salvage yard. It has never been a salvage yard. Ms. Rooney also stated that Echrich's Meat was an eye sore, but it is a beautiful building and is not an eye sore. There are trees there that have been there twenty plus (20+) years that are thirty feet (30') high that makes a border between that and the old buildings back there. They were there before the subdivision was put in. He attended another meeting to see how things work, how the minutes are done, etc. In that meeting, an individual on South Main Street wanted to put up a metal fence but was told they could not do so because there are utilities there and that they have to have access to them, but yet it was voted to put up a fence in Hunters Creek that would require someone to go inside the property to access the utilities. It appears that someone is playing games here. Mr. Rooney ramrodded the whole thing. At the end of the meeting, Mr. Rooney states that "it is his property and he can do what he wants to". This part was omitted from the tape. Mr. William and his wife were both at the meeting when Mr. Rooney stated this. At the beginning of the meeting, there was about fifteen (15) minutes of non-business discussion before the meeting started. The Mack Truck Company wants to put a sign up that the City does not want him to put up. The meeting was stalled for Mr. Best to show up. If someone does not show up, their request should be voted down. Finally, the Excavator showed up to speak for Mr. Best. Mr. William asked Council why the Mack Truck Company was not given the same opportunity as Mr. Best was. The only person that left the meeting that night was the one who issues permits. He does not feel it was a coincidence that happened. Mr. William pointed to an individual in the audience (Mr. Arnold) stating that he has been in business forever and wants to purchase a building on East Sandusky Street that is fifty feet (50') high, but the committee would not allow it. The City wants to put up a six foot (6') fence so that a fifty foot (50') building cannot be seen. He does not understand why Mr. Arnold cannot put in a business there simply because the City does not want him to, but wants him to put thirty thousand dollars (\$30,000) worth of fence around his building. He is embarrassed for the City of Findlay.

### Todd Wolfrum - running for Congress

Mr. Wolfrum is running for U.S. Congress for the Republican Primary this spring. He is in his second (2nd) term as a Van Wert County Commissioner. He wants to make his community better, which is why he got involved. He is proud of what has been done in Van Wert. It really does not matter what is done locally if what is going on in Washington is not fixed. We are being spent into a Bolivian. The crash is going to happen. It is not going to happen tomorrow, nor will it happen next year, but it is going to happen down the road if we do not change things in Washington. Republicans have been in control of Congress going on the fourth (4th) year now. They have not done anything to shrink government or cut spending. Our Congressman is involved in that. In February, they voted to increase the size of government and increase spending again. This is with a Republican President. As a Republican, Mr. Wolfrum started asking himself if it is not going to change now, when will it change. If there is Congress, Presidency, and the government is still getting bigger and are still spending more, when will the alleged change happen that everyone keeps promising their Republican constituents. Last fall, he began tooking into running for Congress. In politics, you move up one step at a time. The individuals that are positioned in the State that run for Federal Office will wait until the current individual leaves office and then all get together and play musical chairs down in Columbus. If anything is ever going to change, someone from the outside is going to have to do it, so he figured he is in as good of a spot as anyone. He has won a couple of elections. He is willing to work, which is what it is going to take. He is not trying to raise money with the current Congressman as he knows he cannot do that, so he is going door to door every day the weather allows. Today was his one hundred forty-nineth (149) day. He has been to Findlay thirteen (13) times and is very impressed with this city. He has not found a bad neighborhood yet. He will reach one thousand (1,000) miles on Friday. He anticipates reaching his twenty thousandth (20,000th) door also on Friday. He has been asked if his efforts are working to which he has no idea. He does not go to the same communities twice and does not meet the same people twice. He will find out on May 8th when everyone votes. He is trying to attend as many Council meetings in various Ohio cities as he can to introduce himself. Findlay is the biggest city in the district except for the seventy-eight (78) precincts in Toledo who add up to about the same as Findlay. He will be back to Findlay at least three (3) or four (4) times. He would be happy to talk to any groups Council feels he should talk to.

#### Discussion:

Councilman Hellmann asked if Mr. Wolfrum has any literature he can provide. Mr. Wolfrum replied he does and handed it out.

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Police Department Activities Report - February 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 February 28, 2018
- Financial Snapshot for General Fund as of February 28, 2018
- Open Projects Report as of February 28, 2018
- Cash & Investments as of February 28, 2018

Filed.

Findlay Municipal Court Activities Report - February 2018. Filed.

Board of Zoning Appeals Minutes - February 8, 2018. Filed.

Findlay Fire Department Activities Report - February 2018. Filed.

Hancock Regional Planning Commission Director Matt Cordonnier – NCU-01-2018 Request to Re-establish a Non-Conforming Use at 1205 E Sandusky St

During the March 8, 2018 City Planning Commission meeting, the Board recommended approval of NCU-01-2018 to re-establish a wholesale HVAC facility at 1205 East Sandusky Street. As a condition of approval, the CPC asked the property owner to work with HRPC to create adequate screening of the property. The property owner has met with HRPC and a screening plan has been approved for the property thus fulfilling the conditions of approval. Filed.

N.E.A.T. Departmental Activity Report - February 2018. Filed.

### **COMMITTEE REPORTS:**

The STRATEGIC PLANNING COMMITTEE met on March 6, 2018 to continue discussions on year one (1) goals and expectations. We recommend to meet again next month.

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

The PLANNING & ZONING COMMITTEE to whom was referred a request from Philip Rooney on behalf of Strauch III, Ltd., to rezone 2350 Keith Parkway from C-2 General Commercial to I-1 Light Industrial.

We recommend approval as requested. Ordinance No. 2018-024 was created.

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

The PLANNING & ZONING COMMITTEE to whom was referred a request from William Moser to vacate the north-south alley lying between Lots 390 and 391 in the East Findlay Addition to the City of Findlay, Ohio and extending from South Street to the first east-west alley south of South Street.

We recommend to vacate per request. Ordinance No. 2018-025 was created.

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

The PLANNING & ZONING COMMITTEE to whom was referred a request from David Kuenzli, on behalf of Northwestern Masonry Properties, LLC to re-establish a non-conforming use at 1205 East Sandusky Street, parcel no. 610001019278.

The committee recommends that the property be approved for non-confirming use with the following recommendation: screening of property as approved by HRPC.

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

#### Discussion:

Councilman Harrington pointed out that there in tonight's Council packet is a letter from HRPC stating that the screening had been worked out.

Councilwoman Frische asked if this is what Mr. William talked about during his Oral Communications tonight. Councilman Harrington replied that he did not attend the HRPC meeting which was an issue separate from the Planning & Zoning Committee meeting.

All were in favor. Filed

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from David and Julie A. Williamson-Wright 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). We recommend to deny the request and recommend a revocable right-of-way encroachment permit.

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

#### Discussion:

Law Director Rasmussen pointed out that the permit was prepared and is ready for the applicant to pick up per Council's approval of the committee report.

#### LEGISLATION:

# RESOLUTIONS

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

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

#### **RESOLUTION NO. 007-2018**

See page 1 (RECOGNITION/RETIREMENT RESOLUTIONS section).

## **ORDINANCES**

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

third reading adopted

Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-015 and is hereby made a part of the record.

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

third reading adopted

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-017 and is hereby made a part of the record.

# ORDINANCE NO. 2018-018, AS AMENDED

third reading adopted

(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.

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

#### Discussion:

Councilwoman Frische asked if this needed to be opened up for bid. Law Director Rasmussen replied that they looked at quotes from both Coca-Cola and Pepsi, but Coca-Cola was the best bid, so it was a renewal. Service Director/Acting City Engineer Brian Thomas added that bids from both Coca-Cola and Pepsi were received.

Ayes: Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI. Page 2018-018 and is hereby made a part of the record.

ORDINANCE NO. 2018-019, AS AMENDED (5-year Capital Plan) requires three (3) readings third reading adopted AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS, WHERE REQUIED, 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.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Russel, Shindledecker, Slough, Watson, Frische, Harrington, Hellmann, Niemeyer. Ostrander. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-019 and is hereby made a part of the record.

ORDINANCE NO. 2018-024 (2350 Keith Pkwy rezone) requires three (3) readings

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 2350 KEITH PARKWAY REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "I-1 LIGHT INDUSTRIAL".

First reading of the Ordinance.

ORDINANCE NO. 2018-025 (South St vacation) requires three (3) readings
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS SOUTH STREET VACATION) IN THE CITY OF FINDLAY, OHIO,

First reading of the Ordinance.

ORDINANCE NO. 2018-026 (2017 Ordinances & Resolution changes) requires three (3) readings

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

# UNFINISHED BUSINESS:

**OLD BUSINESS** 

City Auditor Staschiak noticed that while reading the minutes from the Board of Zoning Appeals, there were five (5) members present, but under the motion, the vote was 3-0 which implies that either members left early or abstained. The record is not clear. He is concerned that somewhere down the road, someone referring to the minutes will not know what happened.

Councilman Hellmann pointed out that the reason there were a lot of questions asked about the conditional use permit for the 568 property was because the applicant came in with some nice renderings on a drawing done by a Landscape Architect, but upon talking with the applicant, there were a lot of unanswered questions and concerns that the Zoning Committee had. Per the photos, it appeared that there would be nice landscaping in the before and after photos, but actually, the landscaping is not going to be installed. The photos also indicate that it will be repaived, but the applicant does not have the funds for asphalt. The photos also indicate that the buildings will have new material put on them, but the committee found out they will not be repainted. The photos show that it will have a new roof, but there is not enough funds for a new roof. Those discrepancies directed a lot of questions by the Planning & Zoning Committee as to why those types of renderings are being presented if none of it is going to be done. The applicant's response was that he has enough money to paint the front of the building, but cannot paint all three (3) sides which caused a lot of concern to some. There were also some discussions about the landscaping (i.e. how big the shrubs have to be, how big or thick do the trunks have to be, what kind of caliber, etc.). There were a lot of pointed questions and discussion on why drawings were given with changes, but none of it was going to be done.

# **NEW BUSINESS**

Councilman Harrington noted that the last brick street in the City limits has been removed. The Street Department will give out bricks to anyone who wants one as a souvenir as there are tens of thousands of them. The removal of the brick was overdue.

Councilwoman Frische noted that Findlay City Schools had a Security Resource Officer meeting. Quite a few members of Council, including herself, are interested in having a Committee of the Whole meeting to address how they can be a part of the solution in keeping kids safe and what dollars can be leveraged in what areas. She suggested using funds within the Hotel/Motel Fund. She requested a Committee of the Whole meeting within the next couple of weeks to see what needs to be done to tackle the security issue in our community. She suggested including Findlay City Schools and their security personnel, as well as the Police Department in that meeting. Councilwoman Ostrander seconded the motion. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Slough, Watson. Nays: Russel, Shindledecker. Motion carries.

Safety Director Schmelzer updated Council on the leadership meeting that took place this afternoon. They are getting close and will be looking to present the performance metrics that were discussed during the budget last year to Council. They are getting close to having them in presentation form. He suggested discussing it during a Committee of the Whole meeting, perhaps the Committee of the Whole meeting that Councilwoman Frische is wanting.

Acting Mayor/Councilman Russel made a motion to excuse the absence of Councilman Wobser, Council President Monday, and Mayor Mihallik. Seconded by Councilman Harrington. All were in favor. Filed.

Service Director/Acting City Engineer Brian Thomas referred back to Councilman Harrington's comments about Park Street and clarified that the City's Street Department is not doing that work, and it is the contractor's responsibility to get rid of the bricks, so the City cannot give them out because the City does not have them.

Councilman Harrington adjourned into executive session to discuss a personnel matter at 7:47pm. Seconded by Councilman Hellmann. All were in favor. Council adjourned out of executive session and back into regular session at 8:15pm. All were in favor. Filed.

Acting President Pro-Tem Slough adjourned Council at 7:47 pm.