

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

August 21, 2018

COUNCIL CHAMBERS

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

ABSENT: Harrington, Wobser

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 August 7, 2018 Public Hearing minutes for changes to the Zoning Code via Ordinance No. 2018-067. Councilman Russel seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Slough moved to accept the August 7, 2018 Public Hearing minutes to vacate Carrol Street and Benton Street via Ordinance No. 2018-058 AS AMENDED. Councilman Shindledecker seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Slough moved to accept the August 7, 2018 Regular Session City Council meeting minutes. Councilman Hellmann seconded the motion. All were in favor. Motion carried. Filed.

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

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS: - none.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS:

Charles Williams – sound of child crying in Findlay, Ohio

Mr. Williams asked Mayor Mihalik to share details of her trip to Texas. Mayor Mihalik replied that she went there as part of a delegation of bipartisan Mayors to call for the reunification of children who were separated from their parents at the border. Mr. Williams asked Mayor Mihalik if she was concerned about children crying there. Mayor Mihalik replied of course she was. Mr. Williams replied that he too is concerned. He went to 830 East Sandusky Street and saw a gentleman there in tears because of the Mayor. The father of a five (5) year old little girl had tears in his eyes. He was angry at Mr. Williams because he felt he had sided with the Mayor about his grass which upset Mr. Williams, and he walked away. He knew he made a mistake because he knew he was wrong. The little five (5) year old girl went up to her dad who had tears in his eyes and stroked his hand and legs, trying to console him for what the Mayor did and for what Council President Monday did. Liberty and justice for all. Mr. Williams, while looking at the Mayor, pointed out that she fired Police Captain Young, and asked Safety Director Schmelzer if he brought in a gun into this building. Safety Director Schmelzer replied he does not have to answer that. Mr. Williams replied it is the same thing as the Mayor firing Captain Young. Mr. Williams informed Safety Director Schmelzer that he should let everyone know if he is going to carry guns into the building, like a coward. Safety Director Schmelzer replied he does not have to let anyone know anything about his personal behavior and whether he carries a weapon or not. Mr. Williams replied he would like to know that. Safety Director Schmelzer replied he does not care if Mr. Williams wants to know. Mr. Williams replied that there are a lot of things in this town that many do not know that is corrupt and gets covered up. Council President Monday reminded Mr. Williams that he has one more minute left on his allotted time. Mr. Williams continued stating that there is a Prosecuting Attorney in this town, a man that served this country, that lied and said that we do not have rules in Findlay about Marathon. They cannot produce the film at Marathon. He informed Council that he has a 1956 pickup truck that is worth one hundred fifty thousand dollars (\$150,000). He asked Councilwoman Frische and Renee Leguire (in the audience) to list it on the internet for sale with a minimum bid of one hundred thousand dollars (\$100,000) to fight the corrupt Mayor in Findlay, Ohio. He asked Councilwoman Frische if she would do that for him. Councilwoman Frische asked if Mr. Williams is asking her personally. Mr. Williams replied yes he is asking her personally as she is the only person in the room that he trusts beside City Auditor Staschiak. Council President Monday notified Mr. Williams that his time has expired. Mr. Williams told Council President Monday to enjoy his friends behind East Sandusky Street. Filed.

Michael Reed – proposed Centennial Park Disc Golf Course

Mr. Reed and Mike Taylor are before City Council tonight to enlist Council's support for a proposed frisbee disc golf course that would start in Centennial Park on Blanchard Street running eastward to Riverbend Park, across the Osborne Street bridge going across the southern part of the Blanchard River to the green space that is there. He assumes Council received various emails about this from area disc golf players in Findlay and around Findlay. He mentioned two (2) benefits of this disc golf course. The first being that there is no eighteen (18) hole disc golf course in the City of Findlay. It would give three hundred plus (300+) disc golf players in this region another place to play versus the alternative of traveling six to seven (6-7) miles out to Riverbend to play where, there are many times, misquotes and poison ivy, thus not very hospitable. He emphasized that the location of the course is in the green space floodplain that could not conceivably be used for any other recreational activity except for a walking path or bike path. The proposed disc golf course would be a tremendous recreational benefit to the City that otherwise would not exist. He also addressed the safety and disturbance to existing residents which were issues of concern for several residents on the south side whose properties are contiguous to where the course would go. They were voiced at a Park and Recreation Board meeting last spring. He and Mike have mapped out the course with safety in mind. All the throws of the disc allow for one hundred percent (100%) visibility and is designed so that none of the discs would land anywhere near any of the resident's properties. Some of the resident's concerns were that it would be undesirable or dangerous into their home area, but they have evidence that the disc golf park at Firestone, that has been there for ten (10) years, has never received a single complaint. No one's home has been broken into. He believes that having people circulate would make that neighborhood safer. There was an article in the Marion newspaper on how their disc golf works. This course opens up an exciting new exercise venue or three hundred (300) existing players, and potentially hundreds more of others who might want to play an inexpensive sport. It is located in the floodplain and is hard to conceive that it can be used for anything else. It adds to the safety of that neighborhood because there are people circulating in that area, and people who are ne'er-do-wells who are constantly moving.

Discussion:

Councilman Russel pointed out that it was the October 16, 2017 Parks and Recreation meeting where Mr. Reed presented his case. The comments about the resident's concerns were his testimony because no residents gave testimony at that meeting. The reason the Parks and Recreation Board tabled this for consideration because the City does not own all the property and because it is multi-jurisdictional between the City, County, and the Parks Department. Primarily, it was the idea of the developing these resources. Piece mail wasn't considered optimal. It was discussed yesterday afternoon at the Parks and Recreation Board meeting. Gary Pruitt from the Hancock Park District stressed the importance of looking at the waterfront area in a complete manner to ensure what is developed has the right things in the right places. Those were the reasons that were stated. The Facebook posts that prompted the emails to Councilmembers were not Mr. Reed's words, but the words of the committee. It was stated that disc golfers could be a danger to the neighborhood and that there is not enough people who want it which at no time was part of the consideration of the Planning and Zoning Committee. It is known that Firestone Park is well used and is a course less than five (5) miles away, and that Riverbend that gets good use. If Riverbend is not up to snuff, then the conversations should be with the Hancock Park District in making improvements out there. He stands by the Parks and Recreation Board's decision on this that the whole area needs to be looked at for everyone involved from disc golf players to walkers, to softball players, to all park users. The Parks and Recreation Board did not say no, but did say to do it when they can look at it in a proper manner.

Councilman Shindledecker appreciates the idea of the disc golf course. He has never played it before, but some of his grandsons have. He has talked with several individuals who left their phone number in the emails Councilmembers received. He held up a map of the area along the Blanchard River. Some of that land is owned by the City and some by the County. Some of the land was purchased using FEMA money. When using FEMA money, there are certain things that it can and cannot be used for. The ability to put this all together is next to impossible. One or two of the individuals he talked to asked if he had any other suggestions, so he suggested Ede Park on the north side by the Highway Patrol Barracks, but after talking with some disc golfers, that it is not nearly big enough. He asked about the area just west of Cory Street where the benches are being put in for the river where the tire dump once was. That has been a controversial property and may be a possibility for the immediate future. He appreciates Mr. Reed's ideas and understands his frustrations, but does not think that being beside the river can be accomplished. Mr. Reed replied that was the first place they looked at and had planned for Swale Park area, but with the flood mitigation efforts, they were told to not consider that area, so that is why they started to look for other areas. It is not an impossibility for the County and City to get together to record the land for this recreational use. While he agrees that Council should take a look at it, he cannot see it being used for any other conceivable use. A ball field cannot be put there where it floods. It is his hopes that the entire area can be considered for a disc golf course which would be a great recreational use. A trail could also be put in. Filed.

Melissa Humphress – vote on Benton & Carrol

Ms. Humphress thanked those in attendance tonight who voted against the vacation. She named Councilwoman Frische, Councilman Watson, and Councilman Niemeyer. It was appreciated and opened her eyes to a lot of things. She asked for a reason from each Councilmember who voted in favor of it, including Council President Monday and Mayor Mihalik for signing it so swiftly. She would like a reason to vacate. Council President Monday informed Council that this was addressed to them and if they wish to answer the question, they may do so, but if they choose not to, they can do so.

Discussion:

Councilman Shindledecker noted that when he decided to run for election for City Council, he knew he was opening himself to criticism from all sides for all issues, and he accepts that, but he is not going to get into an argument or a contest with private citizens. He has his reasons and in some cases, they involve others in this particular case. He is not going to do that. Ms. Humphress replied that it is interesting to know that those who voted against the vacation gave wonderful testimony about why they were voting against it, but has not heard from anyone why they voted for it. As a citizen, the City has used taxpayers money to do this. She assumes that was Councilman Russel's idea to ask Law Director Rasmussen if the City could use taxpayer's money so that Mr. Neely and Mr. Mohr wouldn't be burdened with what was already in place. Councilman Russel replied that he had stated during the meeting last week, that he did author the legislation and the reasons given were simple. What they were trying to accomplish was not going to be accomplished through the vacation request that they had put forward, but the Planning and Zoning Committee were in agreement for the objective that they were trying to accomplish. Ms. Humphress asked who "they" are. Councilman Russel replied the applicants. Ms. Humphress interrupted saying that the Planning and Zoning Committee turned down the applicant. Council President Monday informed Ms. Humphress that she asked Councilman Russel a question and should not interrupt his answer. Ms. Humphress replied that they are having a conversation and that if it is going against her four (4) minutes, she wants her four (4) minutes. Council President Monday informed Ms. Humphress that she will get her four (4) minutes, but that Councilman Russel can complete his statement and then she can respond to it. Ms. Humphress replied that would be appreciated. Councilman Russel continued saying that the best way to remedy the situation that was happening there was to vacate the entire length of the one street and a stub of the other. In addition, when the committee was looking at the vacations of Mr. Leguire, a year and a half or two (2) years prior, there were further discussions at that time about vacating all of the unimproved right-of-ways in that area, but was decided not to do that at this specific time because it was not specifically requested by the applicant. The path he proposed he took, and because he had four (4) other co-sponsors, because he felt it served the best interests of all citizens of the City of Findlay, which is how he looks at every single vote he takes. Ms. Humphress then asked about what it does to his property value as Councilman Russel was only concerned with Mr. Mohr and Mr. Neely's property values and gave no regard whatsoever to Mr. Leguire's property value who had more to lose. Also, the property that abuts Benton Street. Mr. Neely and Mr. Mohr have nothing to do with Benton Street. It does not come close to their property, but yet to keep Mr. Leguire from accessing his ingress/egress that was thrown in as well. That had nothing to do with Mr. Neely and Mr. Mohr except that they did not want Mr. Leguire to have access to his property from Hawthorne. She would still like to have an explanation from Councilwoman Ostrander, Councilman Hellmann, Council President Monday, and Mayor Mihalik. Council President Monday asked if anyone wished to respond to that.

Councilman Hellmann replied he will give a comment, but will not argue about it. He went with Ms. Humphress out to Mr. Leguire's property with her. They walked around for an hour to an hour and a half. He also met with Mr. Neely and also walked around on that piece of property. It is not a street. It is a paper street and is on paper only. It is a dedicated right-of-way that is unimproved. There are no curbs, no pavement, and no utilities.

Ms. Humphress asked if Mr. Leguire has the right to develop his property. She asked if he were anybody other than Mr. Leguire, such as Best Construction or another construction firm or someone else that had an iron in the fire or a dog in the fight, if Council would have still voted to vacate if it had been a developer. Councilman Hellmann replied if Mr. Leguire wants to develop his property, he can come in with Engineering drawings and a plat and plat it out, and put the bond down that needs to be there for the improvements to the property. It is that simple. Ms. Humphress asked if it really is that simple and asked if it had been simpler had it not been vacated. Councilman Hellmann replied he is not going to argue about it. He has looked at both sides. It is done. Ms. Humphress replied she is glad it is on record. Ms. Humphress asked Councilwoman Ostrander for her input. Council President Monday reminded Ms. Humphress that her time has expired. Filed.

Renee Leguire – vacation of Carrol and Benton Streets

Ms. Leguire noted that it is a little intimidating standing before Council with everyone looking at her. She thanked Council for letting her come and speak, but she is thinking about how intimidating it is to stand there, and then she thinks she has to stand before the judge of the universe, the God who created everything. She informed Council that they too will get to stand before him as well. She asked Council, especially for those who voted in favor of the vacation, if they know Greg Neely or Christopher Mohr. Council President Monday reminded Council that the same criteria applies here. Council may answer her questions if they wish to do so and are not required to do so. Ms. Leguire asked Councilman Russel for a response. Councilman Russel replied that he met Mr. Neely and Mr. Mohr upon their filing of a request to vacate the one street. That is the first time he had ever met them. Ms. Leguire then asked Councilman Russel if either one of them had ever done work for him. Councilman Russel replied no they have not. Ms. Leguire asked Councilman Shindledecker for his comments. Councilman Shindledecker replied he already said what he was going to say with the previous speaker. Ms. Leguire then asked Councilwoman Ostrander for her comments. Councilwoman Ostrander replied by shaking her head no. Ms. Leguire then asked Councilman Hellmann for his comments. Councilman Hellmann replied no. Ms. Leguire then asked if any Councilmember knew them beforehand and if they had done any work for them. Councilman Hellmann replied no and that he does not even know what kind of work they do. Ms. Leguire pointed out that two (2) weeks ago at City Council, the vote to vacate Benton and Carrol Streets was treacherous. It took away property rights of her son and devalued his property. The fact that nobody could answer as to why they vacated those streets, signals that there is something fishy going on. She appreciates those who voted to not vacate the streets and take a stand for a citizen who was being bullied. What has been done to her son has been outlandish. From the fence to the grass to then the vacation of Carrol and Benton Streets. She asked if anyone wants to give a real, solid reason as to why they vacated them. She appreciated those who voted to not vacate and appreciates that they were willing to state why they did not think the streets should be vacated. She thanked Councilwoman Frische, Councilman Slough, Councilman Niemeyer, Councilman Watson, and Councilman Wobser.

Council President Monday reminded Ms. Leguire that she has another minute if she chooses to use it.

Ms. Leguire asked Mayor Mihalik if there is a reason why she signed into law the vacation of Carrol and Benton Streets. Mayor Mihalik replied that the votes were there in an affirmative way to pass the legislation and she agrees with the Councilmembers who have stated that particular right-of-way are streets on paper and were not constructed to be driven on in a consistent manner. It made sense to her to vacate them. It is unfortunate that there is a situation where there are issues between neighbors. There are some that believe the rules apply to them and some that believe that they don't. She believes this was the right move to make. She apologizes if that is offensive to Ms. Leguire. Everyone makes decisions based upon what they believe is in the best interest of the people they represent. Sometimes everyone agrees, and sometimes everyone does not agree, which is really okay. It is healthy to have conversations that are not always in sync. Belaboring this and going back and forth after the decision has been made does nothing that is productive and is foolish. She has answered several emails to her that stated shame on her and she is sorry Ms. Leguire feels that way, but they are here to make decisions. They have been elected to make decisions and are making decisions that they believe are in the best interest of the people that they represent which means that there will be times that they do not always agree. She is still waiting on Council to give her direction relative to large lots and grass height, but has not gotten it yet. There are a lot of issues with this particular property that Council needs to address. Council is trying to work through that. In this case, unfortunately, in order to try to make neighbors be more neighborly or be more respectful of one another, they made a request to vacate and Council voted in the affirmative way, so she signed the legislation. She has not vetoed a piece of legislation that this Council has passed yet. Ms. Leguire replied that they made a request that was denied and that Councilman Russel took it further. Mayor Mihalik replied that she too is not going to get into a debate with Ms. Leguire over this. She respects her opinion and her position, and is sorry it did not work out the way that she wanted it to, but we need to move on. There are things that this Council has to still address relative to that property. It can continue to be debated if Ms. Leguire wants, but what Council is saying is that they felt that vacating this right-of-way was in the best interest of the City of Findlay which is why they did it. Ms. Leguire replied that she does not see how it benefits the City of Findlay and asked the Mayor if she could elaborate. Council President Monday notified Ms. Leguire that her time was up. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Police Department Activities Report – July 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 April 2018 through June 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 \$1,400.74 from the RLF to General Expense #21010000-449400 to pay the invoice is requested. Ordinance No. 2018-081 was created. Filed.

Findlay Fire Department Activities Report – July 2018. Filed.

City Auditor Staschiak – summary financial reports

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

- Summary of Year-To-Date Information as of July 31, 2018
- Open Projects Report as of July 31, 2018
- Cash & Investments as of July 31, 2018
- Financial Snapshot as of July 31, 2018

Filed.

Findlay Municipal Court Activities Report – July 2018. Filed.

Treasurer's Reconciliation Report – July 31, 2018. Filed.

Board of Zoning Appeals Minutes – May 10, 2018 and July 12, 2018. Filed.

Service Director/Acting City Engineer Thomas – watermain break at 1919 Tiffin Avenue

The Water Distribution Department had a watermain break in the parking lot in front of Goodwill (1919 Tiffin Avenue). The watermain break caused extensive damage to the parking lot. Water Distribution is estimating that it will take approximately thirty thousand dollars (\$30,000) to repair the waterline and parking lot. As mentioned in his letter regarding the Water Distribution vector truck, there are some funds remaining in the Vincent Street waterline project that can be used to help pay for part of the repairs. After discussions with the department, additional funds need to be transferred from the small waterline project. Legislation to transfer funds is requested. Resolution No. 018-2018 was created.

FROM: Vincent Street Waterline Replacement Project No. 35774000	\$ 11,000.00
FROM: Small Waterlines Project No. 35783600	\$ 19,000.00
TO: Water Distribution #25053000-other	\$ 30,000.00

Discussion:

Councilwoman Frische requested that the letter be read. The Council Clerk read the letter in its entirety.

Councilman Russel asked what the timing on this project is. Service Director/Acting City Engineer Thomas replied that they fixed the waterline where it broke, but there is additional waterline out there that needs replaced. When it did break, they roped off a big area where the pavement is heaved, so that has to be fixed. If he can get the money sooner rather than later, there is a possibility that asphalt could be put down in the parking lot this year. If it takes three (3) readings to get the money. It will still be fixed, but may have to put stone down and then pave it in the spring. Councilman Russel asked how much waterline will need to be replaced there. Service Director/Acting City Engineer Thomas replied he does not know off the top of his head.

Councilwoman Frische asked if the street in that area is all right-of-way. Service Director/Acting City Engineer Thomas replied that the parking lot is not street right-of-way. The waterline will be put in a public easement, so it is public waterline. When the waterline broke, it damaged the parking lot outside of the easement area, so the City has to fix it. Councilwoman Frische asked if the Vincent Street water replacement project is done. Service Director/Acting City Engineer Thomas replied yes, that is done. Councilwoman Frische asked when that project was finished. Service Director/Acting City Engineer Thomas replied within the last month. They were trying to make sure that the seeding came up before it was closed out. Councilwoman Frische asked if this was the one that they were having a mess with the trees coming out. Service Director/Acting City Engineer Thomas replied that is correct. Councilwoman Frische asked if there is ninety-nine thousand dollars (\$99,000) left in the project. She does not like seeing a project moving to another project and requested that if that project is done, then the eleven thousand dollars (\$11,000) should be put into Vincent project and close the project instead of moving money from project to another as it sounds as if it was over-appropriated by almost one hundred thousand dollars (\$100,000). Service Director/Acting City Engineer Thomas replied what he has been doing with some of the waterlines is if they meet certain requirements, EPA approval is not needed before work is done on them. The City has been putting them together and instead of paying for Engineering to have plans done, he has been marking something out on aerial photos by roughing it out and bid it with quantities they are assuming scaling off the aerial, that sort of thing. That way, they do not have to pay for the Engineering fees and in the long run, it will hopefully save money. In this case, when it was put to bid, it was assumed that the waterline would be further outside of the road causing to have to replace more driveways, but when they actually got out there, they moved it so that they did not have to replace as many driveways. That was after they bid it and were able to save money. Moving money from one project to another project or if a project is closed, then he appropriates from the Water Fund. Councilwoman Frische replied she does not care about moving the eleven thousand dollars (\$11,000), but would like to move the ninety-nine thousand dollars (\$99,000) and then close the project instead of having money sitting there that was appropriated that does not need to be. Filed.

Service Director/Acting City Engineer Thomas – Campbell Soup Ohio 629 (Project No. 31977100) & Autoliv Ohio 629 (Project No. 31985300)

The City of Findlay is continuing to partner with Campbell Soup and Autoliv on the development of their site and roadway improvements. Grant approval from Ohio Development Services Agency for both projects has been received. To continue moving forward with the projects, the grant funds need to be appropriated for construction. Legislation to appropriate funds is requested. Ordinance No. 2108-084 was created.

FROM: Ohio 629 Roadwork Development Grant	\$ 288,489.00
TO: Campbell Soup Ohio 629 Project No. 31977100	\$ 125,489.00
TO: Autoliv Ohio 629 Project No. 31985300	\$ 163,000.00

Filed.

Service Director/Acting City Engineer Thomas – WPC UV replacement (project no. 35681200)

By authorization of Ordinance No. 2018-019, letter of interest were received from five (5) potential consulting firms. Based on the firm's experience and qualification, Arcadis U.S., Inc. was selected as the successful consultant. An acceptable proposal and agreement has been negotiated over the past couple of months. This project was included in the 2018 Capital Improvement Plan and this appropriation request is within the budgeted amount. Twenty thousand dollars (\$20,000) was previously appropriated for startup for the project. Legislation to appropriate funds is requested. Ordinance No. 2018-085 was created.

FROM: Sewer Fund	\$ 248,500.00
TO: WPC UV Replacement Project No. 35681200	\$ 248,500.00

Discussion:

Councilwoman Frische requested that the letter be read. The Council Clerk read the letter in its entirety.

Councilman Russel asked what the timing on this project is. Service Director/Acting City Engineer Thomas replied it is his hopes to get the Engineering done. The current schedule is if he can get it done in two (2) readings, they told him they would not have any trouble getting the drawings done and will have a budget to him by November so that he would have construction costs to put in next year's Capital Plan.

Councilwoman Frische asked if this had an RFQ done on it. Service Director/Acting City Engineer Thomas replied yes. Councilwoman Frische asked who on Council's side did the review on it. Service Director/Acting City Engineer Thomas replied that on this one, he did not have anyone from Council look at it. He, Project Manager Jeremy Kalb, Dave Beach from the Water Treatment Plant and his Assistant Jason Phillips did it. Councilwoman Frische asked if a Councilmember's review was required as she did it a couple of times over the years for other projects. Safety Director Schmelzer replied that he does not know of any requirement that states Council has to review it. Service Director/Acting City Engineer Thomas added that he usually includes someone from Council, but he did not know if anyone from Council had any experience with UV systems or even cared that much. He apologized if Council wanted him to have someone review it. Councilwoman Frische replied that she was just going off of what had been done before. Filed.

Service Director/Acting City Engineer Thomas – Water Distribution vactor truck

The Water Distribution Department has been having demonstrations to look into purchasing a vactor truck for hydro excavating to replace their existing trailer vactor. This equipment is listed in the 2018 Capital Improvements Plan. The truck they would like to purchase is seventy-nine thousand dollars (\$79,000) more than what was estimated. There are several advantages of this truck:

- Better suction power to better cut through the heavy clay soil in the area that will result in better efficiency as the excavation will be able to be completed faster.
- The system contains a water heater. Since hot water is being used, this truck can be used when the temperature is below freezing, unlike the other trucks.
- It comes with a muffler system on the second engine to make the unit quieter. Benefits of this include:
 - o Less noise in off hour operations
 - o Allows employees to hear each other better while the equipment is being used
 - o Less chance of hearing damage for the employees using the equipment.

The Vincent Street Waterline Replacement project has been completed and the project has \$90,000 of appropriated funds remaining. Legislation to transfer seventy-nine thousand dollars (\$79,000) of the remaining funds from the Vincent Street Waterline Project to the Water Distribution budget is requested in order to purchase the vactor truck. Resolution No. 019-2018 was created.

FROM: Vincent Street Waterline Replacement Project No. 35774000	\$ 79,000.00
TO: Water Distribution #25053000-other	\$ 79,000.00

Discussion:

Councilwoman Frische asked if this will be referred to the Appropriations Committee or the Water and Sewer Committee to discuss as an additional seventy-nine thousand dollars (\$79,000) seems high. Councilman Shindledecker noted that the bottom of the letter states it will go to the Appropriations Committee.

Referred to the Appropriations Committee. Filed.

Service Director/Acting City Engineer Thomas – areas B4-B6 sewer separation, phase 2 (project no. 32556100)

Replacement of the existing four (4) inch waterline on George Street and Garfield Street from the railroad tracks to Blanchard Street is planned for this project. Water Distribution would like to extend the waterline replacement to Crystal Avenue. Engineering has estimated the cost of the extra work to be sixty-five thousand dollars (\$65,000). The waterline portion of the project was estimated at one hundred seventy-seven thousand five hundred dollars (\$177,500) in the Capital Improvement Plan, but when bids came in, only one hundred twenty-five thousand two hundred dollars (\$125,200) needed to be appropriated. Seventy-five thousand dollars (\$75,000) has already been appropriated for the small waterline project. An additional fifty-two thousand three hundred dollars (\$52,300.00) is needed from the Water Fund and needs to be appropriated and additional twelve thousand seven hundred dollars (\$12,700) transferred from the small waterline project so that additional waterlines may be replaced on Garfield Street and George Street. Legislation to appropriate and transfer funds is requested. Ordinance No. 2018-086 was created.

FROM: Water Fund	\$ 52,300.00
FROM: 2018 Small Waterlines Project No. 35783600	\$ 12,700.00
TO: Areas B4-B6 Sewer Separation, Phase 2 Project No. 32556100	\$ 65,000.00

Discussion:

Councilwoman Frische requested that the letter be read. The Council Clerk read the letter in its entirety.

Councilwoman Frische asked how far this is going on Crystal Avenue. Service Director/Acting City Engineer Thomas replied that the extra would go from Blanchard to Crystal. Crystal is on an angle, so it is just that one block. Councilwoman Frische asked if the seventy-five thousand dollars (\$75,000) is from the miscellaneous waterline project. Service Director/Acting City Engineer Thomas replied no, that was this one.

Councilman Hellmann asked if this project is underway now. Service Director/Acting City Engineer Thomas replied yes. They have not started the waterline portion of it yet. They started on the storm sewer portion. Councilman Hellmann asked if it would be beneficial to get this approved this evening. Service Director/Acting City Engineer Thomas replied it is always beneficial to have the money available, but if it's the next Council meeting or takes three (3) readings, he will deal with it. Councilman Hellmann asked if cold weather will make a difference on this project. Service Director/Acting City Engineer Thomas replied no it will not. Filed.

Service Director/Acting City Engineer Thomas – performance bond money for 151 Lotze Street

A contractor had obtained permits for sidewalks and curb work at 151 Lotze Street, but the work has not been completed and the contractor has been nonresponsive. City of Findlay Engineering Department has contacted the bond company about filing a claim against the bond to get the money for the repairs to be completed. Payment from the bond company has been received and now the funds need to be appropriated and transferred in order for the Street Department to use them to finish the work. Legislation to appropriate and transfer funds is requested. Ordinance No. 2018-087 was created.

FROM: Guaranteed Deposits #27088000	\$ 600.00
TO: Street Department #2204000-other	\$ 600.00

Discussion:

Councilman Russel asked what the status of this project is. Service Director/Acting City Engineer Thomas replied it is his understanding that it is not done or at least not done to the City's satisfaction to what should be done. He has not received a response from the contractor, so he has talked with the Bonding agency and has the funds to have the Street Department do the work. He has talked with Deputy Auditor Sampson who informed him that they have to document everything. Whatever is not spent has to be returned. The Street Department is handling that documentation.

Councilwoman Frische asked if that contractor will lose their ability to do work in the City limits since they are not returning phone calls. Service Director/Acting City Engineer Thomas replied this is the first one he has dealt with since he has been with the City. They have to renew those yearly, so he assumes it is something that they can be placed on probation for if needed. Filed.

COMMITTEE REPORTS:

The **STRATEGIC PLANNING COMMITTEE** met on August 7, 2018 to continue June 5, 2018, May 1, 2018, April 3, 2018 and March 6, 2018 discussions on year one (1) goals and expectations.

We recommend to meet again at 5:30pm on August 21, 2018 to further the discussions on the RFP.

Councilwoman Frische moved to adopt the committee report. Councilman Russel seconded the motion.

Discussion:

Councilwoman Frische asked if there will be any discussions on this and if there is a goal to get there this year. Councilman Russel replied that the committee has had a lot of discussions on how to do this and he does not foresee any ward meetings taking place any time soon under the guides of the Strategic Planning Commission. They are currently looking at a proposal of how to do a more comprehensive strategic plan for the City taking into account all of its stakeholders and putting together a formalized strategic plan from which long term operational plans can be developed. The Committee is looking at a proposed RFP. The Committee was scheduled to meet tonight, but Councilman Wobser and Harrington were not able to be there, so tonight's meeting did not happen and is rescheduled for September 4, 2018 to discuss the RFP.

All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to review the proposed zoning code revisions.

We recommend discussion about proposals to continue pending updated legislation if proposed. Ordinance No. 2018-067 received its 1st reading on 7/3/18, 2nd reading on 7/17/18, and 3rd reading (AS AMENDED) on 8/7/17. It was tabled during the 8/7/17 City Council meeting.

Councilman Slough moved to adopt the committee report. Councilman Hellmann seconded the motion.

Discussion:

Councilman Russel clarified what the committee was thinking. This Ordinance No. 2018-067 is currently tabled. One section in it is a setback change for new development, another section is for notification requirements for items in front of City Planning, and the third one is for the definition of wind turbines. The discussion focused on splitting off the wind turbines section which is the controversial part and instead just considering the downtown setback item and the notification part separately. It is his hope to take Ordinance No. 2018-067 off the table under Old Business tonight and make these changes, and give the proposed Ordinance No. 2018-067 AS AMENDED consideration.

Councilwoman Frische asked if there is a rush to untable the Ordinance and update it. Councilman Russel replied that the Ordinance has been under consideration for eight (8) weeks now. At some point in time, the non-controversial part received a nay vote from Council. He would hope that the notification issues for City Planning, which includes signage in front of properties could be passed because it provides a benefit for citizens, especially those properties under consideration for City Planning.

All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Darwin and Betty Hile, for a non-conforming zoning change to C-1 for 1433 East Sandusky Street.

We recommend to move to table.

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

Discussion:

Councilwoman Frische asked why it was tabled. Councilman Russel replied per the request of the applicant. Law Director Rasmussen added that this came before the Planning and Zoning Committee, but did not have to because the use was before zoning and prior to 1955. It is already zoned C-1 and will keep its current zoning, so it does not need a new use appointed to it. The property can continue as long as it does not have a two (2) year break in service. A letter stating this went to property owners on July 13, 2018

All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Kenneth Koch on behalf of KBC Rentals, LLC to rezone 716 Franklin Street from R2 Single Family, Medium Density to R4 Duplex/Triplex.

We recommend to approve as proposed. Ordinance No. 2018-082 was created.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Kenneth Koch on behalf of KBC Rentals, LLC to rezone 310 Frazer Street from R2 Single Family, Medium Density to R4 Duplex/Triplex.

We recommend to approve as proposed. Ordinance No. 2018-083 was created.

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

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

We recommend to meet and continue discussions on bicycle ordinance and the potential of a sharrow lane route. Meet again on August 22, 2018 at 5:30pm.

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

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 017-2018 (*Lisa Phillips retirement resolution*) requires one (1) reading **first reading** **adopted**
A RESOLUTION COMMENDING LISA PHILLIPS FOR THE EXCELLENCE OF HER SERVICES TO THE CITY OF FINDLAY, OHIO.

Councilman Slough moved to adopt the Resolution, seconded by Councilman Russel.

Discussion:

Councilman Russel asked Fire Chief Eberle if the Fire Department will still be able to operate in Ms. Phillips's absence. Fire Chief Eberle replied it will be difficult, but yes. She will be greatly missed. Councilman Russel added that he had some interactions with her when developing the current version of the City's website and found her knowledge of the Fire Department to be incredible. She was very helpful to work with. There is a lot of appreciation for her dedication to the Fire Department. He thanked her for her service.

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

RESOLUTION NO. 018-2018 (*1919 Tiffin Ave watermain break*) requires three (3) readings **first reading** **adopted**
A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 019-2018 (*Water Distribution vector truck*) requires three (3) readings **first reading**
A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Resolution.

ORDINANCES

ORDINANCE NO. 2018-067, AS AMENDED (*zoning code changes*) requires three (3) readings **adopted during Old Business**
tabled after third reading on 8/7/18

AN ORDINANCE REPLACING CHAPTER 1113.15, ENTITLED PUBLIC NOTICE, CHAPTER 1137.04 ENTITLED LOT REQUIREMENTS, 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.

ORDINANCE NO. 2018-068 (*Zoning personnel enforcement rights in right-of-way*) requires three (3) readings **tabled after third reading on 8/7/18**
AN ORDINANCE ENABLING THE CITY OF FINDLAY ZONING DEPARTMENT PERSONNEL ENFORCEMENT RIGHTS WITHIN RIGHT-OF-WAY AREAS WITHIN CITY LIMITS, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-072 (*804 Franklin Ave 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 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".

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Russel. **Ayes:** Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-072 and is hereby made a part of the record.

ORDINANCE NO. 2018-073 (*311 & 311 ½ E Lincoln St 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 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".

Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Slough. **Ayes:** Russel, Shindledecker, Slough, Watson, Frische, Hellmann, Niemeyer, Ostrander. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-073 and is hereby made a part of the record.

ORDINANCE NO. 2018-075 (*3rd qtr Capital Improvements appropriations*) requires three (3) readings **third reading** **adopted**
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2018 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Shindledecker, Slough, Watson, Frische, Hellmann, Niemeyer, Ostrander, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-075 and is hereby made a part of the record.

ORDINANCE NO. 2018-079 (*flood reduction*) requires three (3) readings **second 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.

Second reading of the Ordinance.

ORDINANCE NO. 2018-081 (*RLF administration*) 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 Hellmann. Ayes: Slough, Watson, Frische, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker. The Ordinance received its second and third readings. Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Watson, Frische, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-081 and is hereby made a part of the record.

ORDINANCE NO. 2018-082 (*716 Franklin St 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 REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 716 FRANKLIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX".

First reading of the Ordinance.

ORDINANCE NO. 2018-083 (*310 Frazer St 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 REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 310 FRAZER STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX".

First reading of the Ordinance.

ORDINANCE NO. 2018-084 requires three (3) readings **first reading** **adopted**
(*Campbell Soup Ohio 629 (Project No. 31977100) & Autoliv Ohio 629 (Project No. 31985300)*)
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 Hellmann. Ayes: Frische, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson. The Ordinance received its second and third readings. Councilman Slough moved to adopt the Ordinance, seconded by Councilman Niemeyer.

Discussion:
Councilman Hellmann asked for a brief overview of this project. Service Director/Acting City Engineer Thomas replied that grant reimbursement funds were received for both of these projects. The developer builds the infrastructure and then submits his invoices and proof of payment to the City. The City then submits that to the State and the State pays the City and then the City pays it back to the developer. This is just part of the process of appropriating the grant funds so that everything lines up correctly on the books.

Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-084 and is hereby made a part of the record.

ORDINANCE NO. 2018-085 (*WPC UV replacement*) requires three (3) readings **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2018-086 (*Areas B4-B6 sewer separation*) requires three (3) readings **first reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

AN ORDINANCE APPROPRIATING AND TRANSFERRING 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 Shindledecker. Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Hellmann. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Hellmann.

Discussion:

City Auditor Staschiak noted that he does not know of any instances where the City has gone back to a contractor's bond twice. It rarely happens. Councilman Russel asked if this is the second time the City has gone back on this contractor's bond. City Auditor Staschiak replied no. He only knows of one other time that the City had to go after one.

Ayes: Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-087 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS

Councilman Russel moved to remove Ordinance No. 2018-067 AS AMENDED from the table, seconded by Councilman Slough. Ayes: Russel, Shindledecker, Slough, Watson, Frische, Hellmann, Niemeyer, Ostrander.

Discussion:

Councilman Russel asked Law Director Rasmussen if the next step is for him to make the motion to replace it. Law Director Rasmussen replied it will be a motion to amend.

Councilman Russel moved to amend Ordinance No. 2018-067 AS AMENDED as presented in tonight's packet that removes the language about wind turbines, seconded by Councilman Slough.

Discussion:

Councilman Hellmann asked if this is the Ordinance that deals with the side yard setbacks for buildings downtown. Councilman Russel replied it is front yard setbacks. Councilman Hellmann replied that front yard setbacks were going to be five feet (5 ft) maximum and the distance between buildings was going to be a maximum of sixty feet (60 ft). Councilman Russel replied there is no change to the side yard setbacks in the downtown area. He asked Matt Cordonnier in the audience if he would like to speak to this. Matt Cordonnier replied that the changes to the front yard setback in the C-3 District are that a property owner currently can build up to the right-of-way with zero lot lines. What they are trying to prevent with this is to still allow to build up to the right-of-way, but cannot build further back five feet (5 ft) from the right of way along Main Street, East Sandusky Street and West Main Cross Street. The purpose is to preserve the urban corridor. For example, with this in place, if someone were to rebuild the argyle, they could not build a 7eleven fifty feet (50 ft) off of Main Street thus taking away from the aesthetic feel and function of that space.

Councilman Hellmann asked what is the side yard setback between buildings. At one time, it was discussed to have it sixty feet (60 ft). Matt Cordonnier replied that there is percentage. If there is one hundred feet (100 ft) of frontage, the building cannot be less than sixty feet (60 ft) or sixty percent (60%). Councilman Hellmann asked if that would be a forty foot (40 ft) sideyard. Matt Cordonnier replied that the maximum they could have would be a distance of forty feet (40 ft) separation. That is the number used in the Short North Corridor of Columbus where the original idea came from. That is the number that they used. By occupying over half of the lot minimum, it would keep them from having major gaps in the urban corridor. Councilman Hellmann agrees with the logic except that he does not agree with allowing that wide of a distance. His preference would be zero (0) distance between buildings because you still end up with that missing tooth piece there, and in some instances, create a vacant space that does nothing but collect litter and vagrants. If you walk up and down Main Street, you will see where most all of the buildings are cheek by jowl sideyard. His preference would be to see that piece eliminated so that the buildings are one right next to the other because it ends up creating an opportunity for a slivered parking lot or something going in there that he does not think is conducive to a downtown pedestrian walkway and safety. Mr. Cordonnier agreed with Councilman Hellmann that a very tight fitting of the buildings is optimal, but if it is required, no flexibility to the design will be given. Someone who wants to do a really nice project but does not want to use all the design. His concern is it would be overly restrictive. They must build on one hundred percent (100%) of their frontage which may not work for everyone.

Councilman Russel noted that an example of a design that wouldn't work under what is being suggested would be an angular corner lot where the corner is more of a courtyard main entrance to a property. For example, when the County was proposing some floating designs for a County building to the northwest on the corner of West Main Cross Street and Cory Street, they showed a building that was on the lot line on most of Main Cross Street, but had an angular entranceway opening up to the northeast. If they are forced to use one hundred percent (100%) of the front lot line, any of that type of design would not be possible. Looking at the Ordinance from Columbus and how it has been used not only in north Columbus, but also north of the Ohio State Campus and in new development, the way they have their Ordinance, it has been proven quite successful. They use it as an overlay district. The City of Findlay decided to amend the zoning code.

Councilman Hellmann noted that if it is used as an overlay district, there would still be some site plan review and some discretion that can be used. Whether or not Columbus did it, it does not seem to be the right thing to do here. He asked if someone needed relief if Mr. Cordonnier could go to the Board of Zoning Appeals and ask for some relief based on their creative design. Matt Cordonnier replied they could. Councilman Hellmann replied that would be his preference.

Councilman Watson asked what the reasoning was to remove the wind turbines sections. Councilman Russel replied that there was some discussion on the language that was in the proposed Ordinance and was not consistent with the rest of the code. The rest of the code referenced some outdated standards, so the desire was to make sure that the wind turbine definition was consistent with the rest of the code which will take more time for both Planning and Zoning and also Hancock Regional Planning to come up with that language. The big decider is to get the notification for City Planning done. If the concern on the sixty percent (60%) is enough to make the rest of Council skittish on that one part of the Ordinance and jeopardize the notification, then that part of the question can be split off right now. It was discussed in Planning and Zoning where it was unanimously supported at that time and recommend it to Council, which is why we are here.

Councilwoman Frische asked if the old version of the Ordinance that still has the wind turbines section in it is still in effect or if this removes the original wind turbines verbiage. Matt Cordonnier replied it is still on the books. The definition district was added for clarification. It was looked at closely and determined that definition does not materially affect the effectiveness of the wind turbine ordinance that is currently in place. Councilwoman Frische asked if that verbiage should be left in and continue discussions with One Energy about modifying down the road, but at least have something in the Ordinance since Council is just about done with it. She asked how defining wind turbines is detrimental to One Energy. Mr. Cordonnier replied that is for debate. He has a different view than One Energy has. He is adding clarification in the definition of it. There was an issue with it not appearing on the agenda, so he is now slowing down the process to make sure everyone has an opportunity to speak on the subject. Councilwoman Frische asked if that has happened yet. Mr. Cordonnier replied that it will go to the Planning Commission next month and there will be an opportunity to speak at Council.

Ayes: Ostrander, Russel, Shindledecker, Slough, Watson, Frische. Nays: Niemeyer, Hellmann. Council President Monday asked the Law Director if that just requires a simple majority. Law Director Rasmussen replied that is correct. The Ordinance is amended.

Councilman Russel moved to adopt the Ordinance as amended, seconded by Councilman Slough. Ayes: Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Hellmann. Nays: Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-067 and is hereby made a part of the record.

Mayor Mihalik informed Council that the City signed the Friendships Cities agreement on Thursday. She thanked Councilman Hellman and Councilman Russel for their support that evening. Although a little rainy, Findlay put on a good show. It was a good event. She is looking forward to what the future will bring relative to that agreement, particularly on the youth educational exchange. In the international bracket of the World Series over in Williamsport, PA tomorrow, our sister city Kawaguchi City will be playing in the finals. She is going to figure out how to watch that and make sure that she shows her support. It is interesting that our sister city is a finalist in the World Series in the international bracket.

Safety Director Schmelzer updated Council on some of the conversations on the All American Rock House both last weekend and the weekend before that. The Administration continues to have some conversations with the operator of the facility and the owner. They had a meeting with them and their attorney where he expressed what Council's and some of the community's opinions on the level of sound are. They talked about the different frequencies of sound and their ability to try to control the different levels. It was indicated during the meeting that they had already taken some steps to try to work towards that end, but if you ask some of the residents in the area, it was not unsuccessful last weekend. Another meeting is scheduled this week in an attempt to get together with a couple of property owners their legal counsel. Discussions will be centered around how to measure. If they cannot come to some agreement with the enforcement of the measures they currently have in place, they will try to come up with some recommendations for legislation. It is his opinion that there probably is some legislative work to do. There are two (2) sides to this coin. The neighborhood does not deserve to hear rock music until 11:00 at night. There will be further conversations around this. Also, at the last meeting two (2) weeks ago, there was a letter regarding the Health Department property and some discussion about it and other properties potentially being discussed. He was not forwarded any information on any other properties, nor any discussion about that. He read an interesting letter to the editor today about the City trying really hard to keep that from being the Health Department building. When they came into office in 2012, they resurrected the idea of combining the City and County Health Departments and re-examined that facility and its use as a Health Department. He felt then that it was a poor remodel for the fit of the Health Department and was way too expensive. He had consensus amongst all the committee members that discussed the combination of the Health Department that, that building, even according to plans that were devised for the remodel, was a very poor fit. He can dig up some minutes for it if Council wants them. The County Health Department could have purchased that building from the City for the Health Department, but chose not to. He is unsure what is meant by the Administration making it difficult or making it hard to be a Health Department as it was committee decision.

Councilwoman Frische read the same article and what she got out of it that may be good for Council is that it sounds like they are able to tour that building to get a better feel for it to see, what as Council, should be done with it and take it from there before it goes to auction. She asked who can facilitate that and asked if Council has the desire or interest to fully have a grasp on that building. She sees activity happening in and out of it. She has not been in it since it was owned by Hochstetlers. Safety Director Schmelzer replied that Council's access to the building can be facilitated. It is being used for storage. There are three (3) relatively suitable buildings on the property and two (2) that are need to come down which he addressed at the last meeting and plan to move forward with that. The intent of the letter was to move the conversation forward to determine whether or not Council wants to do something with that. It does not serve the City any purpose now which is the reason for the question. Councilwoman Frische asked if anyone on Council wants to see the building as a group, or should she just do it on her own. Councilman Niemeyer and Councilwoman Ostrander replied they would like to see it. Councilman Hellmann replied he wouldn't mind going through it, but he trusts the professionals here that have viewed it. He will be out of town for the next three (3) weeks, so he won't be available. Mayor Mihalik clarified that no decision has been made on the property. Her letter to Council a couple of weeks ago asked whether or not they would be interested in having a conversation about the future of that property. Those that have been investing in that area over the last several years are ready to see something done with it. It is an underutilized piece of property. It is not being used for its intended purpose when it was acquired ten (10) years ago. It is not appropriate for the Health Department. Perhaps some other organization would find it useful. No decision has been made to put the property up for auction which was the reason for her letter to Council to start the conversation at any point of time that Council wants to schedule a Committee of the Whole meeting, she will be happy to attend.

Councilwoman Frische noted that she is not making this a trust issue and she knows no decision has been made. Council needs to decide what the minimum bid should be if it is put out to auction, if any buildings need to be taken down before selling it, etc. Council needs to be involved and should take a tour.

Councilman Russel feels if Council is going to take a tour, it would be beneficial to do so as a group and asked if that could be done without breaking all the meeting laws. It would make it easier for whomever would be taking Council through it. If there are buildings on the property that need to be demolished that are a potential hazard, he would hope the City would proceed with doing so.

Service Director/Acting City Engineer Thomas provided a brief update on Main Street, both the downtown portion and the South Main portion. On the South Main portion, everything on the west side of the road, southbound, is done and are now working on the northbound on the east side of the road. It was scheduled to be done by the 24th, but with the rain, it has pushed them back. The contractor has told him it will be done by Labor Day. They did their best to have the west side done before school started. They will be finishing up the crosswalks, the extra lighting for the mid-block crossings, and the reflectors for the islands for the Main Street project. Some of the bushes that have died over the winter because they were planted late. It was not because of salt, but because they were planted later in the year. They have been holding off doing that until after Labor Day so that they wouldn't affect the businesses during the summer. He will be notifying DFID so that they can notify their contacts and the Chamber so that they can notify the business owners so that they know the City will be doing that.

Councilman Russel asked if there will be a punch-through walk list for this. For example, there is some cracking concrete at the First Lutheran Church that needs fixed. Service Director/Acting City Engineer Thomas yes there will be.

Councilwoman Frische asked if the corners of the intersections on Main Street are still getting torn up with turning semis. She asked if those situations have improved. Service Director/Acting City Engineer Thomas replied he has not had any recent complaints about it. Councilwoman Frische asked if there will be any kind of maintenance agreement for the replacement bushes on Main Street. Councilman Russel replied that he is the City Council representative for the Downtown Findlay Improvement District. The District is looking at ways to be more active in the maintenance of the downtown area. Their focus is "safe and clean". Just today, they had another discussion with the firm looking to bid out in conjunction with the DFID for maintenance for the whole DFID district, and not just Main Street.

Councilman Shindledecker reminded Council that school is in session. He assumes it will sort itself out on where children will be picked up and dropped off, but reminded the public to be cautious of children in the area. He went along 18th Street on Friday. On that street, no parking is posted on the south side, but there were cars parked on both sides which made it impossible for an ambulance, a fire vehicle, or police vehicle to get through there, had there been an emergency. He talked with a couple of individuals who were parked on the south side, which is no parking, who told him they were not parking because their motors were running. Some cities have had some success in marking the streets as no parking or standing. He reminded everyone in all the school districts to be cautious of where they park that would make it impossible for emergency vehicles. Safety Director Schmelzer replied that topic was discussed in yesterday's Traffic Commission meeting. The Police Chief forwarded him the definition as it is codified for us. If someone is sitting in their car in a static position and the engine is running, it is still considered parking. Mayor Mihalik added that this tends to smooth itself out as they get used to the routine. If traffic patterns for pick up and drop off becomes an issue, the schools notify the City who sends a SAU out to monitor activity and then they inform the motorists that they cannot be there, which normally remedies it. The City gives them a full week of school being in session before they go out to monitor it. The schools are very good about calling the City and asking for help.

NEW BUSINESS

Councilman Slough made a motion to excuse the absence of Councilman Wobser and Councilman Harrington. Seconded by Councilman Watson. All were in favor. Filed.

Councilman Hellmann complimented the Mayor on her efforts that she, the staff, and the City put forward for the Friendship Cities Program with the City of Kawaguchi. He also thanked The Alliance, the Economic Development group, Dr. Fell with the University of Findlay, and Hiro Kawamura from the University who did an excellent job. Those things do not come about easily or quickly. The City can be proud and there will be benefits that spring from that for many years to come, or at least that is the hope for both the City and the students that will be a part of the exchange program.

Safety Director Schmelzer thanked all the volunteers, the corporate sponsors, and everyone that came together for another great day at the Miracle League this weekend. The League started the new shelter house. A lot of volunteers from the Kiwanis and some other clubs worked to install the playground expansion and the shelter house. It was very well received. It will be a great venue for the first World Series.

Service Director/Acting City Engineer Thomas was notified yesterday of the 2018 grant application for the TAP program with ODOT. The City did receive funding for it. It will be for ODOT fiscal year 2021 who agreed to pay ninety-five percent (95%) or up to one million two hundred fifty thousand dollars (\$1,250,000) for construction. It will be to take the pathway from Bright Road out to Riverbend Park. It is not all of what he was asking for, but then again the preliminary estimates were scaled off an aerial. It included a pedestrian bridge across the river. The City had a conservative number, so he will look at refining those numbers and see if there are any other places that any other grant opportunities can make up the difference.

Councilman Niemeyer asked to set a date and time to tour 428 West Main Cross Street building. Safety Director Schmelzer replied that Council can have access any time they want. Send him an email when Council wants to do so and he'll have the City's Building Maintenance Supervisor open it up.

Council President Monday pointed out that in order to have a COMMITTEE OF THE WHOLE meeting, a motion and a second needs to be given in order to do so. Councilwoman Frische moved to have a COMMITTEE OF THE WHOLE meeting on August 30, 2018 at 5:00pm, seconded by Councilman Niemeyer. All were in favor.

COMMITTEE OF THE WHOLE meeting on August 30, 2018 at 5:00pm at the former Hochstettler Building (428 West Main Cross Street).
agenda: building tour

Council President Monday adjourned Council at 8:39pm.

Handwritten signature of Denise DeVore in blue ink.

CLERK OF COUNCIL

Handwritten signature of R. Ronald Monday in blue ink.

PRESIDENT OF COUNCIL