

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

August 7, 2018

COUNCIL CHAMBERS

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

ABSENT: none.

President Monday introduced Boy Scout Tyler Jenkins from the audience. He is with Troop 322 that meets at the Stonebridge Church of God. Tyler led the Pledge of Allegiance.

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

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

- Councilman Slough moved to accept the July 17, 2018 Public Hearing minutes for fiscal year 2019 revenue estimates. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the July 17, 2018 Public Hearing minutes to rezone 221 Lima Avenue via Ordinance No. 2018-059. Councilman Slough seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Slough moved to accept the July 17, 2018 Public Hearing minutes to rezone 239 East Foulke Avenue via Ordinance No. 2018-060. Councilman Shindledecker seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the July 17, 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 Russel moved to add and replace the following to tonight's agenda. Councilman Slough seconded the motion. All were in favor. Motion carried. Filed.

ADD-ONS:

- Jereme Kent – Ordinance No. 2018-067 (**ORAL COMMUNICATIONS section**)
- Letter from Police Chief Dunbar = Marathon Petroleum Corporation donation (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section**)
- Ordinance No. 2018-080 = Marathon Petroleum Corporation donation (**LEGISLATION section**)

REPLACEMENTS:

- Ordinance No. 2018-067 AS AMENDED (**LEGISLATION section**)
 - o 1:113.15 PUBLIC NOTICE
 - A.4.i. changed "adjacent" to now be "surrounding"

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Zoning amendment request – 310 Frazer St

Kenneth Koch, on behalf of KBC Rentals, LLC would like to change the zoning of 310 Frazer Street to R4 Duplex/Triplex. It currently is zoned R3 Single Family, High Density. Referred to City Planning Commission and Planning & Zoning Committee.

Zoning amendment request – 716 Franklin St

Kenneth Koch, on behalf of KBC Rentals, LLC would like to change the zoning of 310 Frazer Street to R4 Duplex/Triplex. It currently is zoned R2 Single Family, Medium Density. Referred to City Planning Commission and Planning & Zoning Committee.

WRITTEN COMMUNICATIONS:

Gabrielle Miller – 1701 Windsor Drive

The neighborhood of Country Club Acres request time at the August 7, 2018 meeting to discuss the abandoned property at 1701 Windsor Drive, and a resolution to this desperate, frustrating situation occurring there since 2006.

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

Discussion:

Council President Monday pointed out that Ms. Miller, or someone on this issue, is in the audience tonight. He talked with Ms. Miller on the telephone and told her to fill out an Oral Communications form to speak during tonight's meeting. This issue will be addressed during Oral Communications portion of tonight's meeting. Filed.

ORAL COMMUNICATIONS:

Melissa Humphress – Carrol St/Benton St vacation

Ms. Humphress is before City Council tonight to respond to Mr. Neely's statement about accidents on Sandusky Street. She is also before City Council to clarify that the Swisher's, who lived in his home before he did, may have had a baseball diamond in "their backyard", but it was actually in Margaret Edelbrock's back yard, not their back yard. Their back yard was not big enough to have a baseball diamond. It was due to the generosity of Margaret Edelbrock who allowed them to have a baseball diamond there. They lived there for seven (7) years in a park-like setting. She is certain they were not happy when a family of six (6) moved in, now a family of eight (8), but it is what it is. It is no longer the park-like setting that they enjoyed for seven (7) years. It is now somebody's back yard. That accident sadly took the life of one of the Edelbrock's children while he was crossing Sandusky Street. Yes, safety is an issue for those little children. Yes, they should be monitored all the time, but that does not always happen. Mrs. Edelbrock actually sent her son across the street to take some soup to a little old lady, so sadly, that is what happened on that busy street. Sandusky Street is a very busy street. She lives across the street from Mr. Leguire by the fairgrounds. It is not an easy street to get in and out of a lot of the time, but is doable. Sometimes you have to wait up to ten (10) minutes to get out. Ingress and egress off of Carrol Street and Benton Street are a safe way for Mr. Leguire to exit and enter his property if he needs to. There are often times when he does need to.

Matthias Leguire – Carrol St/Benton St vacation

Mr. Leguire provided a letter from one of the other neighbors that does not want the properties vacated. It is beyond him that the City would do this without actually contacting anyone. Callie Perry of 815 Hawthorne Road is opposed to the vacation of Carrol Street and Benton Street on the corner of Benton and Hawthorne. Council President Monday noted that the letter from Ms. Perry will be made a part of the minutes. The reasons the petitioners have given for vacating is to improve their property value. It is not the City's job to vacate streets to give residents property value or to improve their lives. He doubts their lives will be all of the sudden better because of this vacation. It is not the City's job to make people's lives better. The City could choose to not vacate which would make his and his children's lives better. He and his wife have eight (8) children. By not vacating it, it would make his life a little better. He understands that some have been using Carrol Street, which is a yard, for years, but times change. He moved in and put up a fence. As far as safety, if someone tries to drive in and out as he does, they would see that he is not going fast. He drives slow on unimproved roadways. He takes his time and is being very safe and cautious. It will always be safer for him to enter ingress/egress on Benton Street and Carrol Street than it would be on Sandusky Street. He reminded Council that he has eight (8) children that will be driving soon. It would be much safer for them to enter and exit their property going on Hawthorne than to try and back out onto Sandusky Street. He invited Council to try it sometime possibly when Marathon gets out. Whether it is majority or not, Council should want one hundred percent (100%). This should not be done to him and his family when they do not want the vacation. Three (3) committee voted against the vacation which should be enough to not draft legislation for this.

Discussion:

Councilman Wobser asked Mr. Leguire when he purchased the property. Mr. Leguire replied in 2016. Councilman Wobser asked if the traffic on Sandusky Street in 2016 was much different than it is today. Mr. Leguire replied he has been using that for ingress/egress since 2016. Councilman Wobser replied that was not his question. Mr. Leguire replied he does not know. Councilman Wobser replied that Sandusky Street has not changed since then. Mr. Leguire added that when he purchased the property, the aerial view showed Benton Street and Carrol Street as an ingress/egress afforded. Councilman Wobser noted that the discussion a couple of minutes ago about improved streets versus unimproved platted right-of-ways and asked Mr. Leguire if he understands the difference between them. Mr. Leguire replied sure. Councilman Wobser asked if Mr. Leguire thinks it would be fair for everybody else in the city to drive up and down their unimproved platted right-of-ways like he does on his. Mr. Leguire replied if they have one that abuts their property. Councilman Niemeyer had noted that there is one on West Sandusky Street that is probably being used. If it is there and it abuts your property, why not use it. Councilman Wobser asked if he can drive on Carrol Street and Benton Street. Mr. Leguire replied he could if that is the law right now. Councilman Wobser pointed out that Mr. Leguire keeps calling it a street, but it is not. Mr. Leguire replied that the petition calls it a street and he does not know why it would be called anything other than that. Councilman Wobser replied because it is an unimproved platted right-of-way. Mr. Leguire read off the petition form stating: to be vacated, an unimproved portions streets, which would be Carrol Street and Benton Street. Councilman Wobser asked if he were to park on both streets if Mr. Leguire would be okay with that. Mr. Leguire replied he would as there are actually some who park on it and he has never complained about it. Councilman Wobser added that Mr. Leguire has also commented about building houses on the back of his lots. Mr. Leguire replied he should have brought a copy of his deed. It lists twenty-four (24) separate lots that he has that he could develop on, but he is unsure if he ever will. Councilman Wobser asked how many of those are in the floodplain. Mr. Leguire replied he does not know, but that he can build in the floodplain.

Councilman Watson feels it is unfortunate that this is to this point. Whatever happens tonight with the vacation, a lot of it is a neighborhood dispute. By vacating or not vacating, the City is putting themselves in the middle of a neighborhood dispute. Everyone's lives are not automatically going to get better because the City vacates or not vacates. There is nothing happening behind the scenes on this. Even though his name is not on the letter requesting the ordinance, he knows the idea is to clean up what on paper is there (i.e. unimproved roadways or right-of-way). What sometimes ends up happening, which is in this case, is that Council will vote to not vacate a street because the ordinance ends up being weaponized against a property owner and causes them a hardship and it may cause the person who sent in the letter a hardship. He looks to see if the City is best served to vacate or not. In this case, he is having a hard time determining who is best served doing this because this unimproved right-of-way has been there for close to sixty (60) years, but now there is an urgent desire to vacate it. There is no unfairness going on with this and he does not see an urgent need to do this especially when there are two (2) property owners saying it will cause them a hardship.

Councilwoman Frische asked how vacating Carrol Street and Benton Street would benefit the City. Safety Director Schmelzer replied it is right-of-way that would be turned over to the property owners and would no longer be under the jurisdiction as the City's property. Councilwoman Frische asked if there are any safety issues. Safety Director Schmelzer replied that it depends on what is occurring within the right-of-way. He cannot answer the question about safety because it is dependent on the behavior within the right-of-way. Councilwoman Frische asked when the Marathon parking lot garage opened. Councilman Wobser replied two (2) years ago. The same amount of people still work there. Councilwoman Frische pointed out that traffic has changed and the routing has changed. Councilman Wobser replied he is not sure why it would have. Councilwoman Frische asked if there is any other benefit to the City to vacate a street to not have as an asset.

Councilman Wobser agreed with Councilman Watson's statement that this is a neighborhood issue. He pointed out that Mr. Leguire had come before City Council when his grass was not being cut, and was upset because the N.E.A.T. Department had served him with a notice that he needed to cut his grass. When he came to Council then and several other times after that, he mentioned that he wished his neighborhood would be better neighbors. Mr. Leguire talked extensively about neighbors being neighborly and helping out others in need. He asked Mr. Leguire if he remembers that conversation. Mr. Leguire replied he does. He put up an eight foot (8 ft) privacy fence at his expense to try to be more neighborly and block out the unsightly things on his property.

He has been doing a lot to be more neighborly such as erecting an eight foot (8 ft) privacy fence that is approximately five hundred feet (500 ft) in length that was very expensive. He also has been mowing more of his border to appease his neighbors. Councilman Wobser finds it interesting that through this whole process, Mr. Leguire consistently asks Council to do things for him, yet at the same time, he flaunts everything in front of Council. He video-tapped the Mayor when she visited his property, which by the way was on the City street, to look at it. Councilman Wobser is frustrated with this situation because of Mr. Leguire's desire to want to do things differently, but at the same time calling out everyone else for being bad neighbors, when he is doing the exact same thing. He is driving up and down an unimproved street which is not neighborly. It is essentially a backyard. Mr. Leguire asked Councilman Wobser if he has seen where he drives. Councilman Wobser replied he has. He has been there. Mr. Leguire asked who he is affecting directly. Councilman Wobser replied the residents of where Mr. Leguire is driving is essentially their backyard. Mr. Leguire replied that the only house he drives directly behind is vacant. It is the only house that he is driving behind which would be one of his neighbors.

Renee Leguire – Carrol St/Benton St vacation

Ms. Leguire read a letter that her daughter wrote to Councilman Shindledecker, Councilman Hellmann, Councilwoman Ostrander, Councilman Russel, Councilman Wobser, and Councilman Harrington. As of today when she talked to her, she had not received a response.

I am writing you concerning the vacation of Carrol Street and Benton Street. I hope that you can see that there is no benefit for the City to gain by vacating those streets and considering that the private vacation has already been denied, it would be foolish for the City to intervene. There is clearly an abutting property owner, now two (2), who do not want the streets vacated, and that from my understanding, has always been reason enough not to vacate. Quite frankly, it has never made sense for the City to be involved in this and makes it look as though there are some friends in high places for the property owner who originally sought the vacation. As mentioned by one City Councilmember, there are other streets in Findlay that are similar. There is no reason to vacate these streets and I hope you will vote according to reason if this issue is brought up. From my understanding, the previous owners farmed out the land and those streets gave out access to farmers. Not sure if that is something still legal within the City or if it has been outlawed now, but it makes sense for someone with five (5) acres to have access to his property from both directions as long as it is available. The vacation of Benton and Carrol Streets would set a very interesting precedent in Findlay that would be shady at best, and crooked at worst, and should ultimately be avoided. Neighbor denied your vacation request? That's okay, the City will take care of you. I would greatly appreciate knowing where you stand on this issue. Thanks for your time. Sincerely, Veronica Leguire.

Her son does not drive on that street on a regular basis. He does drive on it occasionally, but it is not something that he does everyday unless the traffic is really, really bad. For Mr. Neely to say that Mr. Leguire uses it up to three (3) times a day and uses it every day is not true.

Chris Neely – Carrol St/Benton St vacation

Mr. Neely declined to give an Oral Communications. He spoke during the public hearing and no longer wishes to speak.

Martin Terry – All American Rock House

Mr. Terry has lived at 1826 Camelot Lane for over forty (40) years, which is about two (2) blocks from the All American Rock House. When the All American Rock House has a guest band, he can hear the beating of the bass within his house with the doors closed and the television going. There are others here tonight that live even further away than he does that can hear it. He cannot use his patio in the summer when a guest band is playing. He does not hear normal band music coming from there. He hears the thumping of the bass. It gets to him after awhile. Several of his neighbors have come before City Council about this situation. He has talked with some of the Councilmembers, but there has not been any action taken which is why he and others are here tonight. The neighbors have called the Police several times, some times multiple times a night who go and talk with the establishment, but there are no results except that they get to meet the Officer. Sometimes, the Officer gives the establishment a citation, sometimes multiple citations a night, but the citations are given out to different individuals each time, so they keep the fine at a lesser degree. The neighborhood is not trying to run them out of town. They are trying to get a problem solved. While he realizes that revenues create business and city tax which means money for the City, the City still has the job of keeping things beneficial for its citizens and be a good place to live. It is a quality of life issue. In fact, there are some that are moving out of the area because of the situation. That is not a good quality of life. The music is not the problem. There needs to be some direction and something needs to be done about it. There needs to be some sound-proofing in that building. Decibels and frequency limits have been talked about. There needs to be something done about the building to detente the sound.

Discussion:

Law Director Rasmussen pointed out that as of yesterday, their counsel will be in town for some of the violations that they have received, and for a hearing. They are going to postpone that hearing and the Administration is going to meet with them that afternoon around 1:00pm or 2:00pm. His clients will also be there. Everyone will sit down and talk about it and see what can be done. Mr. Terry asked if the neighborhood will be notified of what happens. Law Director Rasmussen replied yes they will. Mr. Terry handed Council President Monday a petition of those who signed it. It was given to the Council Clerk to make it a part of the minutes.

Safety Director Schmelzer added that using decibel measuring equipment has been suggested. There are times when the music is not interfering with the quality of life of the neighborhood, and there are times when it is, which indicates to him that there is a volume knob that needs to be used and come to some sort of an agreement as to what noise level is going to be disturbing to the neighborhood and what isn't. The City intends to at least pursue some type of measurement to quantify. The police reports have been looked at and the violations, and the number of times that residents have called according to the Officers. There have been some times when the music wasn't intrusive, and there have been times when it was totally ridiculous. The City's conversation with the property owner will be just that and will attempt to come to some sort of measurable benchmark as to what is acceptable, and hopefully they can agree with us.

Councilman Harrington asked if the volume of the music or the volume of the bass is the problem. Council has heard from other neighbors that the volume at times can be intrusive, but that the bass is the issue. Mr. Terry replied that is correct. He does not hear the music, but hears the bass. It is really annoying because it is a thump noise that really gets to him.

Lynn Passet – All American Rock House

Mr. Passet was before City Council about a month ago with this same issue. He went first that night and was glad he stayed for the next oral communications of a lady who lives on Fifth Street with a neighbor who has chickens and other animals and was complaining about the smell of manure and the butchering of rabbits and chickens throwing the skins and everything into the trash to which the Mayor said it was appalling and deplorable, to which he agrees. No one should have to put up with that. The Mayor also stated that as a taxpaying citizen, it is not a right and ridiculous that someone should have to put up with that coming from another neighbor. He asked what the difference is between that situation and what his neighborhood has to listen to on a weekly basis. It is deplorable and appalling to the neighborhood because they have to listen to it weekend after weekend. It is awful. He cannot sleep. Kids are about to go back to school and will not be able to get the proper amount of sleep due to the music. He has been before City Council three (3) times. This has been going on since winter of last year when the bar opened. He cannot enjoy his deck. When he is sitting in his house with the air conditioning running and the windows closed watching a movie, he can still hear the boom of the bass. It is a running joke in the neighborhood. His neighbor will text him that the boom, boom, boom has started. The last time he was before Council, he asked how long they will kick the can down the road and act like the problem is just not there and cover their eyes and ears. Enough is enough. Something needs to be done. It feels like they are not being heard and that no one cares and that if it is ignored long enough, it will just go away. He is not going away. He will be before Council next month and the month after if somebody doesn't do something. It is deplorable and appalling.

Discussion:

Councilman Harrington asked if seems to be the volume or the bass. Mr. Passet replied the bass definitely is the worst part, but there are nights that he can hear the music too. The bass rattles his windows. He can tell the second they start. They know there is a shift change with the Police Department at 10:00pm. If someone calls the Police Department at 9:45pm, they are told that they are about to start a shift change and will get someone out there as soon as they can, which buys the bar another hour. Councilman Harrington pointed out that the Administration is meeting with the All American Rock House later this week. He is unsure if that meeting will accomplish what Mr. Passet is hoping to get accomplished, but to say nothing is being done on this issue is inaccurate. The Administration is trying their best based on the current ordinances that the City has. It sounds as if there is a pattern that directly correlates to the bass that is coming out of the facility and not necessarily the volume. As the Safety Director stated, the Administration is looking into decibel readings or some sort of device that can measure. He recommends that it be addressed with that device. While he is not a sound engineer and would not know how to measure it, he does know that there is a sound board for any band or DJ with a number of knobs that includes a section of them for the bass. He suggested the Administration have the All American Rock House mark on the sound board where to turn the knob so they know how loud as they can go. They will have to turn that sound board down or suffer the wrath of not only the neighbors, but also the City and the Administration. Mr. Passet asked how many times they have been cited. It is now a year later since the complaints started coming in. If they have only been cited a couple of times, that is ridiculous. The neighborhood is calling every weekend.

Mayor Mihalik informed Mr. Passet that a records check was done on the property to see how many times they have been cited. It is more than four (4) and that they are currently challenging the constitutionality of the ordinance, which is putting a backlog on other charges that have been submitted and/or requested for the property. This issue is very complex and is not cut and dry. A lot of it depends on the weather. There are also inconsistencies when the Police Officers go out to talk to the complainants. Sometimes the Officers can hear it and sometimes they cannot. There was one neighbor who invited the Officer and the Officer struggled to hear anything to which that neighbor told him it is because the dishwasher was on. There are many variables that determine what the neighborhood is hearing. Mayor Mihalik lives eight (8) or nine (9) blocks away, but she was able to hear it Tuesday night. Mr. Passet replied that Tuesday night was probably the worst it has ever been and there are three (3) more events scheduled this month. Mayor Mihalik continued saying that they are trying to administer this fairly and understand that the neighborhood is rightfully irritated. They are trying to find a way to administer it in a way that is consistent which is difficult. They are investigating equipment to measure it. There are days when it is really quiet and days when it is really loud. She is unsure if it is solely a volume thing or if it might be natural amplification of what is immediately behind the facility. There is a lot there. It is her hope that they get the attention of the owner during that meeting because the City has the ability to abate the nuisance. They are trying to not get to that point, but do have that card. The charges are being filed when there is just cause for it. There are some variables with the complainants who want to leave their name and some that don't, so the issue is not being ignored. It is very difficult to find a consistent way to measure it and enforce it because there are so many variables. The City is doing their very best with it. It is her hope that they will have a resolution for this after the meeting with the property owner on Thursday. Mr. Passet added that there are times he leaves his name and times he does not because it can sometimes take up to an hour and a half before they get back to him and he has to get up the next morning for work or has somewhere he has to go in the morning, so he tries to salvage whatever sleep he can get. He hates to fall asleep and then an Officer is at his front door. Mayor Mihalik noted that shift change in the Police Department is at 11:00pm. The way the Officers react to the complaint calls has nothing to do with their shift changes and has everything to do with the severity and prioritization of calls at that particular time. Mr. Passet added that the Officers he has dealt with have always been polite. Mr. Terry from the audience added that the variables have a lot to do with whether it is a band or not. Chris took a picture of their huge equipment which he feels has a lot to do with it. He suggested having a severity to the penalty, otherwise, they are making a lot of money from the guest bands, so they just pay the fine and go on. Mayor Mihalik replied that there is an escalator stated in the ordinance as it stands now, so it does increase in severity.

Councilwoman Frische pointed out that for several months, Council has been hearing that there is an issue and she is aware that the Administration is addressing the situation on Thursday, and she is aware that there are issues during the fair season with the property owners in that area with the noise, so she believes the neighbors and the bar would like to see an ordinance. She asked if an ordinance will be addressed on Thursday or if just the issue is being addressed at that time. She asked if a committee needs to be formed to get the ordinance changed. Mayor Mihalik replied that she does not believe that the ordinance needs to be changed. The ability to enforce is what needs changed and to do so in a consistent manner. There are times when you go out and it is very loud, and there are other times when you cannot hear anything. It has everything to do with how we measure it and what variables at that time have to be considered. It may be as simple as just having a conversation with them to let them know they need to turn it down because the City has the ability to make them turn it down to abate it. The City wants to be mindful and fair to everyone involved. It is difficult to do given the differences in the noise level. Councilwoman Frische added that the decibels may be something that needs to be spelled out. Mayor Mihalik replied it already is. We just need to be able to measure it and do so in a way that creates a consistent result.

Councilman Hellmann asked if the City has the ability to rectify the situation today. Mayor Mihalik replied we have the ability to shut them down. Being able to do so in a fair and consistent way is business. We want to be mindful of what we are doing. When the City receives complaints, we go out there. It is not simple. There are times when we go and it's loud and they are issued a citation and it is over. There are other times when we go and the Officer is not sure what he/she is really hearing. We are doing our best in trying to be fair about it because every constituent matters, and we owe it to them to get it right. City Administration is meeting with the All American Rock House on Thursday to have a conversation with the hopes the situation gets rectified. In the meantime, the Administration will acquire some equipment that allows us to be able to measure the decibel. Answers to questions like where it is going to be measured from, how far away, if it is within fifty feet (50 ft), what the wind speed is, what the temperature is, etc. will be addressed. Mayor Mihalik replied that last Tuesday night, she had her sliders on her house open and heard it. It sounded like someone was parked on South Court. She heard the music, not just the bass. It sounded like they were right outside her window. She turned her radio on and heard five (5) or six (6) complaints that Officers were running to. They are working on the situation. They are trying to do so in a consistent and fair manner which is how they interrupt and enforce every ordinance.

Jill McLaughlin – 1701 Windsor Place

Ms. McLaughlin has resided at 1644 Imperial Lane since 2010. She provided pictures of the abandoned home at 1701 Windsor Place that she lives across from. She asked Council to look at the pictures because pictures do not lie. They do not paint a story that isn't there. The problems are addressed in those pictures. Council President Monday asked Ms. McLaughlin to give the photos to Councilwoman Frische to pass around. When she moved into her home, 1701 Windsor Place was vacant and had been vacant for over ten (10) years. A young couple had lived there for approximately two (2) months, but moved out because of mold issues. The new owners bought the home, but live about thirty (30) miles away and have left it to rot since they purchased it. The owners have never lived there and have never done any upkeep other than that they have been mandated to start cutting the grass. Her biggest concerns are the broken windows, and as the pictures show, there are holes in the home that allow for wildlife to be living in it. A whole family of raccoons come and go and take residence, and make their way to other homes as well. She and others in the neighborhood have grandkids, many of which are present tonight because they are concerned about the raccoons, possible rabies, the health issues, and the safety concerns with the broken windows that are fixed by either a piece of cardboard or piece of plexiglass shoved into it which will not keep animals out. Plexiglass and cardboard will not keep raccoons from invading the neighborhood. She asked if a resident is bit, who will pay the costs. She asked who will pay for the funeral of her grandchild because rabies are deathly. Her husband has witnessed this first hand. He went over to try to speak to the neighbor when they did come by. He stood at the end of their garage and could hear raccoons squealing in the attic. She asked Council if they would let raccoons live in their attic. It is not standard upkeep. It is not normal, minimal expectations of a home. She does not care if the house sets empty and she does not care what color they paint their inside walls, but does care about the broken windows and the raccoons that are living across the street from her and her grandkids. She grew up in that neighborhood and is very passionate about it. She is very passionate about the fact that it was a family neighborhood at one point, and that they did not have to worry about their safety or health concerns, which is why they moved into the neighborhood in the first place. She knows that the N.E.A.T. Department is no longer in existence and that the Zoning Department has taken over. There are minimal expectations for property owners. There is a minimal expectation for grass being cut. She asked what the minimal expectations of maintenance are. She does not understand how raccoons are less of a problem than six inches (6") of grass. She provided a petition that several neighbors who live across the street from the vacant property have signed. She also provided several emails that she has received about this property. Her biggest concern is the health and safety risks that are involved with this house left to be deteriorated. She does not think a homeowner should be allowed to leave a home to rot and let their health and safety standards go down the tubes so that their neighbors have to deal with it. Council President Monday noted that all of Ms. McLaughlin's handouts will be made a part of the record.

Discussion:

Councilman Slough asked Law Director Rasmussen what can be done about this. When he sold real estate, he showed that house. It had major issues then. His concern would be the value for the neighbors and the health and safety issues with children who have a tendency to wonder in and out of vacant buildings. He asked what can be done in order for the homeowner to maintain or demolish it. Law Director Rasmussen replied that the City does not have a building code or a property code. Section 715.261 is used for dilapidated structures. He is unsure where they are with this property. They have visited homes and have lists of charges. We have also retained a Structural Engineer because for us to tear down the property like we did for the old schoolhouse, we have to have a Structural Engineer go in and state that it is a dilapidated structure and that it can then be a tear down. He imagines this is on the list. Ever since they took it over, you would be amazed how many they have on that list. Councilman Slough asked if it is not on the list if there is a way it could be put on it and have the Structural Engineer do an evaluation. If that evaluation deems it dilapidated, would it be at the cost of the homeowner. Law Director Rasmussen replied that you would assume that, but it is the same person that let it get into that disrepair, so it is unknown if it is a money issue or an ability issue to fix. We would start by making sure that they would at least board it up. If in fact the property has open or broken windows and/or any structure issues, it would qualify as a dilapidated structure. In the situation with the old school building, the City had to tear it down which wasn't cheap. It was not their money, it was our money. They are looking at a lot of properties right now. He is pretty sure this one is on the list because when Ms. McLaughlin came to his office, they discussed it. Councilman Slough asked if this would be considered an attractive nuisance. Law Director Rasmussen replied that the City is not practicing civil law, but it would be.

Councilwoman Frische noted that she followed up with the Zoning/Floodplain Administrator this morning who is sending a notification out to the property owner in either today's or tomorrow's mail. When they went out and looked at the property within the last two (2) weeks, it was not considered a dilapidated structure at that time, nor would the Health Department play a role in it at this point. She asked Law Director Rasmussen if the Structural Engineer was retained for this property or for the rounds throughout the City and that a list could take up to a year to get to the structure. Law Director Rasmussen replied it is a local firm that the City has retained. It is someone who has the license and the ability to do an inspection before the City tears a house down and get sued for tearing a house down that was not structurally unfit. Councilwoman Frische asked if it is a long list that the Structural Engineer has to get through. Law Director Rasmussen replied there is a long list of homes, but that the Zoning Department has been very active and have been prioritizing them. The worst ones will be first. Councilwoman Frische asked who the engineering firm will be. Safety Director Schmelzer replied it will be Choice One. The City will not be getting a work order. We want to have a Memorandum of Understanding (MOU) with the firm to understand what their capabilities for instances where it is not totally obvious that it is a dilapidated structure. In some cases, we will not need a Structural Engineer. In other cases, the property owner may dispute our assertion that it is dilapidated. In that case, we will want to have a qualified consultant to call and ask for a proposal for an affirmation that a certain property is a dilapidated structure. That way, we have a third party to affirm the City's assertion. This whole issue came up when we were debating the property on Cory Street. That is the reason why the City wanted to identify a local consultant with qualifications to do so. Within the confines of the current code, the Zoning Department has already issued some notices to have the property closed. The City does not want to have properties be able to have wildlife move in and out of them which are violations of our current code, but do not have any current codes to prohibit someone from putting up plexi glass in their window. There is a line within our current code that we can articulate to Council and/or to the public what violations currently occur with a property and look at what the prosecutorial limits are in the current code. If those are unsatisfactory, then it will take legislation to modify what it is we can do with the property.

Councilman Hellmann walked around this property more than once to get a better feel of it and cannot tell that there is a structural issue with it. It is more of an aesthetic issue, and possibly a health issue with animals coming in and out of it. He asked if a Structural Engineer determines it is sound, where that leaves it. The issues would still be there. Law Director Rasmussen replied it is not necessarily a Structural Engineer's issue all the time, but confirms someone inspected it and that there are broken windows which also classifies it as a dilapidated structure. It is many different processes.

Councilman Harrington asked Ms. McLaughlin if she has contacted the Health Department and if so, what their reaction was. Ms. McLaughlin replied she has not. She has contacted the Zoning Department who took over the N.E.A.T. Department duties. Councilman Harrington noted that in his ward, he has a similar home that has been a nightmare for the neighbors. The Health Department was an integral part of pushing the agenda for the neighbors forward. Rabies, rats and rodents become a health issue that needs to be vocalized to them. One of Ms. McLaughlin's pictures showed raccoons. While raccoons are everywhere in our city who are a nocturnal animal. He witnessed one go down his neighbor's chimney and had no idea he had a raccoon living in his chimney. Ms. McLaughlin agreed that there are times you will see a raccoon going in and out of the sewers.

This entire ordeal was prompted when she spoke with Mr. Gorr's daughter, who lives right beside the home, who told her that there are raccoons going in and out of the ceiling. It is a family of raccoons, not just one. She agrees it is a Health Department concern. With the N.E.A.T. Department now gone, there are minimal expectations of a homeowner of standard upkeep. That needs to be outlined. There needs to be more than just the six inches (6") of grass issue in that law. Councilman Harrington suggested Ms. McLaughlin not make the Health Department her one and only. It is very important that Ms. McLaughlin understands that even though she states the N.E.A.T. Department is no longer, that is not totally true. The duties of that department have been given to the City's Zoning Department who have more resources and manpower that the N.E.A.T. Department did. They have been given legislation to strengthen some of the issues that Council felt needed strengthened. Mayor Mihalik added that N.E.A.T. has not gone away. In fact, they are pretty efficient. They have gotten a lot of compliance on some issues that have been hanging out there for several years. The Zoning Department is being more aggressive with the N.E.A.T. issues because they now have more employees to work on it. She agrees there should be minimum property maintenance expectations, but unfortunately, those do not exist in our Findlay Zoning Code. Findlay does not have a residential building code. Some have gotten upset about the thought of the City telling them that they have to maintain their property to a minimum standard. Some of that has been seen here tonight. She agrees that if there is broken glass and it is not boarded up, it creates a place of ingress/egress for rodents and that the City needs to submit a letter to the property owner and make sure that they clean it up and get it secured. It may or may not be a dilapidated structure, but is a property maintenance issue. If there are ways for animals or kids to get in and out of the property, then it needs to be fixed. The property owner is responsible for that and the City will make sure that they are held to that. If Ms. McLaughlin wants to help champion a minimum property maintenance standard, she is welcome to do so as the City currently does not have such a thing. It is something that has been discussed a lot and has been asked to get that component into the design review for downtown properties because some downtown properties were deteriorating. The City will get someone out to make sure that the home is in compliance with getting it boarded up and is structurally sound. Hopefully by Ms. McLaughlin being here tonight will bring some behavioral changes so that the neighborhood does not have to deal with it anymore.

Safety Director Schmelzer added that the existing collaboration is with the Health Department and what is now a three (3) person essentially N.E.A.T. Department as opposed to one (1). Although it is Zoning, our staff will never tell someone to call the Health Department and not take a complaint. If there is something going on with a property and our staff takes a complaint, they are to communicate with the Health Department and have done so on many occasions. He informed Ms. McLaughlin that she does not have to make a call to the Health Department. If the City's Zoning Department feels that is the necessary course of action, they will make that step appropriately.

Councilwoman Frische echoed Safety Director Schmelzer that the Zoning Department have contacted the Health Department on many occasions. They are doing their job.

Nick Moody – 1701 Windsor Place

Mr. Moody reflected off what Ms. McLaughlin just stated. He is in the real estate business. He is an Auctioneer and Relator with ERA Geyer Noakes Realty Group in Findlay and has worked with Councilman Slough. He bought his house two (2) years ago. He lives across the street from 1701 Windsor Place. The Country Club neighborhood is one of the nicest neighborhoods in Findlay, location-wise. Safety and property values are the biggest concerns of the neighborhood. Some of the neighbors are frustrated that 1701 Windsor Place has not been kept up and is an eyesore. The ADAMHS Board wanted to have a house in the neighborhood, but the neighbors did not approve of it for the same reason: safety and property values. He asked if it could be communicated what will be improved on the house and when. The residents are concerned with safety and resale values. There have been several individuals interested in purchasing it, and understands that the City cannot force someone to sell their property.

Jereme Kent – Ordinance No. 2018-067

Mr. Kent declined to give an Oral Communication.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Treasurer's Reconciliation Report – June 30, 2018. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Bang A Gong Limited, dba Gathering, located at 235 South Main Street & Patio and 112-114 East Main Cross Street & 3rd floor patio, Findlay, Ohio for a D5 and D6 liquor permits. This requires a vote of Council.

John E. Dunbar, Chief of Police – Bang A Gong Limited, dba Gathering, located at 235 South Main Street & Patio and 112-114 East Main Cross Street & 3rd floor patio, Findlay, Ohio. A check of the records shows no criminal record on the following:

Robin L. Gardner

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

Airport Advisory Board minutes – April 12, 2018. Filed.

Traffic Commission minutes – June 18, 2018. Filed.

City Planning Commission agenda – August 9, 2018; **minutes** – July 12, 2018. Filed.

City Income Tax Monthly Collection Report – July 2018. Filed.

Service Director/Acting City Engineer Thomas – CSX Facility Encroachment agreement

For one of the sewer separation projects, a new storm sewer across the CSX railroad tracks will be installed. As part of the permit process, the City needs to sign an agreement with CSX. The agreement lists the permit fee, the requirements for maintaining the sewer, etc. Legislation authorizing the Service Director to sign an agreement with CSX in order for a permit to be obtained is requested. Ordinance No. 2018-078 was created. Filed.

Safety Director Schmelzer – flood reduction

The benching project for Flood Mitigation has been designed and is out to bid. The draft Memorandum of Understanding (MOU) will be finalized with bid numbers once they are received. This is a big step toward starting flood reduction. The MOU essentially serves as an access and maintenance agreement for the benched area after the project is complete. The Maumee Watershed Conservancy District (MWCD) is requiring this MOU be in place before they execute a contract. The Conservancy District is not interested in maintaining this small of an area. Section II.E. will cause consideration of the transfer of maintenance back to the MWCD if this project is one piece of a larger project in the future. Safety Director Schmelzer had proposed that funds from the Flood Mitigation sales tax be used for a period of years to lessen the impact on the General Fund budget, but was not agreed to by the County Commissioners. He requested a landscape plan for the area that shows the proposed grass species that will be planted and is designed to provide for an aesthetic riparian corridor with low maintenance. The plan can be refined as it gets closed to completion. An old section of sanitary sewer is also being replaced as part of the project. Funding from the Sewer Fund will come under separate legislation. Plans are available for review. The agreement needs to be in place before the bids can be acted upon in mid-August. Legislation authorizing the Safety Director to enter into an agreement with the Maumee Watershed Conservancy District is requested. Ordinance No. 2018-079 was created. Filed.

Mayor Mihalik – 428 West Main Cross

The City purchased property at 428 West Main Cross in 2011 for the purpose of housing the City Health Department. The price was approximately two hundred seventy thousand dollars (\$270,000). In 2012, the current administration placed a hold on these costly renovations in order to renew merger discussions of the City and County Health Departments. With much collaboration between the Health Boards, City Administration and Township Trustees, the merger was successful. It has already proven to be a great asset to our community, reducing costs, improving service and pursuing accreditation. Decisions on this property have been on hold until Hancock Public Health could work through final merger steps, and make decisions about the size and scope of a facility suitable for accreditation. The Public Health entity will not choose to purchase the property from the City for this purpose. Investment in the downtown by the public and private sectors, along with our vibrant local economy has caused increased interest in the property. Mayor Mihalik would like to have a discussion about the public auction of the real estate. Before doing so, it is the plan to remove the two (2) significantly impaired structures at the northeast end of the property. Renovation of these structures is not worth the cost. This would also be consistent with City policy related to dilapidated structures. Buildings are to be torn down before the end of summer. Filed.

Police Chief Dunbar – Marathon Petroleum Corporation donation

The Police Department Crime Prevention Office received a five hundred dollar (\$500) check from Marathon Petroleum Corporation. The purpose of the check is to be used for crime prevention efforts by the Police Department Crime Prevention Officer. Legislation to appropriate funds is requested. Ordinance No. 2018-080 was created.

FROM:	General Fund	\$ 500.00
TO:	Police Department (332300 Educational Activity) #21012000-other	\$ 500.00

COMMITTEE REPORTS:

The **STREETS, SIDEWALKS, & PARKING COMMITTEE** to whom was referred a request from Councilman Watson to discuss a bicycle ordinance.

We recommend to meet again and continue discussing on August 9th at 5:30pm.

Councilman Slough moved to adopt the committee report. Councilman Watson seconded the motion. All were in favor. Filed.

A **COMMITTEE OF THE WHOLE** meeting was held on Thursday, July 19, 2018 to discuss the City's mid-year review.

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

LEGISLATION:

RESOLUTIONS – none.

ORDINANCES

ORDINANCE NO. 2018-058, AS AMENDED (*Carrol St/Benton St vacation*) requires three (3) readings **adopted during Old Business tabled after second reading on 7/3/18**
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.

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

**tabled after third reading
during the 8/7/18 City Council meeting**

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 RENUMBRING CHAPTER 1137.05 ENTITLED APPLICABLE CHAPTERS TO NOW BE CHAPTER 1137.06, ALL OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

Discussion:

Councilman Russel noted that due to the fact that this ordinance did not receive its proper public notifications as it went through its process, he would like to table it.

Councilman Russel moved to table the Ordinance, seconded by Councilman Slough. Nays: Frische. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser. The Ordinance was tabled.

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

**tabled after third reading
during the 8/7/18 City Council meeting**

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

Discussion:

Councilman Russel noted that after discussions with Law Director Rasmussen on how this ordinance is written, it was determined that it should not receive a final vote tonight and should be tabled.

Councilman Russel moved to table the Ordinance, seconded by Councilman Harrington. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische. The Ordinance was tabled.

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

third reading adopted

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

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-069 and is hereby made a part of the record.

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

third reading adopted

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 REFERRED TO AS THE HUMBLE ROBINSON ANNEXATION).

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-070 and is hereby made a part of the record.

ORDINANCE NO. 2018-072 (*804 Franklin 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 804 FRANKLIN AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX MULTI-FAMILY".

Second reading of the Ordinance.

ORDINANCE NO. 2018-073 (*311 & 311 ½ E Lincoln St 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 311 AND 311 ½ EAST LINCOLN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "R4 DUPLEX/TRIPLEX".

Second reading of the Ordinance.

ORDINANCE NO. 2018-075 (*3rd qtr Capital Improvements appropriations*) requires three (3) readings

second reading

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

Second reading of the Ordinance.

ORDINANCE NO. 2018-077 (*AFG grant for Fire Stations 1 and 4 exhaust removal systems*) requires three (3) readings **first reading** **adopted**
AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT TO ACCEPT GRANT FUNDS FOR THE INSTALLATION OF EXHAUST REMOVAL SYSTEMS FOR THE FINDLAY FIRE DEPARTMENT FIRE STATIONS ONE (1) AND FOUR (4), APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

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

Discussion:

City Auditor Staschiak asked for more information since it is Federal grant dollars and there are compliance issues, and there has not been a complete letter on it. He asked why the statutory rules are being waived on it. Safety Director Schmelzer replied that they did their due diligence when the units were installed in previous stations. They vetted and priced, and feel this vendor by far delivers a superior product and is also consistent with the engine types in the stations that we already have. To those on the outside looking in, we are waiving bidding requirements, but did do our due diligence when we installed the prior units. He commended Fire Chief Eberle for pursuing this. It takes a very large burden off of the capital plan. He appreciates his perseverance with it. Fire Chief Eberle had an add-on letter that explained the waiving of the bidding process that he neglected to get to Council.

Ayes: Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander. The Ordinance was declared adopted and is recorded in Ordinance volume XXI, Page 2018-077 and is hereby made a part of the record.

ORDINANCE NO. 2018-078 (*CSX Facility Encroachment agreement*) requires three (3) readings **first reading** **adopted**
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO SIGN AN AGREEMENT WITH CSX TRANSPORTATION PERMITTING THE CITY OF FINDLAY TO INSTALL A STORM SEWER ACROSS THE CSX RAILROAD TRACKS ON EAST FOULKE AVENUE, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische asked Councilman Slough if there was a reason why he voted against giving the ordinance its second and third readings tonight. Councilman Slough replied he did not see a reason to give it its second and third readings and does not see why it is a real emergency. Service Director/Acting City Engineer Thomas pointed out that the reason it is considered an emergency is because when he started with the City, it was his understanding that we already had this agreement, but found out that we do not. At this point in time, it is holding up the project. We have to have the agreement. The funds to pay the fee for this project have already been appropriated, so this ordinance just gives him authorization to sign the agreement. It is one of the things the railroad company has on their checklist. He cannot get the permit if he does not have the ordinance authorizing him to sign it.

Ayes: Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance volume XXI, Page 2018-078 and is hereby made a part of the record.

ORDINANCE NO. 2018-079 (*flood reduction*) requires three (3) readings **first reading**
AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MAUMEE WATERSHED CONSERVANCY DISTRICT FOR A FLOOD MITIGATION BENCHING PROJECT, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2018-080 (*Marathon Petroleum Corporation donation*) requires three (3) readings **first reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Safety Director Schmelzer thanked Marathon Petroleum for the donation of five hundred dollars (\$500) going to the Police Department from their CORE award recipients.

Ayes: Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson. The Ordinance was declared adopted and is recorded in Ordinance volume XXI, Page 2018-080 and is hereby made a part of the record.

UNFINISHED BUSINESS: **OLD BUSINESS**

Councilman Russel moved to remove Ordinance No. 2018-058 AS AMENDED from the table and give its third reading, seconded by Councilman Slough. Ayes: Harrington, Hellmann, Ostrander, Russel, Shindledecker, Slough, Wobser. Nays: Frische, Niemeyer, Watson.

Discussion:

Council President asked Law Director Rasmussen if it takes a simple majority to lift it from the table. Law Director Rasmussen replied that is correct. The Ordinance is lifted from the table. The Ordinance received its third reading.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Harrington, Hellmann, Ostrander, Russel, Shindledecker. Nays: Niemeyer, Slough, Watson, Wobser, Frische. Per Council's rules, the tie vote causes the Council President to break the tie vote. It is the only time under Robert's Rules that the President can vote on an issue. His vote is aye. The Ordinance was declared adopted and is recorded in Ordinance volume XXI, Page 2018-058 and is hereby made a part of the record.

Councilwoman Frische asked why the former Hochstetter building on Main Cross is now going to auction. Mayor Mihalik replied that there have not been any final decisions to take the property to auction. If the City wants to divest themselves from it, there are a couple of different ways to do so, one being the potential for auction. The other is the Port Authority. The City has held onto this property for awhile which she explained in her letter. There are some buildings in the back of the property that are way past due to be removed. The reason the Administration was waiting to do anything with the property was because when it was originally acquired, it was going to be the new home of the Health Department, but after the 2007 flood and when the conversations about having a combined Health District came about, one that can seek accreditation, we wanted to make sure that the facility was not one that they were considering. The cost to bring the facility up to standards for a Health District were quite expensive. That conversation was started about seven (7) years ago. Costs were going to be much more than the original thought of three to four hundred thousand dollars (\$300,000-\$400,000). There is a lot going on downtown. There have been some interest in the building from different parties, so she is trying to be a good steward and have a conversation with Council about it, possibly a Committee of the Whole meeting to discuss what Council would prefer to do and what direction they would like to take.

Councilman Harrington feels it was a poor purchase to begin with. If this property is discussed at a Committee of the Whole meeting, there are other properties that the City owns that should possibly be added to the conversation during that meeting. Mayor Mihalik replied one would be the property on Carlin Street. Councilman Harrington asked if there is a list of City-owned properties, other than the parks, that are similar that could be added to the same conversation. Safety Director Schmelzer suggested not to discuss every property that the City owns as the meeting will get very long. He suggested keeping the conversation to the Hochstetter property as there will be enough debate on it. There are other properties that the City owns that should probably generate a lengthy conversation. They are the flood properties that the City owns. Councilman Harrington replied he does not want to discuss numerous properties, but there are some that should be discussed if we are already discussing the Hochstetter property and the Carlin Street property. Perhaps the Administration should determine the top five (5) properties to discuss. He does not want to have numerous Ad Hoc Committee meetings to talk about the exact same thing to talk about ten (10) different properties. Safety Director Schmelzer replied he would prefer that Council create the list as he does not have a top five (5). He will sit through the length of the meeting that it takes to get through those properties, but he does not know what top five (5) Councilman Harrington is referring to. If Council can provide those top properties, he will put some information together for the meeting.

Councilwoman Frische asked for the status of the Bureau of Workers Compensation agreements and of the legal counsel that was hired for the two (2) employees. Law Director Rasmussen asked who the two (2) employees are. Councilwoman Frische clarified that outside legal counsel was hired to address the BWC issue. Law Director Rasmussen replied that the hearing was continued and scheduled for the 27th. Councilwoman Frische asked if there are a lot of costs being generated from that. Law Director Rasmussen replied he is unsure of the total cost, but will be more than two hundred dollars (\$200). Councilwoman Frische asked for the status of the BWC contract. She asked if the City is in a group now and how many have joined. Law Director Rasmussen replied he does not have the numbers with him tonight. Mayor Mihalik added that she will have Human Resources Director Essex prepare an email with the information. HR Director Essex from the audience replied that the last he heard it was twenty-three (23). Councilwoman Frische asked if that is twenty-three (23) from our group. HR Director Essex replied that is correct. Councilwoman Frische then asked if the majority went with the other group. Law Director Rasmussen replied it is not the biggest group, but the best group.

Councilman Watson: **STREETS, SIDEWALKS, & PARKING COMMITTEE** meeting on August 9, 2018 at 5:30pm in the first floor Council Office (CO). He opened the invitation to everyone and noted that there will also be business owners in attendance who will be speaking during the meeting..

agenda: bicycles on sidewalks

Mayor Mihalik thanked Fire Chief Eberle and the Findlay Fire Department (FFD) for the work they have done on the cancer prevention plan. The City has been very innovative and progressive in being ahead of the curve on what has been done in protecting our Firefighters. There is a Cancer Prevention Committee and there have been some cancer prevention educational opportunities that Council has been invited to as well as FFD members and the Administration. We have looked at several personal protective equipment needs, have replaced the SCBAs, have ensured that each FFD member has a serviceable backup set of turnout gear, have updated two (2) blocking hoods that greatly reduce carcinogen absorption, have implemented decontamination buckets, purchased two (2) sets of turnout gear, extractors for the department, and will install exhaust removal systems in all four (4) stations. Grant dollars have been obtained for almost all of the investments that have been made. The cultural changes, policy changes, and healthcare changes that have been implemented within the department and have been embraced by the department is commendable. Not many departments take tough subjects like that on, but ours did. She is very proud of the Findlay Fire Department and is thankful that Findlay is a leader in this initiative. She is hopeful that these changes, intentional moves that have been made, will be beneficial far beyond this year and the next. Councilman Russel asked Chief Eberle who the individual was from the Columbus Fire Department that was here for the presentation. Fire Chief Eberle replied Mark Rine. Councilman Russel replied he attended that presentation, along with a couple other Councilmembers as well as the Mayor. That meeting is what turned him, as well as other Councilmembers around and start asking the Mayor and the Administration to move on this. He echoed what Mayor Mihalik stated in that the change has been dramatic. It is nice to know that it has been embraced by the Findlay Fire Department.

Mr. Rine deserves a high thanks for his presentation and that his travel up from Columbus was well worth it. Mayor Mihalik added that when the Chief said that they wanted to invest in that plan and the equipment that would be necessary, she told him that the City will invest in them as long as the Firefighters are willing to invest in the changes and the culture that are necessary in order to make this most effective to which he said they will do it. That is so vitality important to it. Firefighting is a tough business. There are things that have been done for hundreds of years, but they have changed the way they have done things in the past which is very commendable. It is something that they personally felt was important.

NEW BUSINESS

Councilman Harrington: **PLANNING & ZONING COMMITTEE** on August 9, 2018 at 12:00pm in the first floor Council Office (CO).

- agenda:
1. 1433 East Sandusky Street non-conforming zoning change
 2. 310 Frazer Street rezone
 3. 716 Franklin Street rezone
 4. Zoning Code changes (Ordinance No. 2018-067 AS AMENDED)

Councilman Harrington acknowledged the passing of Todd Garlock whom he served with on the Hancock Regional Planning Commission, and he attended many of the Planning Commission meetings, Planning and Zoning Committee meetings, and flood mitigation hearings. He was a steward for the interests of the City of Findlay even though he lived in Jenera. He was tragically struck down by a horrible disease at the age of 58. He commended the Mayor and others that held the prayer vigil in front of the City building on his behalf. The monks from the Dalai Lama went to Todd's house. Regardless of all the prayers the citizens of Findlay sent his way, he lost his battle. Council President Monday noted that he intends to further mention that at the end of this meeting.

Councilwoman Frische pointed out that there is an article in today's newspaper about the Findlay City Schools Board. Mayor Mihalik also sent an email out today stating that she is earmarking three hundred fifty thousand dollars (\$350,000) to go with the levy. She asked if that amount is per year. She asked for additional information such as where the Officers will sit, if the Officer will be a Findlay Officer or hired through the school and if the City will be paying the school, how retirements will work, etc. She was shocked to read that the City is appropriating money and asked where three hundred fifty thousand dollars (\$350,000) will be cut out of the budget from. Mayor Mihalik replied that the public forum that was held in Findlay shortly after the Parkland shooting in April raised a lot of issues and concerns. Council was a little premature, but willing to have a Committee of the Whole meeting to talk about whatever it is that we can do to help the schools, but instead waited at the request of Superintendent Ed Kurt for them to figure out what is happening in their own operations and what they could do to respond to what the public had said. After they had done that, they came to the Administration and talked with us about sharing the cost of having Police Officers inside the schools. There was a little back and forth about what that could potentially mean and what those costs would be. Their levy is not just for Police protection, it includes the mental health side of things which is vitally important. They will have Mental Health Counselors who will be in addition to what they already have in the school system. The levy also includes some security upgrades relative to technology inside the building. The City wants to make sure that our Dispatch Center has eyes in the schools and on the school buses so that if a matter were to turn for the worst, we would have eyes on the scene. We will see what happens with the levy in November. It is her hopes that everyone will work together to promote this idea. Findlay is out in front of this. There are a lot of districts and cities that are looking at similar partnerships. The world we live in is definitely changing. It is in response to what the community had said. It is a good plan. It is approximately a three hundred fifty thousand dollar (\$350,000) investment that will get us more Officers, not only in the schools, but when school is not in session, it increases the Police Department manpower. There is not a lack of things to do. She is excited for the City to be more of a proactive department. The Administration will be talking with the schools in the coming months. There will be Findlay Police Department Officers who will be managed out of the Findlay Police Department. Assuming that the levy is successful, the request will then come in the budget for 2019. Councilwoman Frische asked if it is per year. Mayor Mihalik replied yes it is per year. Councilwoman Frische asked if there will be any cuts. Mayor Mihalik replied no it is an additional six (6) Officers at this time.

Councilman Wobser asked what will happen if the levy does pass and they are expecting that money from the City but Council does not approve the full amount. Safety Director Schmelzer replied that we have predicated all the discussions with the school around the fact that Council must approve a budget. When there was commitment from Council to support the schools, we asked the schools what they need and they told us they would like to have Findlay Police Department Officers. This is what our plan looks like. We have formulated some numbers and have presented them to the school board and told them that regardless of whether this passes or not, City Council must support a budget that is going to contribute to this plan. The City has not made any commitments and only provided numbers that support an approach that they would like to take should the levy pass.

Councilwoman Frische's concerns are with the word commitment. When this was first brought up a couple of months ago, a dollar amount was not mentioned nor six (6) Officers for the schools. Her concern is with the word commit and what it does to their levy if the City does not commit three hundred fifty thousand dollars (\$350,000) a year. While the Administration has had discussions, Council has not had discussions in a Committee of the Whole meeting that they were trying to have. She does not want this to affect their levy request if it doesn't happen on the City's end. Over the last several years, she has brought up that the City needs to increase Police and Fire services, but has been told that the City needs to be slow and smart, but now we are fast and six (6). She is concerned where the City's priorities are. She asked if there will be an overlap. There is so much that has not been explained to Council with the word commit being used. Safety Director Schmelzer reiterated what was committed to was to present this to Council to approve in the budget cycle. If Council approves no funding, they will not have Police Officers. If Council approves a portion of the funding, they will have a portion of the plan that they would like to execute.

Mayor Mihalik informed Council that she missed the first part of tonight's meeting to attend the National Night Out event tonight. There was a great crowd at Riverside Park. Not only Findlay Police Department and Findlay Fire Department, but also other jurisdictions from across the County were there. It is always great to see the kids running around getting in and out of the patrol vehicles in a good, fun and exciting way. There were a lot of individuals on hand. It was a great community event. Officer Brian White and his wife Teresa do an amazing job and put a lot into the event.

Mayor Mihalik noted that the Findlay Police Department received a donation of a K9 vest for Deke from the American Legion Ralph D. Cole Post 3. She is thankful for their generosity and their commitment to Findlay's K9s. Canine Deke is happy to have a brand new vest. She thanked the American Legion and the Veterans for the continued support of Findlay's law enforcement.

Council President Monday noted that Councilman Harrington mentioned the passing of Todd Garlock. He was a public minded citizen who loved Findlay. He was a dedicated citizen of the City of Findlay. He asked everyone to rise in a moment of silence in memory of Todd, and then he will adjourn tonight's meeting.

Council President Monday adjourned Council at 9:15pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL