

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

July 3, 2018

COUNCIL CHAMBERS

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

ABSENT: Russel

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

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

- Councilman Slough moved to accept the June 19, 2018 Public Hearing meeting minutes to rezone 118 Center Street via Ordinance No. 2018-048. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the June 19, 2018 Regular Session City Council meeting minutes. Councilman Slough seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Slough moved to add-on the following to tonight's agenda. Councilman Niemeyer seconded the motion. All were in favor. Motion carried. Filed.

REPLACEMENTS:

- Ordinance No. 2018-058 AS AMENDED – 2nd reading (**LEGISLATION** section)
 - changed the legal description to add "et al" and "in the Morning Heights Subdivision" to SECTION 1
- Ordinance No. 2018-060 AS AMENDED – 2nd reading (**LEGISLATION** section)
 - changed the legal description in SECTION 1 to now be the entire legal description

ADD-ONS:

- Mayor appointment to Blanchard Valley Port Authority (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 015-2018 (*John Krynock retirement*) requires one (1) reading first reading adopted
A RESOLUTION COMMENDING JOHN KRYNOCK FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

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

PETITIONS: - none.

WRITTEN COMMUNICATIONS:

Blanchard River Watershed Partnership President Elaine Reynolds – federal grant money

The EPA has changed their policy of watershed action plans being needed to receive certain federal grant money. The EPA now requires a nine element Non-Point Source Implementation Strategy (NPS-IS) plan instead. In order to address the sediment and debris behind the Riverside Dam at Riverside Park, an NPS-IS plan needs to be written for the City of Findlay Riverside Park-Blanchard River HUC-12 watershed. The Watershed Coordinator, Phil Martin, has written and received full endorsement of one (1) plan and written two (2) other plans that are in the review stage. The Findlay Hancock County Community Foundation has offered two thousand five hundred dollars (\$2,500) towards the writing of the plan. The Blanchard River Watershed Partnership (BRWP) wants to apply for a two thousand five hundred dollar (\$2,500) grant from Hancock-Wood Electric Cooperative to help cover the balance of the cost of writing the plan. The grant requires three (3) letters of support. The BRWP has received a letter of support from the Hancock County Commissioners and the Hancock Park District. Since removal of the sediment and debris behind the dam directly benefits the City of Findlay, the BRWP is asking the Findlay City Council to provide a letter of support. The BRWP is not asking for any money from the City. A letter of support from the City is requested.

Council President Monday requested that the letter be read. The Council Clerk read the letter in its entirety.

Councilman Watson moved to have a letter of support on behalf of all Councilmembers be sent from the Council President, seconded by Councilman Harrington. All were in favor. Filed.

Email correspondence from Greg Mohr/Chris Neely – Ordinance No. 2018-058/tall grass

They are asking Council to approve Ordinance No. 2018-058 to vacate unimproved streets Carrol Street and Benton Street. These "streets" remain from a neighborhood plan from the 1950s which was never improved. All other streets originally on this plan have been vacated by the City with only these two (2) remaining. The eastern part of Carrol Street is their primary concern as this planned "street" is quite close to homes on Hawthorne Road. Even if the acreage to the south of the properties were to ever be developed, Carrol Street should be replatted further away from them. Originally, it was not a well planned development and would not work as a neighborhood today. The owner of the property to the south (830 East Sandusky Street) of them has ample access to his property and does not need an existing curb cut on Hawthorne Road. They do not want cars to be driven on that grassy right of way as children and pets play in that area. The owner of 830 East Sandusky Street is also requesting the City to allow a portion of his property to be transformed into a meadow. He has started a page on social media arguing that he wants to be allowed to have a "peaceful meadow", a place that he can safely raise his children. They are not opposed to that concept and strongly believe that car traffic and unimproved roadways do not belong in that plan. They also as property owners, should be entitled to this same safe environment for their families. They also want to address the issue of the tall grass and weeds. It should be a compromise between all residents if larger properties will be permitted to allow their grass to grow unchecked, then stronger guidelines should be enforced to prevent junk from accumulating. There should also be an adequate setback from neighboring properties as they have seen an increase in rabbits, raccoons, snakes and rodents in their yards since the grasses have been allowed to grow at 830 East Sandusky Street. They reiterate that they are not opposed to a portion of that property to be converted to meadow land, but are insistent that it remain free of junk and debris.

Councilman Hellmann requested that the letter be read. The Council Clerk read the letter in its entirety. Filed.

ORAL COMMUNICATIONS:

Michael Phillips – Mathias Leguire property

Mr. Phillips informed Council that he is not a stranger to getting in trouble via the Marathon trespassing incident and sometimes within his own property. He is jealous of Mr. Leguire's property because there is so much potential besides just grass. Mr. Leguire has a stockade fence that blocks the view of any metal or tall grass, and he has so much land potential. Mr. Phillips has brainstormed several ideas for it if he were the owner of it. He would put something in like a replica stone hinge, or a small orchard, some sheep, and tethered boats. The list is endless on what can be done with a large piece of land like that. He and the Zoning/Floodplain Administrator have had an interesting relationship over the years. He has let Mr. Phillips get away with a few things so he does not have any disputes with him. He asked him if he needed a permit to put up a flag pole and was told he did not need one, so he felt he had some freedoms left. If people were to back off a little bit on Mr. Leguire's property to allow for some diversity and some give and take. Mr. Phillips thinks Mr. Leguire's property has so much potential for development and is going along with what he is doing with his gardening. He thinks Mr. Leguire is more into the mothering of new gardening concepts and a slightly off-grid alternative. There is room for all sorts of things. Certain developments in Findlay have pristine lawns that look so perfect that you never see anybody outside. They look a little artificial. There's room for perfect lawns and room for a little diversity of give and take. He has seen Mr. Leguire's video on his Facebook page. He lives across from Lye Creek where all the houses have been removed and it's almost like living out in the country. A riparian corridor was put in on the west side of Lye Creek at a cost of \$50,000. No volunteers were allowed to take part, but nonetheless, it was done. Maybe what Mr. Leguire is doing can be considered a riparian corridor or something like what is on the other side of the creek. Mr. Phillips thinks Mr. Leguire is doing a good job.

Matthias Leguire – Carrol St/Benton St vacation

Mr. Leguire, his wife and six (6) children, soon to be eight (8) reside at 830 East Sandusky Street. He is before Council tonight to adamantly oppose the vacation of Carrol Street and Benton Street. They are actual named streets. In past meetings, they were referred to as Vincent Street, Bentley Street, and others which were all incorrect. While they are unimproved, they are named streets, not unnamed streets, not yards, not alleys, not private property. They are named streets that have been in the books for sixty (60) years or so. Mr. Leguire's family maintains their property to his standards that he basis off his communion with the creator. He realizes that his neighbors are not happy with how the he maintains his property and that they are used to having a park-like view that has recently changed. The neighbors have opposed and complained about them ever since he declined to sell some of his property. For the record, he has always mowed his perimeter and then some. He used to park his boat, wagon and trailers behind his privacy fence on Sandusky Street, but since he had to take his fence down, he moved them to the northeast corner of his property which is the highest elevation and the furthest from Lye Creek. It is not junk. His entire side yard flooded last July. They have lived there through a major flood. His neighbors purchased their property after the 2007 flood, so they have not been mowing Carrol Street for decades as they indicated at a previous meeting, unless they starting mowing years before they moved onto Hawthorne Road. They make mention that they are concerned with property values. Property values fluctuate and are assessed every three (3) years. He asked if they have evidence that their values have gone down since his family moved in. He believes that fear is unfounded. The neighbors have stated that since his family has moved in, there are more critters in the neighborhood. He would love to see the scientific study and evidence that corroborates that statement. He cannot control the creator's critters and it is not in the City code. He imagines they come from the City's unmanaged woods that about Lye Creek. They make mention that they are concerned for children and pets who play in the street. He thinks it is important for parents to watch their children and educate them on the dangers of playing in the street whether or not it is improved or unimproved. Parents should be responsible for keeping their children in their yard. He does his best to keep his children in his yard and does not think that is the City's responsibility. He is a responsible driver. He does not drive dangerously and the fear for children's safety is unfounded. He has eight (8) children and has never hit any of them as he is a safe driver. There has not been any accidents, no careless driving, and no citations. That fear is unfounded and there are no reasons to vacate these streets, however, there is current risk to his children. Sandusky Street gets extremely busy, so busy that it becomes unsafe to pull in and out of his driveway at times, which is another reason not to vacate these streets. On Sunday, his young children asked him if they could move back to their old house which broke his heart. His children asked him if they could move back to their old house because they do not like the way their neighbors treat them. The safety of his family is a priority. While it takes a little longer to drive around to the back of his property for ingress/egress, it is much safer than the traffic on Sandusky Street. Flooding is also an issue. In July of 2017, there was a major flood which blocked all the driveways on Sandusky Street, but property owners still had a way to access to their properties using the high ground in the back of their properties. Egress/ingress is necessary for the safety of his family and he wishes for the City not to take that away from him. He has already had Benton Street vacated from Sandusky Street to Carrol Street. When he did so, he requested to leave fifty feet (50 ft) of Benton Street on the south side of Carrol Street so that he would always have access. He was assured in the meeting, that he did not need to leave that there to always have access, so they only vacated that much. He still does not understand what was decided at the May 15, 2018 City Council meeting and he is asking Council to rescind this legislation, and any Councilmembers who signed the letter requesting the legislation, to request to have their name taken off the legislation and not vacate those streets. He has spoken with other homeowners who are also opposed to this legislation. He has two hundred fifty feet (250 ft) of frontage on Sandusky Street, but all of it floods. The two hundred fifty feet (250 ft) of frontage he has on Carrol Street does not flood, at least it didn't in July last year, not like Sandusky Street.

The City failed the citizens when Councilmembers circumvented the street vacation process essentially high-jacking the procedures put in place for street vacations. Changing the definition of Carrol Street based on unfounded fears is wrong and negatively affects him and his family. He asked Council to make a motion to not vacate Carrol Street or Benton Street. They are designated streets in Findlay and there is no good reason to change the current status of them. He asked Council to please get rid of the legislation tonight. He asked what the cost is to taxpayers and why the City is taking on the extra cost. He asked what Engineering studies or evaluations have been done to determine that these streets should be vacated. He asked if any reports, studies or evaluations that have concluded that Carrol Street and Benton Street should be vacated and who benefits if these streets are vacated. He asked what study was performed that shows that the Carrol Street vacation will benefit the entire City. So far, the Hancock Regional Planning Commission, The City Planning Commission, and the Planning and Zoning Committee have all recommended not to vacate these streets, yet five (5) Councilmembers have asked legislation be drawn up to vacate these streets. He asked those five (5) to rescind their names off of that letter and end this tonight and not vacate those streets. He has given the safety of his family and flooding issues of why not to vacate it.

Discussion:

Councilwoman Frische feels the Leguire property is very nice and very homey. The fence is very tall and private. She has talked with Mr. Leguire, with Mr. Neely and Mr. Mohr prior to going out to their properties. Mr. Neely and Mr. Mohr seem to be okay with Mr. Leguire's fence. It is not their style of a fence, but they are happy with the fence and they are going to make some changes to their property so that there is some give and take. Council is considering to address the weed/grass height issue by creating legislation for large lots which is part two (2) of what is going on. She is very concerned for the Leguire's with this current ordinance to vacate Carrol Street and Benton Street because Council, as elected officials, are overstepping their bounds. There clearly is a neighborhood quarrel between two (2) properties. The only property owners Council has heard complaints from are the Neely/Mohr property and the letter from two (2) other property owners. When Mr. Leguire stated that Hancock Regional Planning, City Planning Commission, and Planning and Zoning Committee voted the vacation down, and Council agreed with the recommendation not to vacate, it surprised her that five (5) Councilmembers are asking for legislation, so she feels Mr. Leguire is owed an explanation from those Councilmembers why they want to vacate the streets. She does not see how Mr. Leguire is hurting anyone. She went out to the property around 5:00pm on a Thursday and noticed that exiting onto Sandusky Street is hot mess. If Sandusky Street were to be widened, it would be an even harder problem for Mr. Leguire to get in and out of his property. She does not believe Mr. Leguire is racing on Carrol Street to get in and off of Hawthorne. She did not see any divots or torn-up yards. Where Mr. Leguire is existing and entering from is not directly behind the Neely property. It is about two (2) doors down to the west. If Council allows for this ordinance change, we, as elected officials, are causing a hardship to one property owner. Mr. Leguire is owed an explanation to validate the ordinance that is going through its three (3) readings. She asked the five (5) who signed the letter to extend the vacation to verify the reasons for doing so. She'd like to hear the explanation and feels that they owe it to Mr. Leguire.

Councilman Watson echoed what Councilwoman Frische just stated. After being out to the property, he told Mr. Leguire how nice of a property it is and he too noticed how difficult it was to get out onto Sandusky Street. Mr. Leguire allowed him to loop around his front lawn to exit because it was a lot easier than backing out into Sandusky Street, so he can see why Mr. Leguire does not want to have the back of his property vacated. It is easier to get in and out of the property and there is less traffic. He encouraged any Councilmembers who have not gone out to the property to do so. Mr. Leguire has been more than accommodating to him whenever he has tried to communicate with him to see the property. He asked Mr. Leguire how many properties about Carrol Street and Benton Street. Mr. Leguire replied there are three (3) properties directly to the north of him and three (3) on the other side of Benton Street who also about the rear of Carrol Street. Mr. Leguire spoke with one of those neighbors today who told him she was unable to make it tonight, but will be at the public hearing to oppose it if this continues. One of her concerns are the many trees in the public right-of-way that will then become her responsibility and she does not think she has the money to trim and maintain those trees. Councilman Watson added that there is a section of property where there are two (2) very large trees which is his concern with vacating the area. To him, that would not be a hardship to the Leguire family, but would be a hardship to that property owner who is not here tonight, but if Council were to ever meet her at some point, she most likely will tell them that. Mr. Leguire replied that he spoke with her this morning and invited her to come to City Council tonight, but she already has a previous commitment. Councilman Watson asked what the reason is behind vacating these two (2) streets.

Councilwoman Frische asked how far the vacation goes on Carrol Street and Benton Street. She asked if it is just the three (3) properties immediately behind the Leguire's. There was no map attached to show this.

Mr. Leguire noted that he is still curious what happened at the May 15, 2018 meeting and does not understand what Council did at that meeting. His neighbors filed a petition to request that street be vacated, but the normal process was not followed and he is curious what ended up happening. Mayor Mihalik replied she believes it went to committee and the committee recommended against the vacation of that specific portion of the right-of-way. They did it because they were interested in doing more than just that small piece, so Council accepted the committee report recommending against it. Mr. Leguire asked what happened to the original petition. Mayor Mihalik continued stating that it died. It dies when Council recommends against it. It does not go any further.

Councilwoman Frische agreed with Mayor Mihalik stating that is what she understood as well, but the difference was that it went to the Planning and Zoning Committee who denied it, so the recommendation from City Council was to deny the vacation of the alley whether the length of it was full, half, partial, two (2) roads, one (1) road, or twenty (20) roads. They voted not to vacate because there was not one hundred percent (100%) support of the abutting properties. The City's Engineer Brian stated that night at Council that when they don't have one hundred percent (100%) support, they don't do it. That seems to be the rule of thumb. So, when they didn't make the recommendation and Council accepted that committee report, everything ended. Mr. Leguire asked if it was ever voted against by City Council. Councilwoman Frische replied Council agreed with the committee report, not to vacate. Mr. Leguire replied that it states that if the applicant still wants to go through with it, then they can put a publication in the newspaper for six (6) consecutive weeks. Councilwoman Frische replied that the request is now coming from five (5) Councilmembers and is not coming from Mr. Neely or Mr. Mohr. This is a whole separate request. Mr. Leguire replied that helps him better understand what is happening. Councilwoman Frische asked Mr. Leguire if he is looking for the reasons justifying the request from the five (5) Councilmembers. Mr. Leguire replied that is correct. He would like to know if the five (5) spoke to any property owners before they submitted the letter, or how five (5) of them decided to go through with the vacation when the committee was opposed to it and had no support from committees or the places that it went to before it came to Council.

Councilman Niemeyer noted that he lives on West Sandusky Street. There is a street to the south of Sandusky that was never vacated because of the same situation. There is land back there that is sellable that people own. In this circumstance, if Mr. Leguire ever wanted to sell a portion to anyone, he would have that opportunity if there was street availability.

Councilman Hellmann does not recall how all this transpired and would have to review the notes from the Planning and Zoning Committee meeting where this issue came up and was addressed. If memory serves him right, it seems as though it was a way to clean up that area in terms of public right-of-way. The streets are not paved and are not improved. It was obvious that there was activity back there in terms of ingress and egress. The foundation isn't there. The pavement isn't there. Based on the agreement of three (3) abutting property owners on the alley vacation, it seemed as though it would improve their situation and would eliminate the ingress and egress on that unimproved street that was left in there. It was merely an effort to try to clean that up more than anything else. Mr. Leguire asked if it is to limit him from using it for his ingress and egress. Councilman Hellmann replied no, not necessarily. He is unsure who is using it. Mr. Leguire replied he is which is why he is here. Councilman Hellmann added that the comment was made that there was other frontage along Sandusky Street that provided adequate ingress and egress to that property. Mr. Leguire replied that he feels like it is unsafe, and that it is about an eight hundred foot (800 ft) difference. If he wanted to put a Mother-in-Law suite on Carrol Street, he would have to put an eight hundred foot (800 ft) driveway from Sandusky Street where it floods because he would be going to the west side of his driveway which is what flooded the worst because it is closest to the creeks, so he does not feel that it would even make sense if he were to build back there, to do it from Sandusky Street, not with Carrol Street being right there. He would like to use Carrol Street as an address if he put in a Mother-in-Law suite or if he were to build his future home back there.

Councilwoman Frische asked Councilman Hellmann if he went out to the property and looked at the alley. Councilman Hellmann replied yes, he has been out there. Councilwoman Frische added that she did not notice it to be torn up, nor did she see any tire marks. There is at least one other property owner who has concerns about trees and vacating. It was mentioned that three (3) property owners want to vacate, but she only knows of two (2) that about. The property around the corner on the Osborne side that Mr. Neely is purchasing does not abut, which was one of the original people on the original letter to Planning and Zoning. That particular property owner would not qualify since it does not abut it. It is important for Council to know what the other two (2) or three (3) houses down has to say with vacating that entire section if that is what Council wants to do. Safety concerns with exiting off Sandusky Street is quite dangerous, and with Marathon traffic coming through there, it is extremely busy during those times. She asked Mr. Leguire if he exits and enters off of Carrol Street every time he is leaving or coming to his property. Mr. Leguire replied no, it varies. It depends on where he is coming from or going to. When leaving his property, it will be based on how traffic is. They live next to the fairgrounds too, so it will be very congested tonight with the fireworks there. They will not be able to get in or out. It takes longer to go through Hawthorne, partly because he is driving a lot slower through there as it is a residential neighborhood. Everyone drives fast on Sandusky Street. When the heavy trucks go through there, they actually shake the bridges. It takes longer for him to go that way. He does not go that way all the time. He is very conscious when they get a lot of rain and does not drive in that area then if he can help it because he does not want to put ruts in there. He is conscious of his property and of City property. He does a very good job of maintaining it.

Melissa Humphress – Matthias Leguire's yard; vacation of Carrol St/Benton St

Ms. Humphress read to Council part of the email from Greg Mohr and Chris Neely: *we are not opposed to this concept and strongly believe that car traffic and unimproved roadways do not belong in this plan.* She asked how to get this plan approved by his neighbors. The letter from them states "our children", but to her knowledge, they do not have children. The letter also states "pets play in this area". Matthias's pet, who has since passed, was walked on a lease out there and never left to just run. If Mr. Mohr and Mr. Neely are letting their pets loose, and if there is a lease law in Findlay, then there is a problem there. She also believes the abutting property owners have fenced in yards. Mr. Leguire from the audience replied that two (2) out of three (3) do. She believes Ms. Barto had signed something (possibly a petition), but does not live on Hawthorne, but lives on North Blanchard Street. Ms. Humphress does not know what Ms. Barto's concern is. Ms. Barto owns one of the homes on Hawthorne, but does not live there. As far as children go, she is a little confused. She does not know how Mr. Mohr and Mr. Neely came up with the population of the critters. She asked how they came up with their statement that there are more raccoons, snakes, and rodents. She asked if they have done a study. She does know that there had been some torrential rain recently, and when that happens, because of the proximity of Lye Creek and the woods, those animals have to move up to higher ground, which makes sense to her, but does not think it has anything to do with the height of Matthias's grass. Councilwoman Frische and Councilman Watson have both been to Matthias's property and know that part of the garden (she has provided a definition of a garden) is tilled where everything is planted, and the other part has the tall grass. It is a camouflaged to keep the deer from going to the garden and eating all the produce. As Mr. Phillips stated, perhaps Matthias is doing the mothering of a new thing, but it does not matter to her. It's his garden. Whomever signed the ordinance, should rescind it for the benefit of a property owner who owns more land than one (1) little lot or three (3) little lots that abut it. His property abuts the whole thing. Council President Monday notified Ms. Humphress that her allotted time of four (4) minutes had expired.

Sue Williams – info about meeting May 31, 2018 with Mayor, Matthias Leguire, and his mother

Ms. Williams is before Council tonight to report on a meeting that took place on May 31, 2018. Kelton Smith provided the minutes on that meeting. Before the meeting, her husband Charles Williams and Mr. Smith were asked by Mr. Leguire to come into the meeting. They were waiting to go into the meeting when a female Secretary in the Mayor's Office tried to stop Mr. Williams and Mr. Smith from entering the meeting. In the Mayor's Office, there is a swinging short door. The Secretary stated that the meeting was only for the Mayor, Mr. Leguire, and his mother. Mr. Williams pushed the door opened and entered the conference room where the meeting was held. While he was going in there, he asked why the Mayor has five (5) other individuals in the room if there are supposed to be the three (3) that the Secretary had stated were to be in there. There were also six (6) members of government present: the Mayor, the Safety Director, the Zoning/Floodplain Administrator, Law Director Rasmussen, and Councilman Russel. Five (5) others in attendance were: Mr. Leguire, Renee Leguire, Mr. Chambers, Kelton Smith, and Charles Williams. Ms. Williams read from the notes she had in front of her of what took place during that meeting. The Mayor stated that the context of the meeting had changed and Mr. Leguire should be held accountable for the correspondence letter to the editor that was published in the newspaper. The letter to the editor was on May 30, 2018 entitled "Stepford Wives". The Mayor stated she was offended by things Mr. Leguire wrote and felt the comments were unfair and that she probably would not have scheduled this meeting had she read the letter before Mr. Leguire had requested the meeting. The one who really requested the meeting was Mr. Leguire's mother, Renee Leguire who tried to get a meeting for several weeks. The Mayor continued stating that she finds it hard to find any truth in what is published in the newspaper. She believes that the letters to the editor published in the newspaper are not where one finds wisdom. Where Mr. Leguire erected his fence is considered to be forty-seven inches (47") out of code. He was told he could move the fence to where it was supposed to be or he could go to a Board of Zoning Appeals (BZA) meeting and request a variance from the code. Mr. Leguire took the latter course of action and requested a variance from BZA, but was denied. Renee Leguire thought the variance was assured, but that thought was incorrect. The Zoning/Floodplain Administrator discussed four (4) options with Mr. Leguire: 1) remove the fence; 2) move the fence; 3) appeal to the BZA for a variance which involved a two hundred fifty dollars (\$250) fee; or 4) cut the fence down by half. Council President Monday notified Ms. Williams that her allotted time had expired. Ms. Williams passed out a copy of what she would have finished reading.

Charles Williams – 1776 Vet 4th of July

Mr. Williams asked if there were any Veterans in the room. Mr. Phillips from the audience raised his hand and Mr. Williams thanked him. Mayor Mihalik replied that Councilman Shindledecker is. Mr. Williams thanked him for serving. Mr. Williams pointed to Mr. Phillips in the audience stating that you have to admit, he is interesting. He asked Acting Law Director Werth if he is the Prosecuting Attorney. Acting Law Director Werth replied he is one (1) of four (4) Prosecuting Attorneys. Mr. Williams pointed to Mr. Phillips in the audience again stating he was really scared. He was taking pictures at Marathon. Someone called Mr. Williams and stated that there were eight (8) Policemen there, a drone, and an attack dog, but pointed to the Acting Law Director who stated that Findlay, Ohio does not have drones. While looking at the Administration side of the room, he asked if the City has drones. No one verbally answered (*camera was not on majority of the Administration side, so cannot see what any non-verbal responses given were*). Mr. Williams then stated that was a lie. Mr. Williams stated to someone on the Administration side "Don't tell me you didn't say it because you did say it" (*camera was not on whomever Mr. Williams was commenting to*). Mr. Williams pointed to someone on the Administration side saying that "this gentleman down here, he wanted to be in charge and wanted him know who he was (*camera was not on whomever Mr. Williams was commenting to*). Mr. Williams pointed to Mr. Phillips in the audience and stated that he was really intimidated. Mr. Williams noted that he is not a lawyer, but wanted to see what someone would do to a Veteran that served this country. Marathon wants to prosecute Mr. Phillips on this. Mr. Williams read the Police Report that Officer Knicely made on March 11, 2018: *I was dispatched to the Hancock Hotel on Main Street to take a trespass report. It was reported that an older male, (Mr. Williams acknowledged to be him), later identified as William Charles Williams, age 70, was acting aggressive and cursing at the manager, age 39. Williams is also reported to be driving around in a red truck with dummies in the back with a sign referring to the Police Department (Mr. Williams acknowledged he was doing so). Officer Knicely arrived at the hotel and spoke with Jeremy. Jeremy advised that Mr. Williams was parked in his vehicle in front of the hotel on South Main Street near the valet exit. The hotel was hosting a wedding party. According to the Police Report, Jeremy politely asked Mr. Williams if he could move his vehicle away from the hotel, which was a total blatant lie. Mr. Williams then decided to just tell Council about the incident instead of reading the Police report. He pointed to Auditor Staschiak stating that he knows him pretty well. Auditor Staschiak nodded in agreement. He asked Auditor Staschiak if he believes Mr. Williams would be cussing and swearing at a woman or a Police Officer. Auditor Staschiak did not reply. Mr. Williams replied, no you don't. Officer Knicely has stated in the Police Report that Mr. Williams was doing so. He pointed out that the Mayor did a good job. She had taken Mr. Williams up to the Police Department and provided some papers for him to fill out because the Police report stated that he was parked in front of the hotel, but he was not. He was parked at a curb where there weren't any "no parking" signs posted. There now is a sign, but at that time, there wasn't, so the hotel employee told a flat out lie. Mr. Williams noted that he is six foot four (6' 4") and that he can intimidate people. Mr. Williams continued saying if they did that to him (referring to Mr. Phillips's Marathon incident) and if he was cussing and swearing at the Officer like she says he was, they would have been more cops there than what there were. Marathon is trying to persecute a Veteran. He welcomed Council to follow his red truck and see what he has to say about Marathon when then are in the parade tomorrow.*

Mark Collins – loud music from All American Rock House

Mr. Collins apologized for interrupting during the last City Council meeting when the discussion about the All American Rock House came up. He did not anticipate it would be discussed. Mr. Collins is unsure who owns the building that the All American Rock House is in. The owners rent it out to whomever has a liquor license at the time. His understanding of the noise ordinance for cars is fifty feet (50 ft) and does not know what it would be for a building or for a residence. In Chicago, you can get fined if you are at a party at night and are blaring the music and the neighbors call. The music at the All American Rock House can be heard standing behind Rancho Fiesta. He lives at 1724 Queenswood in an apartment there. There are times when he goes into town around 1:00-2:00am and can hear the vibrations. The sound travels. He has called the Police several times. He knows the bar has been fined at least twice and knows the manager has been fined at least once from his phone calls over the years. He has had Police come out who have made him feel like a fool a few times saying they cannot hear anything. On one of those occasions, a second patrol car pulled up and the Officer instantly stated he could hear it and drove straight to the bar. Mr. Collins believes that was one of the nights they were fined. It is ridiculous for anyone to say they cannot hear it. It can be heard at Rancho Fiesta that is several yards away. The ordinance needs to be enforced. He does not believe the bar was open this past weekend. He drove by late on Friday night and did not see anyone there. Anyone who adjoins that property (Camelot, Queenswood) are having their property rights being infringed upon by the bar. Something needs to be done. He has tried to organize a petition a few times before and was told by the neighbors that they have been fighting it for years and have given up. He is before Council tonight to say that the noise is outrageous and something needs to be done with the bar.

Discussion:

Councilwoman Ostrander noted that she was there Saturday night around 11:15pm. She parked both behind it and in front of it. She got out of her car and also went inside. The building also has an outdoor back patio, so she walked out there and shut the doors and could not hear the music. Mr. Collins replied that might have been the case that night. Councilwoman Ostrander replied it was Saturday around 11:00pm-11:15pm. Mr. Collins replied that he had made the comment to a gentleman in the audience here two (2) weeks ago that it literally picks up sometime between midnight and 2:00am. He is unsure how late the bar stays open or if they have a 2:00 am license. Someone living in that area cannot have a window open when the music is playing. Residents have to keep the air conditioning running when it is not hot outside just to block out the noise. If there is a fifty foot (50 ft) ordinance on noise, it needs to be enforced. He asked if the Police just do not want to do the paperwork or if they do not want to deal with the hassle. He suggested taking the complainant's word when they call because its legitimate. This has been going on for over ten (10) years now that he knows of.

Mayor Mihalik pointed out that there may be two (2) or three (3) citations that are making their way through Municipal Court right now, so the City is still enforcing the law. The Police Department are still receiving calls and are still writing citations. As it has been explained to her, there is a progressive penalty affiliated with this, so eventually, it will be more than a hundred dollar (\$100) fine. Residents have called and emailed her, so she has told them to continue to call the City. There is a difference between the volume of the music and the bass, and how it is measured. Mr. Collins replied that the vibrations from the bass is the problem. Sound travels through vibrations. Mayor Mihalik replied it is a different sound. They are investigating how to measure that and provide some solutions to Council (how does bass get measured, what kind of device needs to be used, etc.). It is not just going along with how someone is feeling that day. We are trying to put some science behind it. We are still getting calls, are still going out there, and are still writing citations that are making their way through the court. Mr. Collins asked if the citations go to the building owner or to the current manager that is running it. Acting Law Director Werth replied that he is not assigned to that case, but from his experience as a Prosecutor, it is the owners of the building that are being prosecuted. The Mayor is correct that there are three (3) cases going through Municipal Court right now. They are cited under two (2) different ordinances. There is a general city ordinance for disorderly conduct. One of the citations was written under that. There is another more specific noise ordinance that the other two (2) citations were written under. Those are dealing through some procedural issues right now, but all three (3) citations are proceeding forward. The owner of the bar has an attorney, so they will execute their rights to their fullest ability, just like we will represent the City to the best of our ability.

Mr. Collins replied it is his hopes that the Prosecutor on this issue will represent the people that own property there and their rights. Acting Law Director Werth replied as a property owner in that area, that will not be a problem to do so. Mr. Collins replied the property owners rights go out the window when they are playing. When they play music, it will be loud for the length of the song and then will not be loud for a period of time, and then as soon as they start a new song, the volume is cranked up again. When someone calls to complain, by the time the Police arrive, it is quiet again and they do not hear it. After they leave and another song starts, the volume goes up and the Police are again called. The loudness is not going on full-time. It is on and off. He wanted to inform Council that it does happen. He lives two hundred (200) yards away from it. He hears it, so if anyone else calls to believe them.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Municipal Court Activities Report – May 2018. Filed.

City Auditor Staschiak – RLF Administration

The Hancock Regional Planning Commission has submitted an invoice for their expenses/staff time for RLF administration for January 2018 through March 2018. This is now a routine request where Council has approved requesting the appropriation without going to committee each time. Legislation to authorize a draw from the Revolving Loan Fund account and appropriate \$1,691.41 from the RLF to General Expense #21010000-449400 to pay the invoice is requested. Ordinance No. 2018-066 was created. Filed.

Traffic Commission minutes – April 16, 2018 and May 21, 2018. Filed.

City Planning Commission agenda – July 12, 2018; minutes – June 14, 2018. Filed.

City Auditor Staschiak – revenue estimates for fiscal year 2019

The estimate revenues for the next fiscal year will be included in the July 17, 2018 City Council packet. This is the first step required under Ohio budgetary law and the figures are a best estimate of what is expected in revenues over the next eighteen (18) months. In order to meet the statutory requirements for the distribution of the local government money, this document should be accepted by Council at the July 17th meeting so it can then be filed with the County Auditor by no later than July 20. A motion for acceptance of the revenue estimates will be needed during the meeting on July 17th. As required by statute, the Council Clerk has scheduled a public hearing for that night before the meeting, notice of which will be published ten (10) days before the hearing, during which period two (2) copies will be available for public inspection in the Auditor's Office. A Public hearing is scheduled for July 17, 2018 at 6:40pm.

Discussion:

Councilman Harrington pointed out that the letter states that this will be in Council's packet and asked if the ten (10) day notice can be forwarded to Councilmembers so it can be reviewed prior to the public hearing. City Auditor Staschiak replied that the ten (10) day notice will come from the Council Clerk and will be published in the newspaper. He has the inspection copies available that he will scan and email to Councilmembers. Councilman Harrington noted that he would like to look at that as soon as it is available. Filed.

Mayor Mihalik – Downtown Design Review Board Committee Member appointment

Mayor Mihalik is requesting Josette Brinkman, Signed by Josette be appointed to the Downtown Design Review Board, term will expire on December 31, 2020 to fill the unexpired term of Angela Debosky. This appointment requires Council's confirmation.

Council President Monday requested that the letter be read. The Council Clerk read the letter in its entirety.

Discussion:

Councilman Harrington moved to accept this appointment, seconded by Councilman Shindledecker. Filed.

Hancock Regional Planning Commission Director Cordonnier – amendment to the Findlay Zoning Code

Hancock Regional Planning Commission respectfully submits three (3) text amendments to the City of Findlay Zoning Code.

The first proposed change expands the number of citizens notified when an item goes through Planning Commission. Section 1113.15 of the zoning code requires that only those properties adjacent to a proposed project be notified. The zoning text amendment requires that all property owners who are located within 250 feet of the applicant's property perimeter be notified. Attached are maps showing the difference between the old and proposed ordinance. Additionally, the proposed ordinance would require a sign by posted on the applicant's property that has an item before the planning commission. The City of Findlay would have signage made that indicates the property is going before planning commission and to call 419-424-7094 for more information.

The second proposed change is to the setbacks in the C-3 Downtown District. The text amendment would require that buildings on Main Street, Main Cross, and Sandusky Street be constructed within 5 feet of the street right-of-way. Additionally, it requires that buildings have a minimum width equal to 60 percent of the lot width. These proposed changes would only apply to those building or lots that are zoned C-3.

The third proposed change adds the definition of small wind turbine to the definition section of the zoning code. Ordinance No. 2018-067 was created. Referred to the City Planning Commission. Filed.

Ward 3 Councilmember Dina Ostrander, Ward 5 Councilmember John Harrington, At Large Councilmember Grant Russel – enable Zoning personnel enforcement rights in the right-of-way.

The undersigned hereby request that legislation be drawn up to enable the Zoning Administrator to enforce applicable City Ordinances in right-of-way areas within the City of Findlay. Please add this legislation to the July 3, 2018 agenda. Ordinance No. 2018-068 was created.

Discussion:

Councilwoman Frische asked if they are on an unimproved street, if they will not be able to park there either with making this change. She asked what will be enforced that this verbiage is needed. Acting Law Director Werth replied that he spoke with Law Director Rasmussen about this. The way the ordinance is currently written on this, there is a lack of clarity. Right now, there is an ordinance for a curbed street, so it is known what to do then, but there is nothing in the ordinance for uncurbed streets. With a curbed street, there is a 24-hour notice period for those vehicles to be moved. With an uncurbed street, there is no set period, so this ordinance would clarify what that is. Councilwoman Frische asked if residents can still park in front of their house (i.e. Park Street). A Council subcommittee had discussed parking on unimproved streets last year. She asked if that change was made to not allow anyone to park on curbed streets and if that would affect this. Acting Law Director Werth replied he cannot specifically state how that would affect that, but will allow the ordinance that is already written to be carried over to uncurbed streets. The enforcement of all streets will be exactly the same instead of the way it is currently written where there is no specific ordinance or rule for uncurbed streets, but is for the curbed streets. It will make all roads in the City of Findlay the same. Filed.

Service Director/Acting City Engineer Thomas – slope mowers

In the 2019 Capital Improvement Plan, the Water Department is looking to replace the slope mower for mowing the banks at the reservoir. They had some demos to look at the various types of mowers to see what they would prefer and to get a better idea on the pricing. The mower that they would like to purchase has a 12 foot mowing deck. The company has stopped producing this mower but will continue to make parts and offer support for the mowers that have already been produced. There is currently one (1) mower left and it is on hold until July 19th (there are 6 other municipalities that have shown interest in this mower). Water Pollution Control is also planning to replace a slope mower next year. We asked the manufacturer if there would be a discount if both mowers were purchased as a package. The discount would be \$7,782.33 if both mowers are purchased together. If Council wishes to refer this to the Appropriations Committee for discussion, he would be happy to discuss it in further detail. Due to the time restraint on the larger mower, legislation was created now in order to receive its first reading before the Appropriations Committee meeting. If the committee does not recommend the purchase of the mowers at this time, the legislation can then be pulled. Ordinance No. 2018-071 was created.

FROM: Water Fund	\$ 131,695
TO: Supply Reservoir #25073000-other	\$ 131,695
FROM: Sewer Fund	\$ 46,901
TO: WPC #25061000-other	\$ 46,901

Referred to the Appropriations Committee. Filed.

Mayor Lydia Mihalk – Appointment to Blanchard Valley Port Authority

Request for confirmation to appoint of Amy Hackenberg to the Blanchard Valley Port Authority through June 30, 2022. She has expressed an desire and willingness to serve the community as a member of the Blanchard Valley Port Authority. This requires Council's confirmation.

Councilman Harrington moved to accept this appointment, seconded by Councilman Slough. All were in favor of this appointment. Filed.

COMMITTEE REPORTS: - none.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 013-2018 (*Lonetree Dr annexation - services City will provide*) requires three (3) readings **second reading**
A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORIES PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO BEING A PART OF THE SOUTHEAST FORTH (1/4) OF SECTION 9, T1N, R11E, A TRACT OF LAND CONSISTING OF 0.2789 ACRES OF LAND FOR PARCEL A, 0.2777 ACRES FOR PARCEL B, AND 0.277 ACRES OF LAND FOR PARCEL C.

Second reading of the Resolution.

RESOLUTION NO. 015-2018

See page 1 (**RECOGNITION/RETIREMENT RESOLUTIONS** section).

ORDINANCES

ORDINANCE NO. 2018-054

third reading adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.
(Sandusky Street Waterline Extension to Dold Farms, Project No. 35780400) requires three (3) readings

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Shindledecker, Slough, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-054 and is hereby made a part of the record.

ORDINANCE NO. 2018-055 (Blanchard River Greenway Trail extension) 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 Shindledecker. Ayes: Hellmann, Niemeyer, Ostrander, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-055 and is hereby made a part of the record.

ORDINANCE NO. 2018-056 (Miracle Field expansion) requires three (3) readings

third reading adopted

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Harrington noted that his eight (8) year old grandson was talking to his uncle that was here from Seattle bragging about the Miracle Field when they were going out to the ice rink. He made his Uncle drive back there to show it to him. While he does not have any handicaps, he does enjoy the playground.

Ayes: Niemeyer, Ostrander, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-056 and is hereby made a part of the record.

ORDINANCE NO. 2018-057 requires three (3) readings

third reading adopted

(Concord Ct/Milton St/Summit St/Woodworth Dr/Merriweather Dr waterline replacement)
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Ostrander, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-057 and is hereby made a part of the record.

ORDINANCE NO. 2018-058, AS AMENDED (Carrol St/Benton St vacation) requires three (3) readings

**second reading
tabled during OLD BUSINESS**

AN ORDINANCE VACATING A PORTION OF TWO (2) CERTAIN STREETS (HEREINAFTER REFERED TO AS CARROL STREET AND BENTON STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

Councilman Harrington moved to table the Ordinance, seconded by Councilman Slough. Ayes: Shindledecker, Slough, Harrington, Hellmann, Ostrander. Nays: Watson, Wobser, Frische, Niemeyer. Motion fails.

ORDINANCE NO. 2018-059 (221 Lima Ave rezone) requires three (3) readings

second reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 221 LIMA AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "M2 MULTI-FAMILY, HIGH DENSITY".

Second reading of the Ordinance.

ORDINANCE NO. 2018-060, AS AMENDED (239 E Foulke Ave rezone) requires three (3) readings

second reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 239 EAST FOULKE AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX, HIGH DENSITY".

Second reading of the Ordinance.

ORDINANCE NO. 2018-065 (*Miracle League improvements*) requires three (3) readings

first reading
adopted during OLD BUSINESS

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CAPITAL IMPROVEMENT COMMUNITY PARK, RECREATION/CONSERVATION PROJECT PASS THROUGH GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR PLAYGROUND EQUIPMENT, BENCHES AND A SHELTER HOUSE TO BE CONSTRUCTED AT THE MIRACLE LEAGUE, AND DECLARING AN EMERGENCY.
Councilman Harrington moved to suspend the statutory rules and give the ordinance its second and third readings, seconded by Councilman Watson. Ayes: Watson, Harrington. Nays: Slough, Wobser, Frische, Hellmann, Niemeyer, Ostrander, Shindledecker. Motion fails.

ORDINANCE NO. 2018-066 (*RLF administration*) requires three (3) readings

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2018-067 (*zoning code changes*) requires three (3) readings

first reading

AN ORDINANCE REPLACING CHAPTER 1113.15 ENTITLED PUBLIC NOTICE, CHAPTER 1137.04 ENTITLED LOT REQUIREMENTS, CHAPTER 1161.14 ENTITLED ALTERNATIVE ENERGY, AND CHAPTER 1174 ENTITLED DEFINITIONS, ENACTING NEW CHAPTER 1137.05 ENTITLED BUILDING WIDTH, AND RENUMBERING CHAPTER 1137.05 ENTITLED APPLICABLE CHAPTERS TO NOW BE CHAPTER 1137.06, ALL OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2018-068 (*Zoning personnel enforcement rights in right-of-way*) requires three (3) readings

first reading

AN ORDINANCE ENABLING THE CITY OF FINDLAY ZONING DEPARTMENT PERSONNEL ENFORCEMENT RIGHTS WITHIN RIGHT-OF-WAY AREAS WITHIN CITY LIMITS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2018-069 (*Humble Robinson annexation – rezone*) requires three (3) readings

first reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY AS I-1 LIGHT INDUSTRIAL AND M-2 MULTIPLE-FAMILY RESIDENTIAL (HEREINAFTER REFERRED TO AS THE HUMBLE ROBINSON ANNEXATION).

First reading of the Ordinance.

ORDINANCE NO. 2018-070 (*Humble Robinson annexation – accept & approve the annexation*) requires three (3) readings

first reading

AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF MARION, COUNTY OF HANCOCK, STATE OF OHIO, AND SITUATED IN THE SOUTHWEST FOURTH (1/4) OF SECTION 5, T1N, R11E, A TRACT OF LAND CONSISTING OF 49.068 ACRES OF LAND, MORE OR LESS (HEREINAFTER REFERED TO AS THE HUMBLE ROBINSON ANNEXATION).

First reading of the Ordinance.

ORDINANCE NO. 2018-071 (*slope mowers*) requires three (3) readings

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS

Mayor Mihalik requested Council reconsider the Miracle League expansion project and ODNR capital improvement grant ordinance. There have been three (3) readings on the other ordinance that appropriates funds for this (Ordinance No. 2018-056). Ordinance No. 2018-065 gives authorization to sign the grant agreement to obtain the funds from ODNR so it can be a pass-through, which is the State Capital money so that the Miracle League can get started in earnest on the project. They do not have the money to start the project without us. She asked Council for reconsideration of Ordinance No. 2018-065 so that they can move forward as expeditiously as possible which would keep the Miracle Field construction on time so the City can host a good program in September.

Councilman Hellmann asked what Ordinance number it was. Mayor Mihalik replied Ordinance No. 2018-065.

Councilman Wobser moved to reconsider Ordinance No. 2018-065, seconded by Councilman Hellmann. All were in favor. The Ordinance is being reconsidered.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2018-065 and is hereby made a part of the record.

City Auditor Staschiak pointed out that approximately four hundred thousand dollars (\$400,000) was saved with the bond advance refunding that was done in 2016. The outstanding bonds were paid in full yesterday, so the City moved to just under eight million dollars (\$8,000,000) and saved about four hundred thousand dollar (\$400,000) by taking advantage of the reduced rates. The books are clear.

Councilman Harrington noted that his reason to previously table Ordinance No. 2018-058 is due to the requirement to publish it for six (6) weeks. To not table the ordinance tonight would require a public hearing at the next City Council meeting at the third reading of the ordinance, and those two things cannot coincide at the same time. So to avoid that conflict, it would need to be tabled for one (1) meeting and then could be brought up for a vote and then decided by each Councilmember whether they approve or not approve the ordinance. He made a motion to table it at the recommendation of the City Attorney and also Matt Cordonnier from Hancock Regional Planning.

Councilman Wobser asked how the transition of duties for Workers Compensation is going. Mayor Mihalik replied that she met with the Auditor's Office today at 3:00pm. There are still some process questions that need the Law Director's legal opinion on. Carolyn Chase from the Auditor's Office was great. She would like to include the Law Director on some outstanding issues, but sounds as though it will be a smooth transition.

City Auditor Staschiak added that he was assigned a transition team. Carolyn Chase is part of that team and works in the City's Auditor's Office. She is sitting in the audience tonight. She has done a wonderful job for over twenty (20) years. She has a lot of institutional knowledge, most of which, comes from her experiences and not from books as every single case is different. He spoke with the Mayor and the HR Director today. The Auditor's Office is going to do the money portion of it just like they would do for any other department. When it comes to an audit, they will make sure that the audit paperwork that is required is received properly. All the reporting, handling, and communication will be handled by the Administration. The Auditor's Office will not be part of any of that. The change to CareWorks was to occur yesterday. The City is not in the CareWorks system. The City is not part of the passwords or anything else that is needed. It is not a system we are familiar with. Based on the way this is going, the HR Director has a lot to learn and he knows that. He originally thought thirty (30) days would be a good transition period, but Carolyn has reminded him that she is going to take some vacation, so it was changed to forty-five (45) days. At that point in time, the Auditor's Office is out of it. All they will be doing is handling the money side of it. He wanted to make sure Council was fully aware of that on the record.

Councilwoman Frische was under the impression that both the Auditor's Office and the Mayor's Office were both going to manage it. She asked if there are any talks about hiring staffing to help the HR Director manage it. City Auditor Staschiak replied that should not be necessary. The parts the HR Director will be doing are parts that Ms. Chase had handled very well all on her own while she had a very full schedule. She has a lot of tasks that she does affiliated with other things that were discussed in full. Ms. Chase has handed over and will consult on the reporting and the Worker's Comp processes. She will still handle the money side of that. She had handled all of those components very well. He would be very surprised if the Administration needs to hire anyone. Probably the biggest surprise the HR Director had today during their meeting was that he has to sign off on protected health information that he may need some training on that he is required to have to be able to handle the files. They have started that process to make sure he is fully aware of what he needs.

Councilman Watson noticed that the Mayor is shaking her head and asked if she does not agree that there will not be any new hires. Mayor Mihalik replied that there are no plans to hire anyone else to do Workers Comp.

Council President Monday pointed out that Councilman Harrington indicated under OLD BUSINESS that 2018-058 needs to be tabled. In order to do that, if that is the desire of Council, there needs to be a motion to reconsider it and then a motion to table it. If it is not the desire of Council and there is not a motion to reconsider, Council will go on to other business and nothing else needs to be done.

Discussion:

Councilman Harrington noted that he cannot make the motion because he made the motion to table it earlier. He asked if it is not reconsidered tonight, what the consequences of the ordinance would be. Acting Law Director Werth replied that he does not know, but that it cannot pass during the next City Council meeting because it would not have had the required notice time, so he assumes that it would simply fail. Councilman Harrington replied with that said, the original members, at least himself, would probably propose the same ordinance. He appreciated Mr. Leguire's comments tonight. A lot of the concerns he has need to also be addressed by the neighbors. Those concerns can be addressed at a PLANNING AND ZONING COMMITTEE meeting. He invited Mr. Leguire and the neighbors to that meeting. If the vacation ordinance fails, it will most likely be brought back up again because there are neighbors that are concerned. Whether Council or the neighbors do it, it is an issue that needs to be addressed and he is certain it will be.

Councilman Hellmann does not understand why Council would not table this in order to do it legally and properly so that everybody has their say in this.

Councilman Hellmann moved to reconsider Ordinance No. 2018-058 AS AMENDED, seconded by Councilman Slough. Ayes: Harrington, Hellmann, Ostrander, Shindledecker, Slough. Nays: Watson, Wobser, Frische, Niemeyer.

Discussion:

Council President noted that there were five (5) votes to reconsider and four (4) not to reconsider, so Ordinance No. 2018-058 AS AMENDED is now being reconsidered. He asked if there is a motion on the Ordinance.

Councilman Harrington moved to table Ordinance No. 2018-058 AS AMENDED, seconded by Councilman Hellmann. Ayes: Harrington, Hellmann, Ostrander, Shindledecker, Slough. Nays: Wobser, Frische, Niemeyer, Watson. The Ordinance is tabled.

Discussion:

Councilwoman Frische pointed out that the results of the vote to table is the same as it was before and asked how it is now considered tabled, but wasn't before. Council President Monday replied it was his mistake, but is now tabled. Councilwoman Frische asked if it has to be a two-thirds (2/3) vote to table. Council President Monday replied no, just by majority. Council President Monday asked the Acting Law Director Werth for clarification. Acting Law Director looked it up and found that it is by the majority as Council President Monday stated. The majority has to be in favor in order to table. Council President Monday pointed out that the ordinance should have been tabled after the previous vote. It is tabled now. Councilman Harrington feels tabling it is the correct thing to do. He informed Mr. Leguire in the audience that at the next meeting, he is welcome to make any comments he would like and that others will also have that opportunity. He invited the petitioners to also come in and give their comments and then can move it through Council as needed.

Mayor Mihalik pointed out there is an outstanding issue with large lots. PLANNING AND ZONING COMMITTEE has yet to meet on. She has tried to organize a neighborhood meeting so that everybody can get on the same page, but is not apparently going to happen. There are Councilmembers and neighbors that are urging her to enforce the ordinance that is on the books. When she went out to the Leguire property last week, in her opinion, it is something that can be put up with at least in the interim, but Council still needs to decide quickly whether or not it is something they want to entertain in terms of large lot considerations. She does not think it something that can be held off any longer. She is thankful that she went out because there was a lot of pressure from neighbors and Councilmembers to mow it all. She is unsure if Council is split on what to do or if the majority is interested in doing something, but the sooner that Councilman Harrington can get the PLANNING AND ZONING COMMITTEE meeting scheduled, the better, especially since it will continue to be an issue right now since it is summer time.

Councilman Wobser asked if legislation on that has been presented to Council yet. He knows it has been talked about. Mayor Mihalik replied that it has been handed over to the PLANNING AND ZONING COMMITTEE who have not met on it yet. She tried to have an organized meeting in the neighborhood and with Councilmembers, but the owner is not interested in having a neighborhood meeting, but said that he was interested in meeting with Councilman Wobser and Councilwoman Frische. There are laws on the books, but some do not agree with them which is perfectly fine. It is her job to enforce the law we currently have. If Council wants to make a change to the law, they have the authority to do so, but need to be respectful of what is currently in place.

Councilwoman Frische asked if the City is now considered the petitioners on this because the original petitioner's request to vacate had failed. Mayor Mihalik replied that she is talking about having the PLANNING AND ZONING COMMITTEE discuss it for the consideration of large lots and the fifty foot (50 ft) buffer that has been suggested. She is not referring to the vacation request. Councilwoman Frische asked Councilman Harrington what he was referring to when he invited Matthias to attend the PLANNING AND ZONING COMMITTEE meeting. Councilman Harrington replied that prior to both the Mayor, Councilwoman Frische, and Councilman Wobser's comments, he was going to mention the fact that the PLANNING AND ZONING COMMITTEE meeting is scheduled for July 12, 2018. The tall grass on large lots will be on that agenda. It will be discussed then, but he is unsure whether or not the committee will come out with a recommendation. He has his own opinion on it, but he is unsure if others have the same opinion. Councilman Harrington and the Mayor are talking about two (2) different subjects. What the Mayor is talking about now is that there is not an ordinance being considered at this point for tall grass on large lots. The only ordinance that is being considered that was tabled this evening is for the vacation of two (2) streets that has nothing to do with tall grass. The ordinance that was tabled is for a vacation. The original petitioner also wrote a letter to Council that was read tonight that brought up both subjects (vacation request and tall grass), so that might be the reason for the confusion. During the PLANNING AND ZONING COMMITTEE meeting on the 12th, the tall grass issue will be discussed.

Councilwoman Frische noted that the Mayor pointed out that Mr. Leguire did not want to meet unless Councilman Wobser and she were there. He was asking that one or both of them be there and was not denying a meeting with the City. After she received the email that the Safety Director forwarded, she went out to the neighborhood and talked with Mr. Neely and the Mr. Leguire individually and told them there needs to be a give and take. The City does not need to be in the middle of it. Mr. Neely and Mr. Mohr are okay with Mr. Leguire's fence and are going to make their changes, so there is now a give and take. Mr. Leguire is going to keep his stuff in his area of his property and will have his fence up. Mr. Leguire had a conversation with the property owner to the east of him that has all the large property that Mr. Mohr and Mr. Neely have been purchasing, and asked that he mow a little further up into his yard. She asked Mr. Leguire in the audience if he is still currently doing that. Mr. Leguire replied he is. Councilwoman Frische pointed out that Mr. Leguire is trying to accommodate that property owner as well and so things seem to be a little bit better. Mr. Leguire agreed saying that since the fence is going up, the neighbors have said that they have no complaints.

Councilwoman Frische was under the impression that the Law Director was going to provide Council with some information from the Zoning/Floodplain Administrator on large lots. She asked if that is not happening now and is instead going to the PLANNING AND ZONING COMMITTEE. Mayor Mihalik replied it is PLANNING AND ZONING COMMITTEE's topic. PLANNING AND ZONING COMMITTEE needs to have a meeting to talk about where they want to go with large lots. That was what was talked about two (2) weeks ago at the last Council meeting that the PLANNING AND ZONING COMMITTEE were going to have a meeting about it, whether it was going to be onsite in the neighborhood to try to get some consideration from not just Mr. Neely and Mr. Mohr, but others because there is definitely more than one property owner that is adjoining this that is making their voices known. She is unsure if splitting them up is the right thing to do. There is more than one property owner that is irritated with the situation. We are trying to do the right thing here of having the whole thing mowed which by law we could have done, but didn't. Instead, they are waiting on the PLANNING AND ZONING COMMITTEE to have a conversation about whether or not they want to have special consideration for large lots. That is where it is at now. The PLANNING AND ZONING COMMITTEE needs to give some direction on where they want to go it and will go from there. Council is the legislative body. The Administration does not have to craft everything for Council to consider and pass. She'd actually prefer that more topics were handled that way where it starts in a committee, get some public feedback, and then craft legislation out of it that Council can consider.

Councilwoman Frische asked if the Carrol Street and Benton Street vacation will be discussed in PLANNING AND ZONING COMMITTEE. She noted that none of the five (5) Councilmembers who signed the letter asking for the vacation have given an explanation for clarification on the ordinance and asked if that needs to be given tonight or if that is going to be given during the PLANNING AND ZONING COMMITTEE, or is it going to move forward without an explanation.

Councilman Harrington: **PLANNING AND ZONING COMMITTEE** meeting on July 12, 2018 at 12:00pm in the first floor Council Office (CO).

- agenda:
1. 804 Franklin Ave rezone
 2. 311 & 311 ½ E Lincoln St rezone
 3. large lot grass ordinance
 4. zoning cod revisions (Ordinance No. 2018-067)

5. Humble Robinson annexation rezone (Ordinance No. 2018-069)

Mayor Mihalik noted that back in March, the community held a meeting over at Findlay High School on what is being done with school security. During the conversations with Ed Kurt about what the City could do to support him, he has stated that he would like to look internally and also see what the City can do, and wants to listen to what the public has to say to see where the City can potentially partner moving forward. She has had several meetings with Mr. Kurt over the last few weeks. What Mr. Kurt and the school board would like to do is a multi-prong approach. First and foremost, they want to make sure that their infrastructure and security systems, the video surveillance systems that are not only in the schools, but also on the school buses are up to day and properly functioning. He would like to be linked into our Dispatch so that in the event there is an incident on a school bus or at any one of the school buildings, our Dispatch would be queued in. It makes sense that we know what is happening real time. The second (2nd) approach is a mental health approach. There is the thought that if we can get a mental health collation in the schools with individuals who are experienced in dealing with mental health issues so that students do not have an excuse not to make it to an appointment. He would like to have a better level of ethically relative to managing mental health in the school system. The third (3rd) approach is the suggestion of hiring Officers to have a Police Officer in each and every one of our school buildings. That could range from six to ten (6-10) depending on where the school district wants to go. Cost sharing has been discussed with Mr. Kurt, and he is currently putting the cost together associated with hiring, equipping, training, etc. for one hundred seventy-seven (177) days of the school year and the City would pick up the rest. There is still a lot yet to be decided and a lot of strategy to be developed. They will want to seek a levy for this. This is the best idea we have at this point to try and address some of the concerns that came out of that March meeting. She wanted Council to be aware that those conversations were taking place and wanted to have them here in Council versus behind closed doors because it is a really serious conversation that the community needs to be a part of. She is hopeful that Council will listen with an open mind. As more details come forward relative to the costs associated to this, she will share them with Council. With additional Officers, it puts us in a more proactive position as opposed to reactive on a lot of different fronts, community policing, drugs, crime, etc. As this develops and as the school board makes their decision on which way they want to go, she imagines they will need our support.

Councilman Watson appreciates the Mayor working with Mr. Leguire and based on what is in the ordinance and what could have happened is very different from what is happening right now. The Mayor is taking a cautious approach and is seeking out what Council's will is. He asked if any enforcement action is ever taken for Mr. Leguire's property, specifically the situation right now, that Council be notified of it by email or phone what the action is that will be taken. He will be out of state on the 12th, but will have access to see what is going on. He asked that Council be notified of any action that is taking place.

NEW BUSINESS

Councilwoman Frische noted that the property owners near the I-75 construction that is getting ready to start on Lima Avenue will have a loss of access getting out Lima Avenue for about a year. She asked if the safety issue of EMS and Fire has been addressed. She asked how that will be handled so that property owners in that area will know their properties are safe. Mayor Mihalik replied that this has been in the planning stages for about two (2) years now and there have been some public hearings about it. A lot of the property owners that live in the Lima Avenue area have been very concerned about what access can be used and when. There will be access for the first responders to get to where they need to go in that neighborhood, but there will not be normal public traffic through that area. Councilwoman Frische asked if anything will have to be stationed anywhere else (i.e. Marathon Airport, etc.). Mayor Mihalik replied that the City has worked very well with ODOT on this project. They have been a great partner. It is not the most convenient project, but is what is needed in order for us to grow and accommodate the amount of traffic that we are seeing and could potentially see on I-75. It will definitely be a more safe situation for motorists going in and off the interstate. First responders access has already been thought through.

Councilman Harrington made a motion to excuse the absence of Councilman Russel, seconded by Councilman Niemeyer. All were in favor. Filed.

Councilman Watson would like to have a **STREETS, SIDEWALKS & PARKING COMMITTEE** meeting before the next City Council meeting and before the public hearings to begin discussions about biking and the ordinance that was tabled last time. Now that there are some great dedicated bike lanes and bike racks in Findlay, he would like to clean up that ordinance. He asked if the Administration could have a representative attend. Councilman Watson: **STREETS, SIDEWALKS & PARKING COMMITTEE** meeting on July 17, 2018 at 5:30pm in first floor Council Office (CO). agenda: bicycle Ordinance No. 2017-021 AS AMENDED (tabled during the April 18, 2017 City Council meeting).

Councilman Wobser sent an email to all of Council asking for anyone who would be interested in attending the NLC conference in Los Angeles in November. He did receive one (1) response. There are funds for two (2) to attend. He asked if anyone else is interested to let him know within the next couple of days so that the early bird special can be taken advantage of.

City Auditor Staschiak: **MID-YEAR REVIEW** meeting on July 19, 2018 at 5:00pm in the third floor conference room beside the Mayor's Office (CR1).

This is needed to keep the Bond Agency's happy. He will keep it as light, quick, and as entertaining as possible.

Mayor Mihalik asked if it could be held next week. City Auditor Staschiak replied it cannot be held then because he has employees on vacation next week. The only available dates he has are the 17th and the 19th. He will provide the Mayor, and anyone else not able to attend, with a hard copy of the slides. It is pretty straight forward and a lot of it is coming off the transparency site. There are just a few debt issue items to cover since the debt summary part has not been addressed yet. It should not take too long.

Councilman Hellmann asked if it is the 19th at 5:00pm upstairs. City Auditor Staschiak nodded in agreement.

Council President Monday asked if there are any objections to that date. Councilman Watson suggested it be rescheduled to the 17th if that works better for the Mayor. Mayor Mihalik replied that she will be at Ohio State that week for a public leadership academy event. It is their residence program, so she will not be able to make it that week, but would like to be there. There are always hot topics that are discussed there and it would be nice for her to give the Administration's perspective from her voice, but if the Auditor is insistent on that week, she will just wait for the slides and can always call a rebuttal meeting with Council.

Councilman Harrington noted that it has been brought to his attention that tonight's meeting is not being aired on television. Mayor Mihalik replied that she just had a meeting with Charter and that it is working. She had a meeting with the Government Affairs folks from Charter Communications late last week where she learned a lot about what they are doing. With the new digital box, customers will be in the 1021 range. The University is 1020.

President Monday adjourned Council at 8:54pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL