

FINDLAY CITY COUNCIL AGENDA

REGULAR SESSION

February 19, 2013

COUNCIL CHAMBERS

ROLL CALL of 2012-2013 Councilmembers
PLEDGE OF ALLEGIANCE
MOMENT OF PRAYER

ACCEPTANCE OR CHANGES OF MINUTES AND PUBLIC HEARINGS:

Acceptance or changes to the February 5, 2013 Regular Session City Council meeting minutes.

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

PROCLAMATION – none.

RECOGNITION/RETIREMENT RESOLUTIONS – none.

WRITTEN COMMUNICATIONS – none.

ORAL COMMUNICATIONS – none.

PETITIONS:

Petition for Annexation – West Trenton Avenue (Trenton Ave/Darway Annexation)

A petition for annexation to the City of Findlay filed by Philip L. Rooney on January 28, 2013. A legal description for said property is attached with the petition. The property to be annexed is in Liberty Township, Hancock County. Resolution 007-2013 was created (Resolution of Services).

Renewal petition – DFID

A petition request from Phil Rooney, representing the Downtown Findlay Improvement District (DFID) to renew the DFID and adopt a renewed downtown services plan for five (5) years from the date of the expiration of the original plan. By statute, the legislative authority and Mayor have sixty (60) days to review the petition and services agreement and offer any comments or approve same. As in 2009, the Law Director is recommending the petition and services agreement be referred to planning and zoning for their review and recommendation to Council. Needs to be referred to the Planning and Zoning Committee.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Police Department Activities Report – January 2013.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Sharp Tops Players Club LLC, located at 15085 Flag City Drive, Findlay, Ohio for a D5I liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Sharp Tops Players Club LLC, located at 15085 Flag City Drive, Findlay, Ohio. A check of the records shows no criminal record on the following:
Bobby Singkham

Findlay W.O.R.C. Program Charge Statistics – 01/1/2013 through 1/31/2013; **Findlay Work Release Program Monthly Payment Statistics Summary** – 01/01/2013 through 1/31/2013; **Findlay W.O.R.C. Program Monthly Tally Sheet** – 01/01/2013 through 1/31/2013; **Findlay W.O.R.C. Financial Analysis** – 01/1/2013 through 1/31/2013.

Parks and Recreation Board Agenda – February 19, 2013; **Parks and Recreation Board Minutes** – November 19, 2012.

Mayor Lydia Mihalik – Approved Amendments to Articles III, IV, V, and VI of the Income Tax Rules & Regulations

During the February 6, 2013 Income Tax Board meeting, members approved amendments to Articles III, IV, V, and VI of the Income Tax Rules and Regulations in response to the reduction in the income tax rate. This measure ensures the Rules and Regulations adequately complement the Income Tax Ordinance and eliminates the need for future amendments if the rate ever changes. These amendments will be considered approved if Council takes no action by April 7, 2013, which is sixty (60) days after the proposed amendments were delivered to the Clerk of Council. Resolution 008-2013 has been created for passage by City Council to be effective February 20, 2013. Resolution 008-2013 was created.

Treasurer's Reconciliation Report – January 31, 2013.

Time Warner Cable – quarterly franchise fee payment for period ending December 31, 2012.

Service-Safety Director Paul Schmelzer – HAN-Findlay manhole adjustments, ODOT PID #93063, Project #32821600

By authorization of Ordinance No. 2012-092, bids were opened for this project on February 7, 2013. Bids were received from three (3) potential contractors, and they are currently being evaluated. This project was included in the 2012 Capital Improvements Plan with eighty percent (80%) funding from ODOT. Legislation to appropriate funds is requested.

FROM: ODOT	\$ 40,000.00
FROM: Sewer Fund	\$ 10,000.00
TO: ODOT Manhole Adjustments <i>Project #32821600</i>	\$ 50,000.00

Ordinance No. 2013-010 was created.

Service-Safety Director Paul Schmelzer – Byal Avenue Improvement (Phase I) – CDBG FY2011 & OPWC project #32513200

By authorization of Ordinance No. 2012-031, bids were opened for this project on February 7, 2013. Bids were received from six (6) potential contractors and they are currently being evaluated. This project was included in the 2012 Capital Improvements Plan with funding from CDBG and OPWC. Legislation to appropriate funds is requested.

FROM: OPWC	\$ 250,000.00
FROM: Water Fund	\$ 45,000.00
FROM: Sewer Fund	\$ 25,000.00
TO: Byal Avenue Improvements (Phase I) <i>Project #32513200</i>	\$ 320,000.00

Ordinance No. 2013-010 was created.

City of Findlay Board of Zoning Appeals Minutes – October 11, 2012 and December 13, 2012.

COMMITTEE REPORTS:

The APPROPRIATIONS COMMITTEE to whom it was referred a request to discuss budget updates (closing of 2012).

We recommend a transfer of funds from the unappropriated cash balance for 2012 of:

- \$400,000 to Self-Insurance Fund
- \$200,000 to the Severance Fund
- \$1,500,000 to Capital Improvement Surfacing

Ordinance No. 2013-010 was created.

A COMMITTEE OF THE WHOLE meeting was held on Tuesday, February 12, 2013 to discuss drop off fees at the City's green waste site on High Street.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 044-2012 (CRA #1)

Tabled

first reading on 9/4/12– requires Council motion to be lifted from table

A RESOLUTION AMENDING RESOLUTION NO. 33-1987, AS AMENDED BY RESOLUTION NO. 37-1988, BY INCLUDING AN ADDITIONAL AREA WHICH IS CONTIGUOUS TO THE AREA ALREADY DEFINED IN SAID REINVESTMENT AREA.

RESOLUTION NO. 045-2012 (CRA #2)

Tabled

first reading on 9/4/12– requires Council motion to be lifted from table

A RESOLUTION AMENDING RESOLUTION NO. 38-1988, AS AMENDED BY RESOLUTION NO. 23-1990, AS AMENDED BY RESOLUTION NO. 38-1990 (TO CORRECT ERRORS IN THE LEGAL DESCRIPTION) BY INCLUDING AN ADDITIONAL AREA WHICH IS CONTIGUOUS TO THE AREA ALREADY DEFINED IN SAID REINVESTMENT AREA.

RESOLUTION NO. 007-2013 (Trenton Ave/Darway Annexation)

First reading

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN LIBERTY TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF SECTION 11, T1N, R10E, A TRACT OF LAND CONSISTING OF 3.833 ACRES OF LAND, MORE OR LESS (REFERRED TO AS THE DARWAY ANNEXATION).

RESOLUTION NO. 008-2013

First reading

A RESOLUTION AMENDING ARTICLES III, V, and VI OF THE INCOME TAX RULES AND REGULATIONS APPROVED BY THE INCOME TAX BOARD.

ORDINANCES

ORDINANCE NO. 2012-100

Tabled

Mayor referred this to the 1/8/13 Appropriations Committee meeting during the 12/18/2012 City Council meeting

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH HANCOCK COUNTY EMERGENCY MANAGEMENT AGENCY TO DEVELOP AN EMERGENCY OPERATION PLAN THAT WILL ENCOMPASS ALL POLITICAL SUBDIVISIONS OF HANCOCK COUNTY, DEVELOP A TRAINING PROGRAM, AND COORDINATE THE EMERGENCY MANAGEMENT ACTIVITIES OF ALL THE POLITICAL SUBDIVISIONS ACCORDING TO THE DUTIES AND REQUIREMENTS OF SECTION 5502.27 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2013-009

First reading

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

ORDINANCE NO. 2013-010

First reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

UNFINISHED BUSINESS

OLD BUSINESS
NEW BUSINESS



Philip L. Rooney
Christie L. Ranzau

rooney & ranzau, ltd.
attorneys at law
119 e. crawford st.
findlay, ohio 45840
419-425-3821
flagcitylaw.com

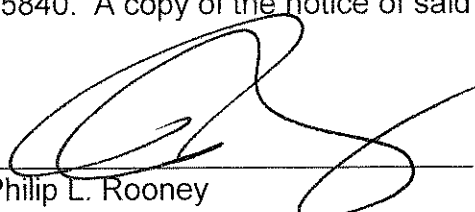
NOTICE OF FILING OF PETITION FOR ANNEXATION
Ohio Revised Code §709.02

February 4, 2013

Denise DeVore
Clerk of Council
City of Findlay, Ohio
Municipal Building
Findlay, Ohio 45840

Melissa Ellerbrock
Fiscal Officer
Liberty Township
406 Colorado Avenue
Findlay, Ohio 45840

You are advised that on January 28, 2013, there was filed with the Board of Commissioners of Hancock County, Ohio, a Petition for Annexation of certain territory located West of the City of Findlay on Trenton Avenue and owned by Darway, Ltd. A copy of said petition is attached hereto and made a part hereof along with the attachments to said petition. A hearing on said petition has been set by the Board of County Commissioners of Hancock County, Ohio on April 9, 2013 at 11:00 AM in the Commissioner's Conference Room, 222 Broadway, 2nd Floor, Room 31, Findlay, Ohio 45840. A copy of the notice of said hearing is enclosed.



Philip L. Rooney
Agent for Petitioner
119 East Crawford Street
Findlay, Ohio 45840
(419) 425-3821

Received

JAN 28 2013

Commissioner's Office
Hancock Co., Ohio

PETITION FOR ANNEXATION

Non-expedited

To the Commissioners of Hancock County, State of Ohio:

The undersigned, being the owner of the real estate within the Township of Liberty, County of Hancock and contiguous to the City of Findlay, and more particularly described in Exhibit "A" attached hereto, said real estate further described by the plat attached hereto as Exhibit "B", respectfully petitions that the above described real estate be annexed to the City of Findlay.

Philip L. Rooney, 301 South Main Street, Suite 4, Findlay, Ohio 45840, is hereby authorized to act as agent for the Petitioner in securing such annexation.

The number of owners of real estate sought to be annexed is one (1).

The undersigned is the authorized representative of the owner of real property within the parcel of property to be annexed:

DARWAY, LTD., an Ohio Limited Liability
Company

Dated: January 8, 2013

By: 

Its Member

Darway Annexation

Exhibit "A"

Legal Description

Situated in Section 11, Town 1, N., Range 10 E., Liberty Township, Hancock County, Ohio, and being a lease area upon a 3.883 acre tract of land conveyed to Darway, Ltd. by deed recorded in Volume 1612, Page 10 of the Hancock County Deed Records; said lease area being more particularly described as follows:

Beginning at a ½" iron pin found at a northwesterly corner of Independence Square replat (northwest corner of Lot 7) as recorded in Plat Volume 21, Pages 336-339 of the Hancock County Plat Records; said pin being at the true place of beginning for the herein described lease area;

Thence from said true place of beginning N 01°05'45" E with the west line of the aforementioned Darway tract for a distance of 497.41 feet to an iron pin set on the southerly right-of-way line of W. Trenton Avenue (U.S. Route 224);

Thence with said southerly right-of-way line on a curve to the left having a radius of 4327.50 feet, a central angle of 03°10'49" and a length of 240.20 feet, the chord of said curve bearing S 86°46'37" E, a distance of 240.16 feet to an iron pin set on the west line of a 1.117 acre tract of land conveyed to Joseph Kam Lung Lee and Grace Sau Hing Lee by deed recorded in Volume 2042, Page 217 of the Hancock County Deed Records;

Thence with said Lee tract for the following two (2) courses:

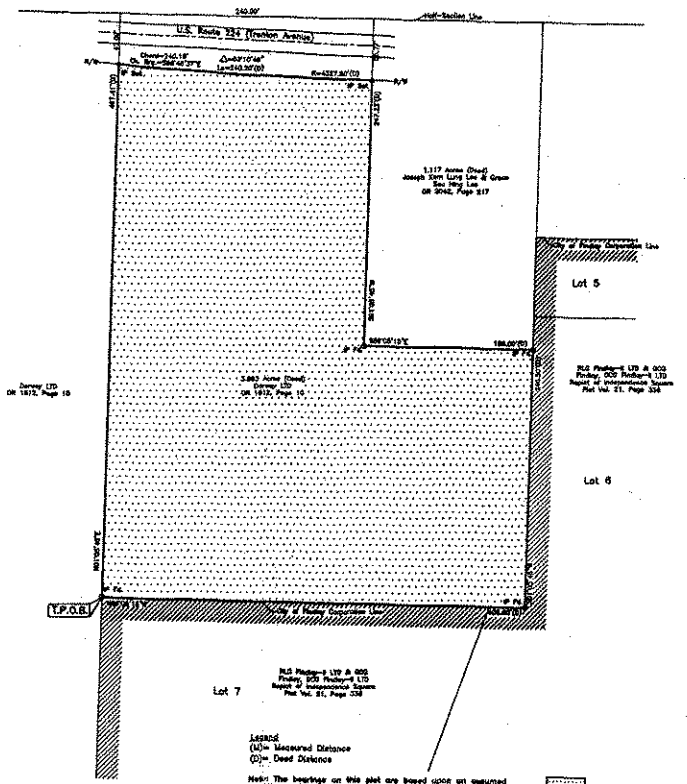
1. S 01°05'45" W for a distance of 247.23 feet to an iron pin found;
2. S 89°05'15" E, for a distance of 160.00 feet to an iron pin found on the West line of the aforementioned Independence Square replat:

Thence with said Independence Square replat for the following two (2) courses:

1. S 01°05'45" W, for a distance of 240.50 feet to an iron pin found:
2. N 89°05'15" W, for a distance of 400.00 feet to the true place of Beginning, containing 3.591 acres, more or less, subject however to all highways, easements and restrictions of record.

Basis Bearing: North line of Independence Square replat as recorded in Plat Volume 21, Pages 336-339 (bearing S 89°05'15" E).

Proposed Annexation to the City of Findlay, County of Hancock, State of Ohio



LEGAL DESCRIPTION.
 Situated in Section 11, Town 7, N., Range 10 E., Township of Liberty, Hancock County, Ohio, and being a lease area upon a 3.883 acre tract of land conveyed to Dorsey LTD. by deed recorded in Volume 1812, Page 10 of the Hancock County Deed Records; said lease area being more particularly described as follows:

Beginning of a 1/4" iron pin found at a northeastern corner of Independence Square replat (northwest corner of Lot 7) as recorded in Plat Volume 21, Pages 336-339 of the Hancock County Plat Records, said pin being of the true place of beginning for the herein described lease area;

Thence from said true place of beginning, N 1° 05' 45" E with the west line of the aforementioned Dorsey tract for a distance of 487.41 feet to an iron pin set on the southerly right-of-way of W. Trenton Avenue (U.S. Route 224);

Thence with the said southerly right-of-way line on a curve to the left having a radius of 4572.50 feet, a central angle of 03° 10' 48" and a length of 240.50 feet, the chord of said curve bearing S 86° 48' 37" E, a distance of 240.18 feet to an iron pin set on the west line of a 1.117 acre tract of land conveyed to Joseph Kum Lung Lee and Grace Szu Hing Lee by deed recorded in Volume 2042, Page 217 of the Hancock County Deed Records;

Thence with said Lee tract for the following two (2) courses:

1. S 1° 05' 45" W for a distance of 247.23 feet to an iron pin found;
2. S 89° 05' 15" E for a distance of 190.00 feet to an iron pin found on the West line of the aforementioned Independence Square replat;

Thence with said Independence Square replat for the following two (2) courses:

1. S 1° 05' 45" W for a distance of 240.50 feet to an iron pin found;
2. N 69° 05' 15" W for a distance of 400.00 feet to the true place of beginning, containing 3.591 acres, more or less, subject however to all highways, easements, and restrictions of record.

Scale of Bearing: North line of Independence Square replat as recorded in Plat Volume 21, Pages 336-339 (bearing S 89° 05' 15" E)
 Prior Deed Reference: Volume 1812, Page 10

EXHIBIT "B"

Date: _____

Not a Notary Public, P.S. #7586
 Peterman Associates, Inc.

PETERMAN ASSOCIATES, INC.

- ARCHITECTS - ENGINEERS - SURVEYORS -

10000 W. 10th Street, Suite 100, Findlay, Ohio 44826
 Phone: (419) 424-1111
 Fax: (419) 424-1112

Darway Annexation
Attachment 1 – List of Adjoining Property Owners

Joseph Kam Lung Lee
Grace Sau Hing Lee
8622 County Road 95
Findlay, Ohio 45840
Parcel No. 280000057431

RLG Findlay-II Ltd & GCG Findlay, GCG Findlay-II Ltd
10050 Innovation Drive
Miamisburg, OH 45342-4932
Parcel Nos. 580001026041 & 580001026043

Victon, LLC
6750 Township Road 136
Findlay, Ohio 45840
Parcel No. 280000057750

Darway, Ltd.
1330 Trenton Avenue
Findlay, Ohio 45840
Parcel Nos. 280000057440 & 280000057540

**Darway Annexation
Attachment 2 - Annexing Landowners**

**Darway, Ltd.
1330 Trenton Avenue
Findlay, Ohio 45840
Parcel No. 280000057430**



Hancock County Commissioners

300 South Main Street, Findlay OH 45840 ~ Phone 419-424-7044 Fax 419-424-7828

Mark D. Gazarek
Phillip A. Riegler
Brian J. Robertson
Cheryl K. Snyder, Clerk

January 31, 2013

Mr. Philip Rooney
119 E. Crawford St.
Findlay, Ohio 45840

Re: Darway 2 Annexation

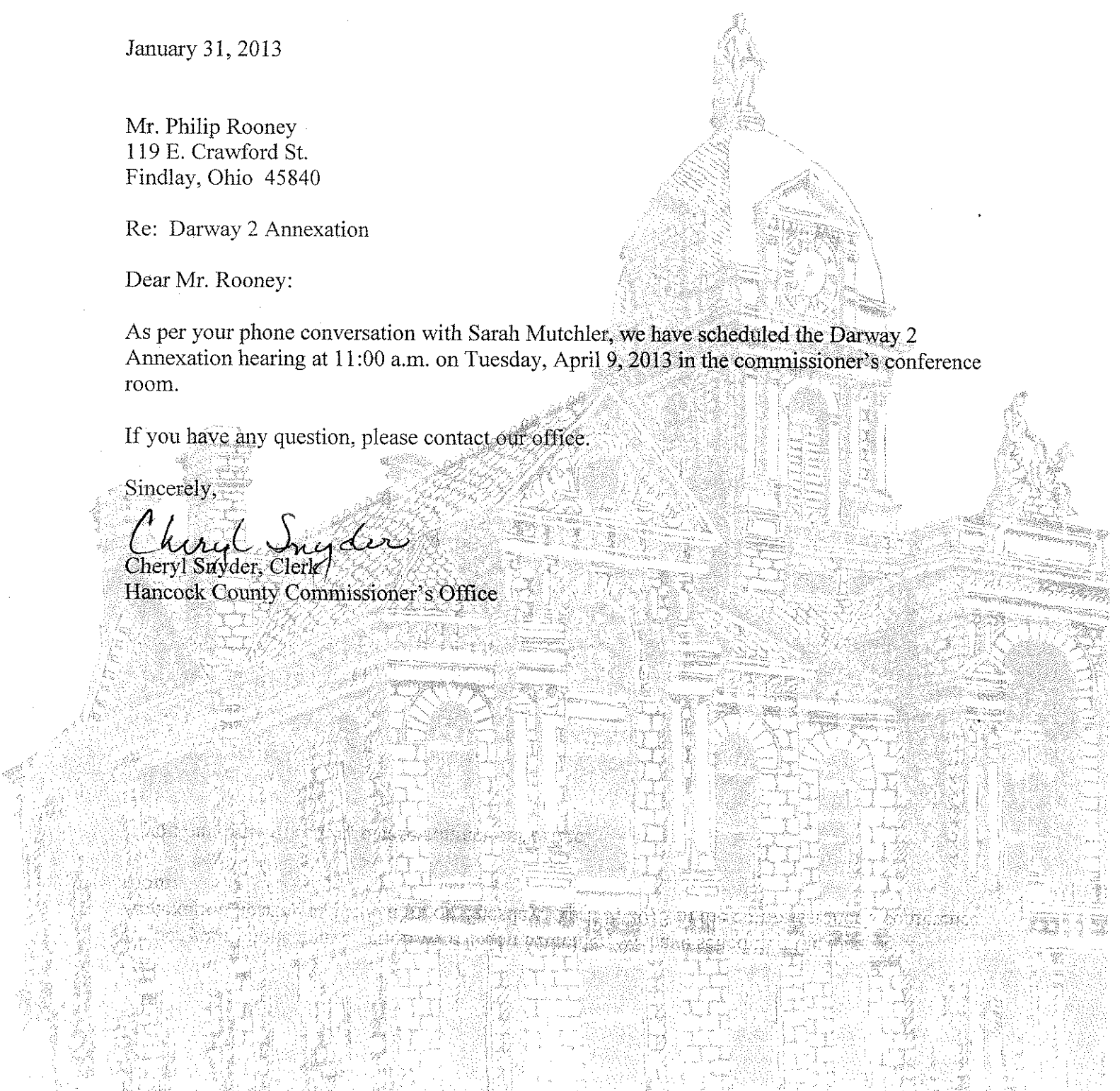
Dear Mr. Rooney:

As per your phone conversation with Sarah Mutchler, we have scheduled the Darway 2 Annexation hearing at 11:00 a.m. on Tuesday, April 9, 2013 in the commissioner's conference room.

If you have any question, please contact our office.

Sincerely,

Cheryl Snyder
Cheryl Snyder, Clerk
Hancock County Commissioner's Office



Office of the Director of Law
Donald J. Rasmussen

318 Dorney Plaza, Rm 310
Findlay, Ohio 45840
Telephone: 419-429-7338 · Fax: 419-424-7245
drasmussen@findlayohio.com

February 14, 2013

Honorable City Council
Findlay, OH 45840

RE: Downtown Findlay Improvement District (DFID)

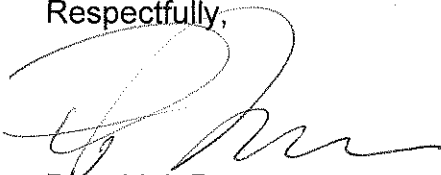
Dear Members,

Attached is a petition request that I received from Phil Rooney, representing the Downtown Findlay Improvement District, Inc., to renew the DFID and adopt a renewed downtown services plan for five years from the date of the expiration of the original plan.

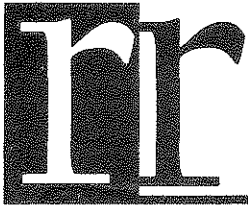
By statute, the legislative authority and Mayor have sixty (60) days to review the petition and services agreement and offer any comments or approve same. As in 2009, I would recommend that the petition and services agreement be referred to planning and zoning for their review and recommendation to council.

If you have any questions regarding the petition, services plan or the process, please do not hesitate to contact me.

Respectfully,



Donald J. Rasmussen
Director of Law



Philip L. Rooney
Christie L. Ranzau

rooney & ranzau, ltd.
attorneys at law
119 e. crawford st.
findlay, ohio 45840
419-425-3821
flagcitylaw.com

February 4, 2013

City of Findlay, Ohio
c/o Clerk of Council
Municipal Building
318 Dorney Plaza
Findlay, Ohio 45840

Re: Downtown Findlay Improvement District

To the Clerk:

The undersigned represents the Downtown Findlay Improvement District, Inc., hereinafter the "DFID". Pursuant to Ohio Revised Code Section 1710.06, please accept this letter and the attached documentation as the DFID's petition to renew the Downtown Findlay Improvement District and adopt a renewed downtown services plan for a term of five (5) years from the date of the expiration of the original plan.

Attached hereto please find the Petition for Renewal, Amended and Renewed Services Plan and District Map which was submitted to all property owners within the downtown improvement district. Also attached please find copies of the executed Petition signature pages for the participating property owners within the district and a list of all property owners within the district.

Pursuant to the Ohio Revised Code, the owners of at least seventy-five percent (75%) of the area within the district must execute petitions in support of the district services plan. The total area in the district has been determined to be Two Million Five Hundred Eight Thousand Nine Hundred Ninety-one (2,508,991) square feet. To meet the requirement of ORC 1710.06, it would be necessary to have approval of owners holding One Million Eight Hundred Eighty-one Thousand Seven Hundred Forty-three (1,881,743) square feet. The area represented by the attached executed petitions totals One Million Eight Hundred Ninety-five Thousand Eight Hundred forty-two (1,895,842) square feet, which is in excess of the seventy-five percent ownership required.

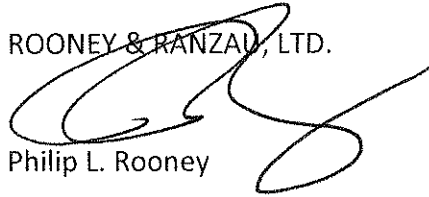
Based on these facts, the DFID requests that the council, at its earliest date, prepare and approve a resolution adopting the Amended and Renewed Services Plan for a term of five (5) years from the date of the expiration of the original services plan.

If you have any questions in regard to this request after your review of the attached materials, please feel free to contact me at your convenience.

Sincerely,

ROONEY & RANZAU, LTD.

Philip L. Rooney

A handwritten signature in black ink, appearing to read 'P. Rooney', is written over the typed name and company name.

**PETITION FOR RENEWAL OF THE DOWNTOWN FINDLAY
IMPROVEMENT DISTRICT AND THE ADOPTION
OF A DOWNTOWN SERVICES PLAN AND BUDGET**

The undersigned, being the owner of real property that abuts upon a street, alley, public road, place, boulevard, parkway, park entrance, easement or other existing public improvement with the area described herein, and collectively with other owners making up at least seventy-five percent (75%) of the square footage of real property in such area, hereby petition to Findlay City Council pursuant of Ohio Rev. Code Ch. 1710 (the "Code") for the renewal of the Downtown Findlay Improvement District (the "District") and the adoption of a Downtown Services Plan and Budget (the "Plan"). In support of this petition, the petitioners approve the following:

1. Corporate Entity

The District shall be managed and administered by Downtown Findlay Improvement District Inc., an Ohio not-for-profit corporation to be managed and formed for such purpose.

2. Mission

The mission of the District shall be to develop and implement plans for public improvements and services that benefit the District and enhance the value of downtown office, retail, residential and other diversified properties.

3. Authority

The District shall be authorized to provide downtown services and improvements pursuant to the Code that benefits property within the boundaries of the District. The City shall be authorized to levy a special assessment on property within the District based on benefits conferred by the services and improvements. The cost of such services is to be paid by the assessment.

4. Services Plan

The District shall be administered in accordance with the Plan attached hereto designating the nature of the services to be provided and the anticipated outcome. The period of time the services set forth in the Plan are to remain in effect is five years.

5. Assessment

The cost of the services in the first year and subsequent years are included in the Plan. An annual detailed budget shall be prepared and recommended to property owners by the Board of Directors of the District each year.

Assessments for the services provided by the District shall be equitably apportioned among the owners of Property within the District based on the assessed value of individual properties as determined by the Hancock County Auditor's Office, in relation to the assessed value of all Property located within the District as a whole and on the square footage of individual properties in relation to the total square footage of all Property located within the District as a whole.

6. Duration

The proposed special assessment for implementation of the Plan shall be levied against the owners of Property within the District on an annual basis for a period of not more than five years, renewable as provided by the Code.

7. Boundaries

A map showing the boundaries of the District is included in the Plan. A definitive list of the properties included in the District is identified by tax identification number.

This list of properties shall govern in case of any discrepancies between the list and the map.

8. Board of Directors

The District is to be governed by a Board of Directors of eleven (11) individuals that represent the interests of property owners in the District including: nine (9) directors elected by property owners in the District; the Mayor or a qualified municipal employee appointed by the Mayor; and an appointee of City Council. The Board shall manage the fiscal affairs of the District on behalf of the property owners.

Findlay City Council is hereby requested to take the following action:

Approve, by Resolution, the Petition to Create the Downtown Findlay Improvement District and Adopt the Downtown Services Plan and Budget for the Downtown Findlay Improvement District Inc. within sixty (60) days of said Petition being filed with the City.

By signing this Petition, the undersigned hereby represents that he/she/it is the owner of the property incorporated herein by reference, or is authorized to sign this Petition on behalf of the owner.

SIGNATURE OF OWNER

[Individual Owner(s)]

SIGNATURE OF OWNER

[Entity Owner(s)]

Signature

Signature

Print Name

By _____
Signature

Print Name

Title

Downtown Findlay Improvement District Inc.

**AMENDED AND RENEWED
DOWNTOWN SERVICES PLAN AND BUDGET**

The Downtown Findlay Improvement District Inc. (the "Corporation") intends to deliver the services described below to the area of downtown Findlay shown in the map attached hereto (the "District"). The services to be rendered pursuant to this plan shall be provided for a period of five (5) years from the date of approval of the plan. This plan has been amended from the original downtown services plan and budget for the District adopted in 2009.

SNOW REMOVAL PROGRAM

From December through March the entire district and all of the side streets will receive treatments.

CHRISTMAS LIGHT PROGRAM

DFID will provide and install all holiday lights on the downtown trees.

FLOWER PROGRAM

Flower baskets will be planted, installed, and maintained on lampposts throughout the district.

WAY FINDING PROGRAM

Two kiosks have been installed to provide visitor direction through maps and interactive QR codes for smart phone scanning. CVB will update the kiosks three times per year.

PARKING PROGRAM

Public parking directional signs and 9 lot signs have been developed and installed to assist visitors. DFID will continue to monitor parking and add directional signage as needed.

BANNER PROGRAM

DFID will maintain and schedule quarterly rotation of banners throughout the district.

U.S. FLAG PROGRAM

Main Street and Broadway flags will continue to be paid for through DFID funds.

MUSIC PROGRAM

DFID will continue to maintain speakers currently playing music throughout parts of the district and look for new opportunities to place additional speakers.

DFID will continue to look for new ways to fund improvements for the safety of downtown Findlay.

OTHER PROVISIONS

The plan also includes the following activities as authorized by Ohio Revised Code Section 1710.06:

1. Operation of the Corporation to govern the District, including the hiring of employees and professional services; contracting for insurance; leasing of office space; and other actions necessary to operate the Corporation.
2. Planning, designing and implementing public improvements and public services, including hiring architectural, engineering, legal, appraisal, insurance and planning services, and, for public services, managing, protecting and maintaining public and private facilities, including public improvements.
3. Conducting court proceedings to carry out Chapter 1710 of the Ohio Revised Code
4. Paying damages resulting from the provision of public improvements or public services and implementing the plans.
5. Paying the costs of issuing, paying interest on, and redeeming notes and bonds issued for funding public improvements or public service plans.

BUDGET

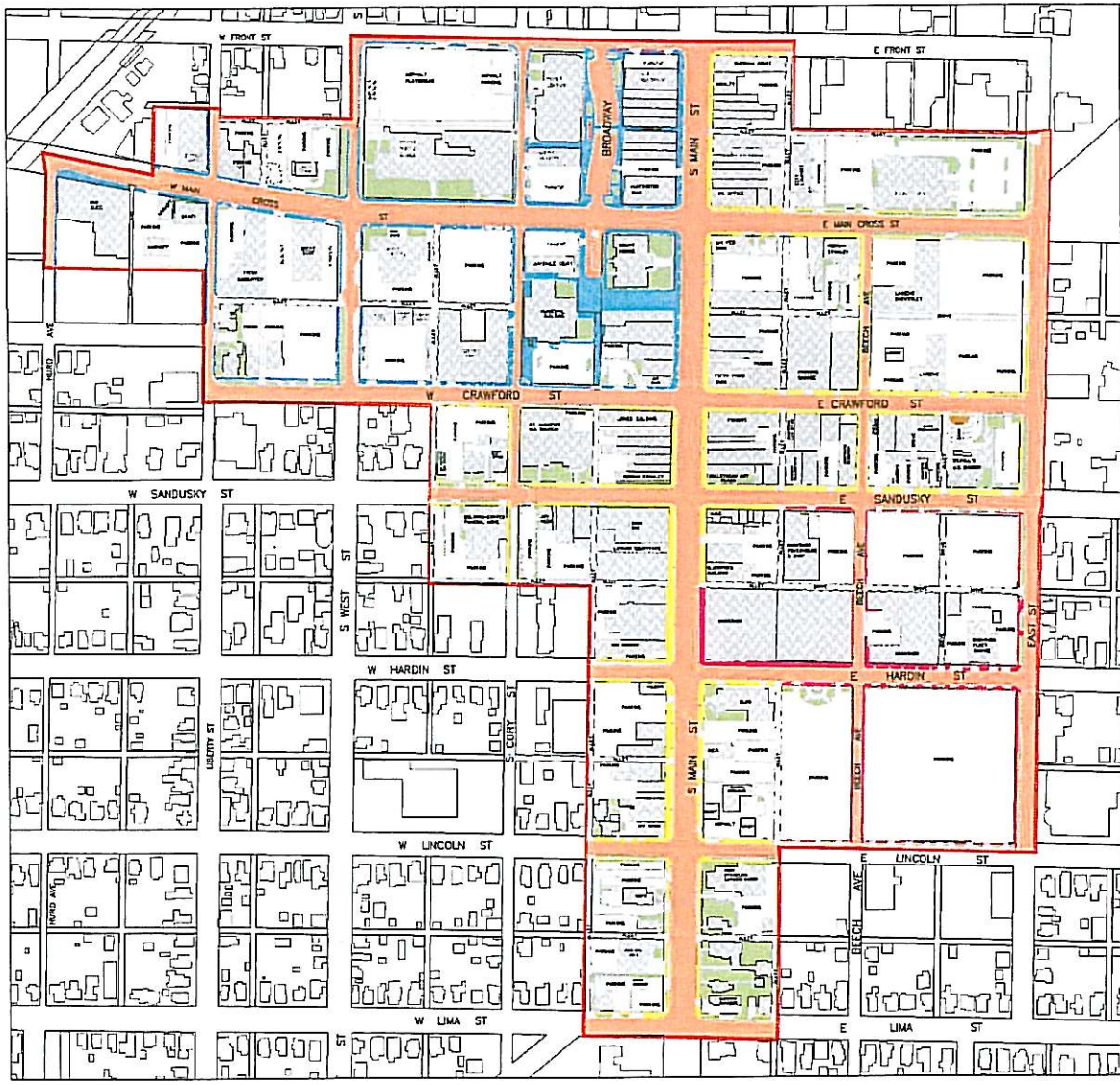
The budget for the cost of the plan will be approximately \$60,000 per year. The board of directors will be given discretion on how to allocate funds among the services to be provided. The Corporation will produce an annual report for the members of the District describing how funds are spent. The funds necessary to finance the plan shall be obtained through the assessment of Members of the District based on the assessed value of individual properties as determined by the Hancock County Auditor's Office, in relation to the assessed value of all Property located within the District as a whole and on the square footage of individual properties in relation to the total square footage of all Property located within the District as a whole.

CITY OF FINDLAY, OHIO DOWNTOWN SELF IMPROVEMENT DISTRICT



MAP LEGEND

- SELF IMPROVEMENT DISTRICT BOUNDARY
- STREETS WITHIN DISTRICT
- PARKING AREAS
- BUILDINGS
- GRASS AREAS
- ALLEYS/DRIVES/PRIVATE WALKS
- SIDEWALK SNOW REMOVAL BY LOCAL GOVERNMENT
- SIDEWALK SNOW REMOVAL BY BUSINESS OWNER
- SIDEWALK SNOW REMOVAL BY MARATHON OIL CO.
- MULCHED AREAS
- BRICK PAVERS
- DOWNTOWN TREE WELLS
- MARATHON TREE WELLS



CITY OF FINDLAY ENGINEERING DEPARTMENT

BRIAN C. HURT, P.E. CITY ENGINEER 419-424-7121 318 DORNEY PLAZA RM.304

DRAWN BY: G.P.S. CHECKED BY: NHDY

SCALE: 1"=150' DATE: 10/10/09



Underground Utilities
2 WORKING DAYS
CALL BEFORE YOU DIG
511
Ohio Utilities Protection Service



City of Findlay

Lydia Mihalik, Mayor

POLICE DEPARTMENT

Gregory R. Horne, Chief of Police

318 Dorney Plaza, Room 207 • Findlay, OH 45840

Phone: 419-424-7194 • Fax: 419-424-7296

www.findlayohio.com

February 5, 2013

Honorable Council:

Attached are the Findlay Police Department activity stats for January 2013.

Sincerely,

Gregory R. Horne
Chief of Police



**CITY OF FINDLAY
POLICE DEPARTMENT
FINDLAY, OH 45840**



Phone: 419-424-7163
Fax: 419-424-7296

**Patrol Division
Monthly Activity Report
Month of: January 2013**

	<u>Month</u>	<u>Year to Date</u>
Traffic Stops:	714	714
Citations:	251	251
Operating Vehicle while Intoxicated:	13	13
Accidents (non injury):	46	46
Injury Accidents:	13	13
Accident Waivers:	17	17
Property Damage Complaints:	30	30
Theft Complaints:	88	88
Unlawful Entry Complaints:	17	17
Domestic Dispute Complaints:	54	54
Assault Complaints:	17	17
Sex Offense Complaints:	3	3
Alcohol/Drug Complaints:	22	22
Warrants Served:	57	57
Arrests	125	125
Total Reports Generated	1198	1198

Detective Division

January, 2013 Activity

Cases Submitted for Prosecution

	Month	Year to Date
Law Director:	76	76
County Prosecutor:	26	26
Juvenile Prosecutor:	20	20

There were a total of 5 new cases assigned for investigation during the month of January.



**CITY OF FINDLAY
POLICE DEPARTMENT
FINDLAY, OH 45840**



Phone: 419-424-7194
Fax: 419-424-7891

Vice Narcotics Unit/METRICH Unit

Activity Report

January 2013

The following is the activity report for the Vice Narcotics Unit/METRICH Unit for the month of January 2013:

Narcotics Investigations: 13

Felony Arrests: 10 (21 charges)

Misdemeanor Arrests: 2

Drug Talks: 1

Sgt. Justin Hendren 818

MONTHLY COURT OFFICER ACTIVITY REPORT

MONTH: JANUARY YEAR 2013

TOTAL PAPERS PROCESSED	<u>175</u>
TOTAL PAPER SERVICE HOURS	<u>58</u>
TOTAL COURT SECURITY HOURS	<u>92</u>
TOTAL PRISONERS TO/FROM COURT	<u>3</u>
TOTAL MILES DRIVEN	<u>863</u>
TOTAL SUMMONS	<u>61</u>
TOTAL OVERTIME HOURS	<u>2</u>

Off. Bruce J. #1260
COURT OFFICER



City of Findlay

Lydia Mihalik, Mayor

POLICE DEPARTMENT

Gregory R. Horne, Chief of Police
318 Dorney Plaza, Room 207 • Findlay, OH 45840
Phone: 419-424-7194 • Fax: 419-424-7296
www.findlayohio.com

February 5, 2013

The Honorable Council:

A check of the records of this office shows no criminal record on the following:

Bobby Singkham

Sharp Tops Players Club LLC, 15085 Flag City Drive,
Findlay, Ohio 45840

Sincerely,

Gregory R. Horne
Chief of Police

NOTICE TO LEGISLATIVE
AUTHORITY

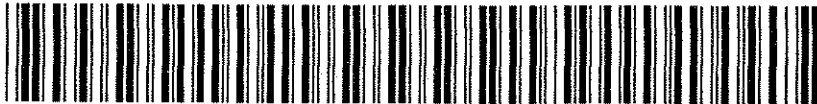
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

80461500005		NEW	SHARP TOPS PLAYERS CLUB LLC	
PERMIT NUMBER		TYPE	15085 FLAG CITY DR	
ISSUE DATE		FINDLAY OH 45840		
01	30	2013		
FILING DATE				
D5I				
PERMIT CLASSES				
32	044	A	A01941	
TAX DISTRICT		RECEIPT NO.		

FROM 02/01/2013

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT		RECEIPT NO.		



MAILED 02/01/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/04/2013

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A NEW 8046150-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF FINDLAY CITY COUNCIL
MUNICIPAL BLDG RM 114
318 DORNEY PLAZA
FINDLAY OHIO 45840-3346

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT # <u>804650005</u>	

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL

6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005

Telephone: (614) 644-2431 - http://www.com.ohio.gov



LIMITED LIABILITY COMPANY DISCLOSURE FORM

(This form must accompany all applications of an LLC business plan)

OHIO DIV. LIQUOR CONTROL
FRONT DESK-3
2013 JAN 30 AM 8:46

SECTION A.

Name of Limited Liability Company Sharp Tops Players Club, LLC	DBA Name Sharp Tops Players Club, LLC	
Permit Premises Address 15085 Flag City Drive	City, State Findlay, PH	Zip Code 45840
Township, if in Unincorporated Area	Tax Identification No. (TIN) 61-1660923	

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION B. List the top five (5) officers of the captioned business. If an office is NOT held, please indicate by writing NONE.

EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO None		
2) President None		
3) Vice-President None		
4) Secretary None		
5) Treasurer None		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

1) Name Bobby Singkham	Social Security No. (if indivi	<input checked="" type="checkbox"/> Managing Member <input type="checkbox"/> 5% or greater voting interest <input type="checkbox"/> 5% or greater membership interest
Residence Address 1000 E. Fremont St.	Tax Identification No. (if applicable) 61-1660923	
City and State Fostoria, OH	Zip Code 44830	
Telephone No. 419-619-7277	Date of Birth	
2) Name	Social Security No. (if individual)	<input type="checkbox"/> Managing Member <input type="checkbox"/> 5% or greater voting interest <input type="checkbox"/> 5% or greater membership interest
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No.	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, Hancock COUNTY ss,

I, Bobby Singkham being first duly sworn, according to law, deposes and says that he/she is (Title) Managing Member

of the Sharp Tops Players Club, LLC, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the forgoing affidavit are true.

(Signature) [Signature] (Print Name and Title) Bobby Singkham, Managing Member

Sworn to and subscribed in my presence this 7th day of January 2013



ROBERT B. HOLLISTER
Notary Public, State of Ohio
Perpetual Commission O.R.C. 147.03

[Signature]
(Notary Public) (Notary Expiration)



Charge Statistics

01/01/2013-01/31/2013

Month	Amount Billed
January 2013	1,355.00

Total: 1,355.00



Findlay Work Release Program

Monthly Payment Statistics - Summary

01/01/2013-01/31/2013

	Day Charge A1	Replacement Charges	Drug Test Charges	Sub Total	Write-Off Amount	Net Total
Thursday, January 3, 2013	600.00	0.00	0.00	600.00	0.00	600.00
Friday, January 4, 2013	175.00	0.00	0.00	175.00	0.00	175.00
Monday, January 7, 2013	855.00	0.00	0.00	855.00	0.00	855.00
Tuesday, January 8, 2013	125.00	0.00	0.00	125.00	0.00	125.00
Wednesday, January 9, 2013	530.00	0.00	0.00	530.00	0.00	530.00
Thursday, January 10, 2013	200.00	0.00	0.00	200.00	0.00	200.00
Friday, January 11, 2013	280.00	0.00	0.00	280.00	0.00	280.00
Monday, January 14, 2013	765.00	0.00	0.00	765.00	0.00	765.00
Wednesday, January 16, 2013	55.00	0.00	0.00	55.00	0.00	55.00
Thursday, January 17, 2013	180.00	0.00	0.00	180.00	0.00	180.00
Friday, January 18, 2013	800.00	0.00	0.00	835.00	0.00	835.00
Monday, January 21, 2013	1,285.00	0.00	0.00	1,285.00	0.00	1,285.00
Thursday, January 24, 2013	245.00	0.00	0.00	245.00	0.00	245.00
Friday, January 25, 2013	76.41	0.00	0.00	76.41	0.00	76.41
Monday, January 28, 2013	975.00	0.00	0.00	975.00	0.00	975.00
Tuesday, January 29, 2013	150.00	0.00	0.00	150.00	0.00	150.00
Wednesday, January 30, 2013	42.00	0.00	0.00	42.00	0.00	42.00
Thursday, January 31, 2013	176.59	0.00	0.00	176.59	0.00	176.59

Summary:

Cash	6,215.00	0.00	0.00	6,215.00	0.00	6,215.00
Money Orders	500.00	0.00	0.00	635.00	0.00	635.00
Credit Cards	700.00	0.00	0.00	700.00	0.00	700.00
Total	7,515.00	0.00	0.00	7,550.00	0.00	7,550.00

02/06/2013



Findlay WORC Program

Monthly Tally Sheet

01/01/2013-01/31/2013

Findlay Municipal Court

	# of Residents	Days Sentenced	Days Served	Case Termination Status				
				Successful	Unsuccessful	No Show	Denied Entry	Reschedules
January 2013			104					
COD				3	1	3	0	1
Jonathan Starn	8	246	67					1
Kevin Smith	1	27	5				1	0
Robert Fry	4	40	32	2	1	0		
ORC			33					0
Jonathan Starn	1	27	8				1	1
Kevin Smith	2	62	20	1	0	0	0	0
Robert Fry	1	5	5	1	0	3	2	3

FINDLAY WORC FINANCIAL ANALYSIS

JANUARY 01, 2013 THRU JANUARY 31, 2013

1 FIMC cases Findlay City Ordinance cases, days served=	104
2 FIMC cases State Code cases, days served =	33
3 FIMC cases Total days served (combined City and State) =	137

<u>Other Courts using WORC</u>	<u>Days Served</u>	<u>Additional Income to date</u>
Fostoria Municipal Court	0	\$0.00
Hancock County Common Pleas Court	0	\$0.00
Hancock County Juvenile Court	0	\$0.00
Upper Sandusky Municipal Court	0	\$0.00
Henry County Common Pleas Court	0	\$0.00
Lima Municipal Court	0	\$0.00
Other Courts Usage Total Days:		Total Additional Income: \$0.00

5 Hancock Co. Justice Center Cost: 104 City Ordinance case days served x \$55 / day saved by not serving time at the Justice Center = \$5,720.00

6 Total fees collected at \$25 / day from all residents = \$3,425.00

7 Outstanding fees = \$948.00 (11 accounts)

8 Expenses = \$18,765.93

9 Charge Statistics = \$1,355.00 (charged upon entry for full stay)

10 Payment Statistics = \$7,550.00 (this amount may be larger than the Charge Statistics at times, due to the fact that residents are charged upon entry for their full stay - i.e.: charged in May but made payments in following months). (This also includes Reimbursables).

11 Net Expense = \$11,215.93
(Expenses - Payments)

12 Program Savings: Net vs. Justice Center cost = (\$5,495.93) *
(Justice Center Cost - Net Expense)

13 Commissions Received from Securus Pay Phones = \$1.20

*** All information in this document was pulled from the WORC records.



PARKS AND RECREATION BOARD
Tuesday, February 19, 2013 ♦ 4:00 p.m.
Municipal Building, Third Floor Conference Room

Agenda

APPROVAL OF MINUTES

1. November 19, 2012 Paul Schmelzer

OLD BUSINESS

1. Proposed Locker Room Addition at Cube Paul Schmelzer

NEW BUSINESS

1. Findlay Youth Baseball Maintenance Agreement Paul Schmelzer/Shane Pochard
2. North American Independent League of Professional Baseball
 - a. Paul Frazer
3. Bill Lampman Memorial Tournament-Spring 2013
 - a. Luke Brinkman, Tri-County Umpire Association
4. Operation of the Swimming Pool-Findlay YMCA Paul Schmelzer

DEPARTMENT REPORTS

1. Recreation Department/The Cube Report Lu Draper
2. Parks Maintenance Department Report Matt Stoffel

OTHER REPORTS

1. Hancock Park District's Report Gary Pruitt
2. Sports Organizations in attendance

ADJOURN

Next Meeting:

Monday, March 18, 2013 • 4:00 PM • Municipal Building, Third Floor Conference Room

PARKS AND RECREATION BOARD

City of Findlay

November 19, 2012

MINUTES

ATTENDANCE

Members Present: Paul Schmelzer, Chair, Hugh McClintock, Greg Meyers, Judy Scrimshaw, HRPC, Bob Nichols, Shane Pochard, Gary Pruitt, Mike Slough.

Staff Present: Lu Draper, Matt Stoffel, and Kathy Launder.

Guests Present: Cliff Browne and Hardy Hartzel for Findlay City School Hockey.

APPROVAL OF MINUTES

Motion to accept minutes of the October 15, 2012, meeting, by Slough, second by Meyers. Motion passed 8-0.

OLD BUSINESS

Proposed Locker Room Addition at Cube: Motion to support and recommend Council support the formulation of a use agreement giving Findlay High School Hockey exclusive use of the proposed locker facility, if Findlay High School Hockey raises funds for construction and maintains the proposed locker facility, by Nichols, second by Slough. Motion passed 8-0.

NEW BUSINESS

Budget for Parks Maintenance: Slough suggested that since the ¼% income tax failed, that we stop mowing unused parks, such as Ede Park, 18th Street, etc. Also, Slough stated that even though the ¼% income tax failed that Riverside Pool does need to open in the summer. Nichols stated that the City can't just quit mowing the parks especially since the City has an ordinance stating residents need to keep their grass mowed. He stated that the City needs to take a look at what we are able to accomplish with the personnel that we have and prioritize. Schmelzer stated that the City will be having discussions with the YMCA to have them operate the pool for the 2013 season.

DEPARTMENT REPORTS

Recreation Department Report: Draper stated that that the Silver Blades competition had 170 skaters participate in the Region 7 Series competition. Most of these skaters were overnight guests. The City received \$25,000 from Coca-Cola for scoreboards. This money will not go in operational funds. Findlay Amateur Hockey will not be having a tournament this year. Findlay High School Hockey program is up and running. Their first scrimmage was held this past Friday. Silver Blades membership is down a little. FAHA is maintaining the same level of membership. Ice time is at capacity. Marathon Diamonds have been winterized. Additional work has been done at the Marathon Diamonds: repaired steps, sodded fields and put back to grade, installed under drain/drainage.

Parks Maintenance Department Report: Stoffel reported that the pool has been winterized. The pumps have been pulled to rebuild. Reviewing lighting at Riverside to determine if needs to be replaced. The electrical conduit is getting brittle. Continuing to work with Eagle Scout on the project of installing No Smoking Signs in parks.

OTHER REPORTS

Hancock Park District Report: Pruitt reported that Raccoon Run Winter Sports Concession is open at Shelter 3 for cross-country skiing and snowshoeing activities when there is at least 4 inches of snow on the ground. Raccoon Run is open on weekends and holidays from 11am-5pm.

OTHER BUSINESS

Next Meeting: The next meeting of the Parks and Recreation Board is scheduled for December 18, 2012, at 4:00pm in the third floor conference room of the Municipal Building.

Being no further business, the meeting adjourned.

Respectfully submitted,



Kathy Launder
Secretary

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

February 8, 2013

Honorable City Council
Findlay, Ohio 45840

RE: Approved Amendments to Articles III, V, and VI of the Income Tax Rules & Regulations

Dear Council Members:

During the February 6, 2013, Income Tax Board meeting, members approved amendments to Articles III, V, and VI of the Income Tax Rules and Regulations in response to the reduction in the income tax rate. This measure ensures the Rules and Regulations adequately complement the Income Tax Ordinance and eliminates the need for future amendments if the rate ever changes.

These amendments will be considered approved if Council takes no action by April 7, 2013, which is sixty days after the proposed amendments were delivered to the Clerk of Council.

The Director of Law has prepared a resolution for your review and approval of the amended Articles. I respectfully request that Council pass the Resolution for the changes to be effective February 20, 2013.

Thank you for your consideration in this matter. Please contact me, a member of the Income Tax Board, or Andrew Thomas if you have any questions.

Sincerely,



Lydia L. Mihalik
Mayor

cc: Don Rasmussen, Director of Law
Income Tax Board



TREASURER'S OFFICE

318 Dorney Plaza, Room 313
Findlay, OH 45840-3346
Telephone: 419-424-7107 • Fax: 419-424-7866
www.findlayohio.com

SUSAN JO HITE
CITY TREASURER

Treasurer's Reconciliation for January 31, 2013

TREASURER

Fifth Third Initial Balance	4,626,014.15
- Withdrawals ()	(5,092,847.43)
+ Deposits	4,891,635.45

Ending Balance 4,424,829.17

- Outstanding checks () (129,578.26)

Auditor's adjustment

Bank Adjustment

- Outstanding error

Treasurer's Checking Bal 4,295,250.91

Investment Principal 34,200,923.75
Accrued Bond Interest

Treasurer's Total Cash and Investments 38,496,174.66

AUDITOR

Auditor's Checking Bal 4,295,250.91

Auditor's Total Cash and Investments 38,496,174.66

Respectfully submitted,

Susan Jo Hite
Treasurer

MISCELLANEOUS PAYMENT RECPT#: 118555
 CITY OF FINDLAY - LIVE DATABAS
 TIN: 34-6400448
 318 DORNEY PLAZA ROOM 313
 FINDLAY OH 45840

DATE: 02/11/13 TIME: 12:02
 CLERK: abaird DEPT: AUDITOR
 CUSTOMER#: 0

PARCEL: QTRLY CABLE FRANCHIS
 CBLFRN CABLE FRANCHISE 63395.33
 AMOUNT PAID: 63395.33

PAID BY: TIME WARNER CABLE
 PAYMENT METH: CHECK
 0003771854

REFERENCE:

AMT TENDERED: 63395.33

Check Date: Feb/05/2013		Vendor Number: 0000055327		Check No. 0003771854		Payment Handling: HD	
Invoice Number	Invoice Date	Business Unit	Voucher ID	Gross Amount	Discount Taken	Paid Amount	
FF0526101Q42012	Dec/31/2012	14800	00494806	63,395.33	0.00	63,395.33	
<i>Mail To Vendor- TAS Q4 FF Payment FINDLAY CORP</i>							
				Total	Total	Total	
Check Number				Gross Amount	Discounts	Paid Amount	
0003771854				63395.33	0.00	63395.33	

RECEIVED
FEB 11 2013
AUDITOR

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

February 13, 2013

Honorable City Council
Findlay, Ohio

RE: HAN-Findlay Manhole Adjustments, ODOT PID#93063
Project #32821600

Dear Council Members:

By authorization of Ordinance 2012-92, bids were opened for the above-referenced project on February 7, 2013. Bids were received from three potential contractors, and they are currently being evaluated. The project was included in the 2012 Capital Improvements Plan with 80 percent funding from ODOT.

By copy of this letter, the Director of Law is requested to prepare the necessary legislation to appropriate the funds as follows:

FROM:	ODOT	\$40,000
	Sewer Fund	\$10,000
TO:	ODOT Manhole Adjustments	\$50,000
	Project #32821600	

Thank you for consideration in this matter.

Sincerely,



Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

pc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
Engineering Department

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

February 13, 2013

Honorable City Council
Findlay, Ohio

RE: Byal Avenue Improvements (Phase I) – CDBG FY2011 & OPWC
Project #32513200

Dear Council Members:

By authorization of Ordinance 2012-31, bids were opened for the above-referenced project on February 7, 2013. Bids were received from six potential contractors, and they are currently being evaluated. The project was included in the 2012 Capital Improvements Plan with funding from CDBG and OPWC.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate the funds as follows:

FROM:	OPWC	\$250,000
	Water Fund	\$45,000
	Sewer Fund	\$25,000
TO:	Byal Ave Improvements (Phase I) Project #32513200	\$320,000

Thank you for consideration in this matter.

Sincerely,



Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

pc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
Engineering Department

**CITY OF FINDLAY
BOARD OF ZONING APPEALS**

The Board of Zoning Appeals of the City of Findlay, Ohio met in Council Chambers of the Findlay Municipal Building on October 11, 2012 at 6:00 p.m. for the purpose of holding a regularly scheduled meeting to hear cases 49795-BA-12, 49907-BA-12 and 49908-BA-12 pursuant to the notices lawfully given.

The following board members were present: Phil Rooney, Doug Warren, and Sharon Rooney. Todd Richard of the City of Findlay Zoning Department was also present.

Phil Rooney called the meeting to order at 6:01 p.m. and introduced the members of the Board and Staff of the City of Findlay Zoning Department. He reviewed the procedures with the members of the audience.

NEW BUSINESS

A motion was made by Phil Rooney to remove Case 49795-BA-12 from the table. Sharon Rooney seconded the motion. It passed 3 – 0.

49795-BA-12

MEMO FROM ZONING:

Filed by William Johns of Johns Builders, LLC on behalf of Mr. Kyle Ball to request a variance for 1215 Park Street. The applicant is seeking a variance from Section 1161.01.1C2 of the City of Findlay Zoning Ordinance. The maximum combined building footprint of all accessory buildings on site shall not exceed eight hundred (800) square feet. The applicant has proposed a building that would be 2108 square feet and would exceed the allowable square footage by 1884 square feet. There is already a detached garage that is 576 square feet. This matter was tabled at the last meeting and scheduled to be heard again at this meeting.

APPLICANT'S TESTIMONY:

Kyle Ball of 1215 Park Street was sworn in. Bill Johns was also sworn in. They both offered testimony that the building would contain only personal items and also that they wanted to keep the curb cut open.

The chairman asked if there were any witnesses, oral or written communications concerning this variance request. There were none other than the letter previously mentioned.

MOTION: Doug Warren made a motion to deny the variance request. Sharon Rooney seconded the motion.

VOTE: 3 – 0. Motion carried to deny the variance.

49907-BA-12

MEMO FROM ZONING:

Filed by Shawn and Dinesh Patel on behalf of the Motel 6 located at 1600 Fox Street. The applicant is seeking a variance from Sections 1161.12.20A3, and 1161.12.11 of the City of Findlay Zoning Ordinance. A nonconforming sign cannot be altered and must have a setback from all lot lines a distance equal to ½ the height of the sign. The proposed sign will be 76 ft. high and must have a 38 ft. setback and a 19 ft. from the west lot line is proposed and a 26 ft. setback is proposed from the north lot line.

APPLICANT'S TESTIMONY:

James Bolton, 5395 Lonsfield Road, Wayne, MI presented the variance case for Motel 6.

MOTION: Doug Warren made a motion to approve the variance. Seconded by Sharon Rooney.

VOTE: 3-0. Motion carried.

49908-BA-12

MEMO FROM ZONING:

Filed by Circle K for 2727 N. Main Street. The applicant is seeking a variance from Sections 1135.04C2a, and 1162.05D of the City of Findlay Zoning Ordinance. A 60 ft. rear yard setback is required when abutting a residential district and an addition to a nonconforming structure must meet all applicable setbacks. A 23 ft. setback is proposed for the addition.

APPLICANT'S TESTIMONY:

Susan from Archinetics presented the case for Circle K.

MOTION: Phil Rooney made a motion to grant the variance. Sharon Rooney seconded the motion.

VOTE: 3 - 0 Motion granted.

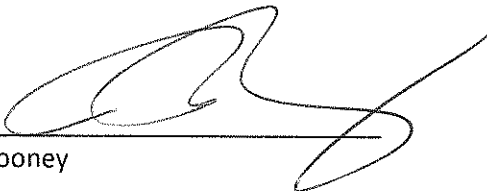
OTHER NEW BUSINESS:

Sharon Rooney made a motion to approve the minutes of the last meeting. Phil Rooney seconded the motion.

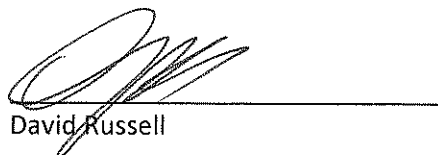
MOTION: A motion was made to adjourn the meeting by Phil Rooney and seconded by Sharon Rooney.

With no further business the meeting adjourned at 6:55 p.m.

Phil Rooney



David Russell



**CITY OF FINDLAY
BOARD OF ZONING APPEALS**

The Board of Zoning Appeals of the City of Findlay, Ohio met in Council Chambers of the Findlay Municipal Building on December 13, 2012 at 6:00 p.m. for the purpose of holding a regularly scheduled meeting to hear case 50051-BA-12 pursuant to the notices lawfully given.

The following board members were present: Phil Rooney, David Russell, and Sharon Rooney and Doug Warren and George McAfee. Todd Richard and Jodi Bash of the City of Findlay Zoning Department was also present.

Phil Rooney called the meeting to order at 6:05 p.m. and introduced the members of the Board and Staff of the City of Findlay Zoning Department. He reviewed the procedures with the members of the audience.

NEW BUSINESS

50051-BA-12

MEMO FROM ZONING:

Filed by Benjamin DePuy to request a variance for 520 Edith Avenue. The applicant is seeking a variance from Section 1122.05D of the City of Findlay Zoning Ordinance. A 6 foot high privacy fence has been proposed five feet from the Bolton Street right-of-way and a 15 foot setback is required.

This lot is 58.5' in width. Meeting the 15 foot setback would mean there is still 43.5 feet of rear yard area that can be enclosed with a privacy fence. The right-of-way ends nearly at the pavement edge, so there is no buffer between the pavement and the lot line that we typically see.

On occasion, the neighbor to the north parks near the applicant's north lot line and visibility while backing onto Bolton Street would be difficult. Additionally, the neighbor's driveway and garage access needs to be considered when we are looking at potential visibility issues.

We do not believe a variance is warranted in this case.

Todd Richard presented the position of the City of Findlay Zoning Department.

APPLICANT'S TESTIMONY:

Mr. Benjamin DePuy was not present at the meeting. Therefore, there was no testimony from the applicant.

The Chairman asked if there were any witnesses, oral or written communications concerning this variance request.

Mr. William Boes, 525 W. Melrose Avenue, Findlay, Ohio was sworn in to express his opposition to the variance. He expressed that if a privacy fence were allowed to be built, it could be very difficult for him to access his garage located at the rear of his property which abuts 520 Edith Avenue to the North.

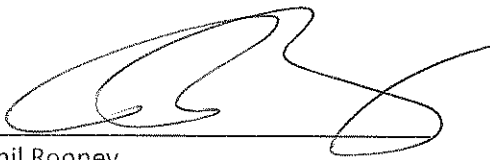
MOTION: Sharon Rooney made a motion to deny the variance as requested. George McAfee seconded the motion.

VOTE: 5 – 0. Motion carried

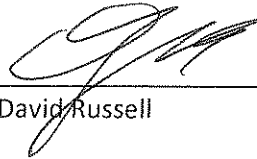
There were no minutes to approve. Todd Richard mentioned that at the next meeting, it would be necessary to elect officers.

MOTION: A motion was made to adjourn the meeting by Sharon Rooney and seconded by Doug Warren.

With no further business the meeting adjourned at 6:35 p.m.



Phil Rooney



David Russell

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The APPROPRIATIONS COMMITTEE to whom was referred a request to discuss budget updates (closing of 2012).

We recommend

Transfer of funds from the unappropriated cash balance for 2012 ~~of~~ of
\$400,000 to ~~the~~ Self insurance fund
\$260,000 to the severance fund
\$1.5 million to Capital Improvement Surfacing.

Aye Nay

Randy G. Ward
Randy G. Ward, Chairman

Aye Nay

Robert J. Nichols
Robert Nichols

Aye Nay

J. Michael Slough
J. Michael Slough

APPROPRIATIONS COMMITTEE

Aye Nay

Absent
William J. Schedel, Jr.

DATE: February 12, 2013

Aye Nay

R. Ronald Monday
R. Ronald Monday

LEGISLATION

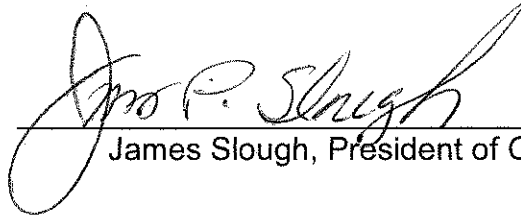
Aye Nay

W. Jerry Murray
W. Jerry Murray

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

A COMMITTEE OF THE WHOLE meeting was held on Tuesday, February 12, 2013, to discuss drop off fees at the City's green waste site on High Street.

A handwritten signature in cursive script, reading "James P. Slough". The signature is written in black ink and is positioned above a horizontal line.

James Slough, President of Council

COMMITTEE OF THE WHOLE

DATED: FEBRUARY 12, 2013

**FINDLAY CITY COUNCIL
CARRY-OVER LEGISLATION
February 19, 2013**

RESOLUTION NO. 044-2012 (CRA #1)
*tabled at 9/4/12 City Council meeting after 1st reading
requires Council motion to be lifted from table*

RESOLUTION NO. 045-2012 (CRA #2)
*tabled at 9/4/12 City Council meeting after 1st reading
requires Council motion to be lifted from table*

ORDINANCE NO. 2012-100
Mayor referred this to the 1/8/13 Appropriations Committee mtg where it was tabled

A RESOLUTION AMENDING RESOLUTION NO. 33-1987, AS AMENDED BY RESOLUTION NO. 37-1988, BY INCLUDING AN ADDITIONAL AREA WHICH IS CONTIGUOUS TO THE AREA ALREADY DEFINED IN SAID REINVESTMENT AREA.

A RESOLUTION AMENDING RESOLUTION NO. 38-1988, AS AMENDED BY RESOLUTION NO. 23-1990, AS AMENDED BY RESOLUTION NO. 38-1990 (TO CORRECT ERRORS IN THE LEGAL DESCRIPTION) BY INCLUDING AN ADDITIONAL AREA WHICH IS CONTIGUOUS TO THE AREA ALREADY DEFINED IN SAID REINVESTMENT AREA.

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH HANCOCK COUNTY EMERGENCY MANAGEMENT AGENCY TO DEVELOP AN EMERGENCY OPERATION PLAN THAT WILL ENCOMPASS ALL POLITICAL SUBDIVISIONS OF HANCOCK COUNTY, DEVELOP A TRAINING PROGRAM, AND COORDINATE THE EMERGENCY MANAGEMENT ACTIVITIES OF ALL THE POLITICAL SUBDIVISIONS ACCORDING TO THE DUTIES AND REQUIREMENTS OF SECTION 5502.27 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

City of Findlay

Office of the Director of Law

318 Dorney Plaza, Room 310
Findlay, OH 45840
Telephone: 419-429-7338 • Fax: 419-424-7245

Donald J. Rasmussen
Director of Law

FEBRUARY 19, 2013

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, FEBRUARY 19, 2013 MEETING.

RESOLUTIONS

- 007-2013 A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN LIBERTY TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF SECTION 11, T1N, R10E, A TRACT OF LAND CONSISTING OF 3.833 ACRES OF LAND, MORE OR LESS (REFERRED TO AS THE DARWAY ANNEXATION).
- 008-2013 A RESOLUTION AMENDING ARTICLES III, V, and VI OF THE INCOME TAX RULES AND REGULATIONS APPROVED BY THE INCOME TAX BOARD.

ORDINANCES

- 2013-009 AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.
- 2013-010 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

RESOLUTION NO. 007-2013

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN LIBERTY TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF SECTION 11, T1N, R10E, A TRACT OF LAND CONSISTING OF 3.833 ACRES OF LAND, MORE OR LESS (REFERRED TO AS THE DARWAY ANNEXATION).

WHEREAS, Ohio Revised Code 709.03 (D) requires a statement from the municipal legislative authority stating what services, if any, that will be provided to the territory proposed to be annexed upon annexation, and approximately when they will be furnished, and;

WHEREAS, it is the desire of this Council to provide said statement in compliance with said Revised Code Section.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That in the event the Hancock County Commissioners should approve the petition for annexation of the subject property referenced above and should the legislative authority of the City of Findlay, Ohio, annex said property, it is the intent of this Council to make available the following services:

- a) street lighting
- b) street maintenance
- c) water distribution system
- d) sanitary sewer system
- e) storm sewer system
- f) engineering services
- g) full-time police protection
- h) full-time fire protection

All of which services will be available to said property upon completion of the annexation.

SECTION 2: That the purpose of this Resolution is not to legally bind the City of Findlay to the rendering of the above referenced services but rather to comply with said Revised Code Section so that the Commissioners may take action upon said annexation petition and further, to represent that this property like all other property within the incorporated limits of the City of Findlay, Ohio, shall be afforded the same services.

SECTION 3: This Resolution shall take effect and be in force from and after the earliest period provided by law.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

RESOLUTION NO. 008-2013

A RESOLUTION AMENDING ARTICLES III, V, and VI OF THE INCOME TAX RULES AND REGULATIONS APPROVED BY THE INCOME TAX BOARD.

WHEREAS, The City Income Tax Board, on February 6, 2013, pursuant to authority granted in 193.08(e) of the Codified Ordinances of the City of Findlay, approved amendments to Articles III, V, and VI of the Rules and Regulations, which complement Ordinance No. 1976-106, as amended.

WHEREAS, Council desires to approve said amendments to Articles III, V, and VI of the Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Findlay, Hancock County of the State of Ohio:

SECTION 1: That paragraph (A)(1) of Article VI of the Rules and Regulations, which reads as follows:

VI(A)(1.) Except as otherwise provided herein, it is the duty of each employer within or doing business within Findlay, who employs one or more persons whether as an employee, officer, or director or otherwise, to deduct each time any compensation is paid the tax of one and one-quarter percent (1.25%) from:

Be and the same is hereby amended to read as follows:

VI(A)(1.) Except as otherwise provided herein, it is the duty of each employer within or doing business within Findlay, who employs one or more persons whether as an employee, officer, or director, or otherwise, to deduct each time any compensation is paid the tax levied under Section 193.03 of the Codified Ordinances of the City of Findlay from:

SECTION 2: That paragraph (A)(4) of Article V of the Rules and Regulations, which reads as follows:

V(A)(4.) Where an employee's entire earnings for the tax period are paid by an employer or employers, and the one and one-quarter percent (1.25%) tax thereon has in each instance been withheld and deducted by the employer or employers from the gross amount of the entire earnings of such employee-taxpayer, and where the employer of such employee has filed a return or returns in which such employee's entire and only earnings are reported to the Administrator, and where such employee has no taxable income other than such earnings and the tax so withheld has been paid to the Administrator, the Administrator is hereby authorized to accept such report or returns provided by the employer, unless otherwise specified, as the return required of any such employee.

Be and the same is hereby amended to read as follows:

V(A)(4.) Where an employee's entire earnings for the tax period are paid by an employer or employers, and tax thereon, at the rate specified in Section 193.03 of the Codified Ordinances of the City of Findlay, has in each instance been withheld and deducted by the employer or employers from the gross amount of the entire earnings of such employee-taxpayer, and where the employer of such employee has filed a return or returns in which such employee's entire and only earnings are reported to the Administrator, and where such employee has no taxable income other than such earnings and the tax so withheld has been paid to the Administrator, the Administrator is hereby authorized to accept such report or returns provided by the employer, unless otherwise specified, as the return required of any such employee.

SECTION 3: That paragraphs (A)(1) – (A)(5) of Article III of the Rules and Regulations, which read as follows:

Article III: Imposition of Tax

A. Bases

1. Resident employee

a. In the case of residents of the City of Findlay an annual tax of 1.25% is imposed on all qualifying salaries, wages, commissions, and other compensation, as defined in section 718.03 of the Ohio Revised Code (Am. Sub. H.B. 95, 125th Ohio General Assembly, effective January 1, 2004), earned or received during the effective period of the Ordinance. For the purpose of determining the tax on the earnings of resident taxpayers taxed under Section 3, paragraph A of the Ordinance, the source of the earnings and the place or places in or at which the services were rendered, are immaterial. All such earnings wherever earned or paid are taxable.

b. The following are items which are subject to the tax imposed by Section 3, paragraph A of the Ordinance:

.1 Salaries, wages, bonuses and incentive payments earned or received by an individual whether directly or through an agent and whether in cash or in property for services rendered during the tax period as:

.01 An officer, director or employee of a corporation (including charitable and other non-profit organizations), joint stock association, or joint stock company;

.02 An employee (as distinguished from a partner or member) of a partnership, limited partnership, or association;

.03 An employee (as distinguished from a proprietor) of a business, trade or profession conducted by an individual owner;

.04 An officer or employee (whether elected, appointed or commissioned) of the United States Government or of a corporation created and owned or controlled by the United States Government, or any of its agencies; or of the State of Ohio or any of its political subdivisions or agencies thereof; or any foreign country or dependency except as provided in Section 3 of the Ordinance.

.05 An employee of any other entity or person, whether based on hourly, daily, weekly, semi-monthly, monthly, annual, unit of production or piece work rates; whether paid by an individual, partnership, association, corporation (including charitable and other non-profit corporations), governmental administration, agency, authority, board, body, branch, bureau, department, division, sub-division, section or unit, or any other entity.

.2 Commissions earned or received by a taxpayer whether directly or through an agent and whether in cash or in property for services rendered during the effective period of the Ordinance, regardless of how computed or by whom or wheresoever paid.

.01 If amounts received as a drawing account exceed the commissions earned and the excess is not subject to the demand of the employer for repayment, the tax is payable on the amounts received as a drawing account.

.02 Amounts received from an employer for expenses and used as such by the individual receiving them are not deemed to be compensation if the employee deducts such expenses of advances as such from his gross income for the purpose of determining his net profits taxable under federal law, and the employee is not required to include such receipts as income on his federal income tax return.

.3 Fees, unless such fees are properly includable as part of the net profits of a trade, business, profession, or enterprise regularly carried on by an unincorporated entity owned or partly owned by said individual and such net profits are subject to the tax under Section 3, paragraph C of the Ordinance.

.4 Other compensation, including tips, bonuses or gifts of any type, and including compensation paid to domestic servants, casual employees and other types of employees.

.5 Payments made to employees by an employer as vacation pay, accumulated sick leave pay, severance pay, back pay, retroactive pay increases, or other supplemental wages are taxable. Payments made to an employee by an employer under a wage continuation plan during periods of disability or sickness are taxable as in third party sick pay and third party disability where the premium is paid by the employer.

c. Where compensation is paid or received in property, its fair market value at the time of payment or receipt, shall be subject to the tax imposed by this Ordinance and Article VI of these Rules and Regulations. Except in the case of a home or parsonage furnished by a church or an integral agency of a church to a duly ordained, commissioned, licensed, or designated minister, board, lodging, utilities, and similar items received by an employee in lieu of additional cash compensation shall be subject to the tax.

.1 The gross parsonage or housing allowance paid by a church or an integral agency of a church to a duly ordained, commissioned, licensed, or designated minister shall be subject to the tax. A deduction or exclusion shall be allowed to the minister for personal home expenses and utilities as reported for federal income tax purposes and properly allocable to the income and expenses subject to these Rules and Regulations.

.2 Board and lodging provided by the employer on the employer's premises shall not be considered wages or compensation if the employee is required to accept the board and lodging as a condition of employment.

.3 Meals provided by the employer on the employer's premises for the convenience of the employer shall not be considered wages or compensation to the employee.

2. Non-resident Employee:

a. In the case of individuals who are not residents of Findlay, there is imposed under Section 3, paragraph B of the Ordinance, a tax of 1.25% on all qualifying salaries, wages, commissions, and other compensation, as defined in section 718.03 of the Ohio Revised Code (Am. Sub. H.B. 95, 125th Ohio General Assembly, effective January 1, 2004), earned or received during the effective period of the Ordinance for work done or services performed or rendered within Findlay whether such compensation or remuneration is received or earned directly or through an agent and whether paid in cash or in property. The location of the place for which payment is made is immaterial.

b. The items subject to tax under Section 3, paragraph B of the Ordinance are the same as those listed and defined in Article III(A)(1). For the methods of computing the extent of such work or services performed within Findlay, in cases involving compensation for personal services partly within and partly without Findlay, see Article VI(A)(6).

3. Imposition of Tax on Net Profits of Associations, General Partnerships, Limited Partnerships, Limited Liability Companies (recognized or taxed as partnerships by the Federal Internal Revenue Service), Limited Liability Partnerships and other unincorporated entities:

a. In the case of associations, general partnerships, limited partnerships, limited liability companies (recognized or taxed as partnerships by the Federal Internal Revenue Service), limited liability partnerships, and other unincorporated entities that conduct business in, operate in, engage in, prosecute in, or carry on activities in Findlay, irrespective of whether such association has an office or place of business in Findlay, there is imposed an annual tax of 1.25% on the net profits earned, accrued, or received during the effective period of the Ordinance. The income attributable to Findlay shall be determined using the formula or separate accounting method provided for in Section 3 of the Ordinance and Article III(B) of the Rules and Regulations derived from sales made, work done, or services performed or rendered and business or other activities conducted in Findlay.

b. In the case of a non-resident individual who is the sole owner of a limited liability company, sole proprietorship, or other unincorporated entity that conducts business in, operates in, engages in, prosecutes in, or carries on activities in Findlay, irrespective of whether such individual maintains an office or place of business in Findlay, there is imposed an annual tax of 1.25% on the net profits earned, accrued, or received during the effective period of the Ordinance. The income attributable to Findlay shall be determined using the formula or separate accounting method provided for in Section 3 of the Ordinance and Article III(B) of the Rules and Regulations derived from sales made, work done, or services performed or rendered and business or other activities conducted in Findlay.

.1 A net loss sustained by an association, a non-resident individual, or other unincorporated entity shall be allocated to Findlay in the same manner as provided in Article III(A)(3)(a) or (b) for allocating net profits to Findlay.

.2 In such case where the entire net profits of an association or other unincorporated entity are fully attributable to Findlay, the tax imposed on the entity shall constitute all the tax due from the entity's owners, partners, or members for their distributive shares of the net profits. Provided, however, the tax due must be paid by the association or other unincorporated entity and received by the Administrator. A tax return and payment of tax shall be required from any individual, owner, partner, or member having income subject to Findlay tax, other than their distributive share of the net profits from the association. [For tax on that part of a resident owner's distributive share of net profits not taxed against the entity by Findlay, see Article III(A)(4)].

4. Imposition of Tax on Resident Individual's Distributive Share of Profits of an Association, General Partnership, Limited Partnership, Limited Liability Company (recognized or taxed as a partnership by the Federal Internal Revenue Service), Limited Liability Partnership, or Other Form of Unincorporated Entity, Not Attributable to Findlay: (See Article XVII for Credits)

a. A resident individual who is the sole owner of a limited liability company, sole proprietorship, or other unincorporated entity shall disregard the business allocation formula set forth in paragraph (B)(2) of this Article and section 718.02 of the Ohio Revised Code and pay the tax on the entire net profits of the business entity regardless of whether such entity has an office or place of business in Findlay or conducts business, derives sales, performs services, or performs work in Findlay.

b. In the case of a resident individual who is a partner in a general partnership, limited liability partnership, or limited partnership, a member in a limited liability company (recognized or taxed as a partnership by the Federal Internal Revenue Service) or part owner of an association, or other form of unincorporated entity, there is imposed an annual tax of 1.25% on such individual's distributive share of net profits earned, accrued or received during the effective period of the Ordinance that is not attributable to Findlay under the method of allocation provided for in Section 3 of the Ordinance and Article III(B) of the Rules and Regulations, and not otherwise taxed against the entity by Findlay.

.1 The distributive share of a net loss sustained by an association or other unincorporated entity shall be reported by the resident individual owner, partner, general partner, or member in the same manner prescribed in Article III(A)(4)(b).

.2 If an association has an office or place of business in Findlay or conducts business, derives sales, performs services, or performs work in Findlay or is otherwise required to report income under the Ordinance, no tax is imposed on the distributive shares of the association's income to partners, general partners, and/or members that are not individuals. [See Article III(B) for proper allocation methods.]

5. Imposition of Tax on Net Profits of C Corporations, S Corporations, and Resident Individual Shareholders' Distributive Shares of S Corporations.

a. In the case of C corporations and S corporations, whether domestic or foreign, that conduct business in, operate in, engage in, prosecute in, or carry on activities in Findlay, irrespective of whether such entity has an office or place of business in Findlay, there is imposed an annual tax of 1.25% on the net profits earned, accrued, or received during the effective period of the Ordinance. The income attributable to Findlay shall be determined using the formula or separate accounting method provided for in Section 3 of the Ordinance and Article III(B) of the Rules and Regulations derived from sales made, work done, or services performed or rendered and business or other activities conducted in Findlay.

.1 A net loss sustained by any corporation shall be allocated to Findlay in the same manner as provided in Article III(A)(5)(a) for allocating net profits to Findlay.

.2 In such case where the entire net profits of an S corporation are fully attributable to Findlay, the tax imposed on the entity shall constitute all the tax due from the entity's owners and shareholders for their distributive shares of the net profits. Provided, however, the tax due must be paid by the entity and received by the Administrator. A tax return and payment of tax shall be required from any individual or entity having income subject to Findlay tax, other than their distributive share of the net profits from the S corporation.

b. In the case of a resident individual who is a shareholder of an S corporation, there is imposed an annual tax of 1.25% on such individual's distributive share of net profits earned, accrued, or received during the effective period of the Ordinance that is not attributable to Findlay under the method of allocation provided for in Section 3 of the Ordinance and Article III(B) of the Rules and Regulations, and not otherwise taxed against the entity by Findlay to the extent the S corporation's income is apportioned to Ohio (S.B. 180, 125th Ohio General Assembly). (See Article XVII for Credits)

.1 The distributive share of a net loss sustained by an S corporation shall be reported by the resident individual shareholder in the same manner prescribed in Article III(A)(5)(b).

.2 If an S corporation has an office or place of business in Findlay or conducts business, derives sales, performs services, or performs work in Findlay or is otherwise required to report income under the Ordinance, no tax is imposed on the distributive shares of the S corporation's income to shareholders that are not individuals. [See Article III(B) for proper allocation methods.]

c. Corporations which are required by the provision of Section 5727.38 to 5727.41, inclusive, of the Revised Code of Ohio, to pay an excise tax in any taxable year as defined by the Ordinance, may exclude that part of their gross receipts upon which the excise tax is paid. In such case, expenses incurred in the production of such gross receipts shall not be deducted in computing net profits subject to the tax imposed by the Ordinance.

Be and the same are hereby amended to read as follows:

Article III: Imposition of Tax

A. Bases

1. Resident employee

a. In the case of residents of the City of Findlay an annual tax, at the rate specified in Section 3 of the Ordinance, is imposed on all qualifying salaries, wages, commissions, and other compensation, as defined in section 718.03 of the Ohio Revised Code (Am. Sub. H.B. 95, 125th Ohio General Assembly, effective January 1, 2004), earned or received during the effective period of the Ordinance. For the purpose of determining the tax on the earnings of resident taxpayers taxed under Section 3, paragraph A of the Ordinance, the source of the earnings and the place or places in or at which the services were rendered, are immaterial. All such earnings wherever earned or paid are taxable.

b. The following are items which are subject to the tax imposed by Section 3, paragraph A of the Ordinance:

.1 Salaries, wages, bonuses and incentive payments earned or received by an individual whether directly or through an agent and whether in cash or in property for services rendered during the tax period as:

.01 An officer, director or employee of a corporation (including charitable and other non-profit organizations), joint stock association, or joint stock company;

.02 An employee (as distinguished from a partner or member) of a partnership, limited partnership, or association;

.03 An employee (as distinguished from a proprietor) of a business, trade or profession conducted by an individual owner;

.04 An officer or employee (whether elected, appointed or commissioned) of the United States Government or of a corporation created and owned or controlled by the United States Government, or any of its agencies; or of the State of Ohio or any of its political subdivisions or agencies thereof; or any foreign country or dependency except as provided in Section 3 of the Ordinance.

.05 An employee of any other entity or person, whether based on hourly, daily, weekly, semi-monthly, monthly, annual, unit of production or piece work rates; whether paid by an individual, partnership, association, corporation (including charitable and other non-profit corporations), governmental administration, agency, authority, board, body, branch, bureau, department, division, sub-division, section or unit, or any other entity.

.2 Commissions earned or received by a taxpayer whether directly or through an agent and whether in cash or in property for services rendered during the effective period of the Ordinance, regardless of how computed or by whom or wheresoever paid.

.01 If amounts received as a drawing account exceed the commissions earned and the excess is not subject to the demand of the employer for repayment, the tax is payable on the amounts received as a drawing account.

.02 Amounts received from an employer for expenses and used as such by the individual receiving them are not deemed to be compensation if the employee deducts such expenses of advances as such from his gross income for the purpose of determining his net profits taxable under federal law, and the employee is not required to include such receipts as income on his federal income tax return.

.3 Fees, unless such fees are properly includable as part of the net profits of a trade, business, profession, or enterprise regularly carried on by an unincorporated entity owned or partly owned by said individual and such net profits are subject to the tax under Section 3, paragraph C of the Ordinance.

.4 Other compensation, including tips, bonuses or gifts of any type, and including compensation paid to domestic servants, casual employees and other types of employees.

.5 Payments made to employees by an employer as vacation pay, accumulated sick leave pay, severance pay, back pay, retroactive pay increases, or other supplemental wages are taxable. Payments made to an employee by an employer under a wage continuation plan during periods of disability or sickness are taxable as in third party sick pay and third party disability where the premium is paid by the employer.

c. Where compensation is paid or received in property, its fair market value at the time of payment or receipt, shall be subject to the tax imposed by this Ordinance and Article VI of these Rules and Regulations. Except in the case of a home or parsonage furnished by a church or an integral agency of a church to a duly ordained, commissioned, licensed, or designated minister, board, lodging, utilities, and similar items received by an employee in lieu of additional cash compensation shall be subject to the tax.

.1 The gross parsonage or housing allowance paid by a church or an integral agency of a church to a duly ordained, commissioned, licensed, or designated minister shall be subject to the tax. A deduction or exclusion shall be allowed to the minister for personal home expenses and utilities as reported for federal income tax purposes and properly allocable to the income and expenses subject to these Rules and Regulations.

.2 Board and lodging provided by the employer on the employer's premises shall not be considered wages or compensation if the employee is required to accept the board and lodging as a condition of employment.

.3 Meals provided by the employer on the employer's premises for the convenience of the employer shall not be considered wages or compensation to the employee.

2. Non-resident Employee:

a. In the case of individuals who are not residents of Findlay, there is imposed under Section 3, paragraph B of the Ordinance, a tax at the rate specified in Section 3 of the Ordinance, on all qualifying salaries, wages, commissions, and other compensation, as defined in section 718.03 of the Ohio Revised Code (Am. Sub. H.B. 95, 125th Ohio General Assembly, effective January 1, 2004), earned or received during the effective period of the Ordinance for work done or services performed or rendered within Findlay whether such compensation or remuneration is received or earned directly or through an agent and whether paid in cash or in property. The location of the place for which payment is made is immaterial.

b. The items subject to tax under Section 3, paragraph B of the Ordinance are the same as those listed and defined in Article III(A)(1). For the methods of computing the extent of such work or services performed within Findlay, in cases involving compensation for personal services partly within and partly without Findlay, see Article VI(A)(6).

3. Imposition of Tax on Net Profits of Associations, General Partnerships, Limited Partnerships, Limited Liability Companies (recognized or taxed as partnerships by the Federal Internal Revenue Service), Limited Liability Partnerships and other unincorporated entities:

a. In the case of associations, general partnerships, limited partnerships, limited liability companies (recognized or taxed as partnerships by the Federal Internal Revenue Service), limited liability partnerships, and other unincorporated entities that conduct business in, operate in, engage in, prosecute in, or carry on activities in Findlay, irrespective of whether such association has an office or place of business in Findlay, there is imposed an annual tax, at the rate specified in Section 3 of the Ordinance, on the net profits earned, accrued, or received during the effective period of the Ordinance. The income attributable to Findlay shall be determined using the formula or separate accounting method provided for in Section 3 of the Ordinance and Article III(B) of the Rules and Regulations derived from sales made, work done, or services performed or rendered and business or other activities conducted in Findlay.

b. In the case of a non-resident individual who is the sole owner of a limited liability company, sole proprietorship, or other unincorporated entity that conducts business in, operates in, engages in, prosecutes in, or carries on activities in Findlay, irrespective of whether such individual maintains an office or place of business in Findlay, there is imposed an annual tax, at the rate specified in Section 3 of the Ordinance, on the net profits earned, accrued, or received during the effective period of the Ordinance. The income attributable to Findlay shall be determined using the formula or separate accounting method provided for in Section 3 of the Ordinance and Article III(B) of the Rules and Regulations derived from sales made, work done, or services performed or rendered and business or other activities conducted in Findlay.

.1 A net loss sustained by an association, a non-resident individual, or other unincorporated entity shall be allocated to Findlay in the same manner as provided in Article III(A)(3)(a) or (b) for allocating net profits to Findlay.

.2 In such case where the entire net profits of an association or other unincorporated entity are fully attributable to Findlay, the tax imposed on the entity shall constitute all the tax due from the entity's owners, partners, or members for their distributive shares of the net profits. Provided, however, the tax due must be paid by the association or other unincorporated entity and received by the Administrator. A tax return and payment of tax shall be required from any individual, owner, partner, or member having income subject to Findlay tax, other than their distributive share of the net profits from the association. [For tax on that part of a resident owner's distributive share of net profits not taxed against the entity by Findlay, see Article III(A)(4)].

4. Imposition of Tax on Resident Individual's Distributive Share of Profits of an Association, General Partnership, Limited Partnership, Limited Liability Company (recognized or taxed as a partnership by the Federal Internal Revenue Service), Limited Liability Partnership, or Other Form of Unincorporated Entity, Not Attributable to Findlay: (See Article XVII for Credits)

a. A resident individual who is the sole owner of a limited liability company, sole proprietorship, or other unincorporated entity shall disregard the business allocation formula set forth in paragraph (B)(2) of this Article and section 718.02 of the Ohio Revised Code and pay the tax on the entire net profits of the business entity regardless of whether such entity has an office or place of business in Findlay or conducts business, derives sales, performs services, or performs work in Findlay.

b. In the case of a resident individual who is a partner in a general partnership, limited liability partnership, or limited partnership, a member in a limited liability company (recognized or taxed as a partnership by the Federal Internal Revenue Service) or part owner of an association, or other form of unincorporated entity, there is imposed an annual tax, at the rate specified in Section 3 of the Ordinance, on such individual's distributive share of net profits earned, accrued, or received during the effective period of the Ordinance that is not attributable to Findlay under the method of allocation provided for in Section 3 of the Ordinance and Article III(B) of the Rules and Regulations, and not otherwise taxed against the entity by Findlay.

.1 The distributive share of a net loss sustained by an association or other unincorporated entity shall be reported by the resident individual owner, partner, general partner, or member in the same manner prescribed in Article III(A)(4)(b).

.2 If an association has an office or place of business in Findlay or conducts business, derives sales, performs services, or performs work in Findlay or is otherwise required to report income under the Ordinance, no tax is imposed on the distributive shares of the association's income to partners, general partners, and/or members that are not individuals. [See Article III(B) for proper allocation methods.]

5. Imposition of Tax on Net Profits of C Corporations, S Corporations, and Resident Individual Shareholders' Distributive Shares of S Corporations.

a. In the case of C corporations and S corporations, whether domestic or foreign, that conduct business in, operate in, engage in, prosecute in, or carry on activities in Findlay, irrespective of whether such entity has an office or place of business in Findlay, there is imposed an annual tax, at the rate specified in Section 3 of the Ordinance, on the net profits earned, accrued, or received during the effective period of the Ordinance. The income attributable to Findlay shall be determined using the formula or separate accounting method provided for in Section 3 of the Ordinance and Article III(B) of the Rules and Regulations derived from sales made, work done, or services performed or rendered and business or other activities conducted in Findlay.

.1 A net loss sustained by any corporation shall be allocated to Findlay in the same manner as provided in Article III(A)(5)(a) for allocating net profits to Findlay.

.2 In such case where the entire net profits of an S corporation are fully attributable to Findlay, the tax imposed on the entity shall constitute all the tax due from the entity's owners and shareholders for their distributive shares of the net profits. Provided, however, the tax due must be paid by the entity and received by the Administrator. A tax return and payment of tax shall be required from any individual or entity having income subject to Findlay tax, other than their distributive share of the net profits from the S corporation.

b. In the case of a resident individual who is a shareholder of an S corporation, there is imposed an annual tax, at the rate specified in Section 3 of the Ordinance, on such individual's distributive share of net profits earned, accrued, or received during the effective period of the Ordinance that is not attributable to Findlay under the method of allocation provided for in Section 3 of the Ordinance and Article III(B) of the Rules and Regulations, and not otherwise taxed against the entity by Findlay to the extent the S corporation's income is apportioned to Ohio (S.B. 180, 125th Ohio General Assembly). (See Article XVII for Credits)

.1 The distributive share of a net loss sustained by an S corporation shall be reported by the resident individual shareholder in the same manner prescribed in Article III(A)(5)(b).

.2 If an S corporation has an office or place of business in Findlay or conducts business, derives sales, performs services, or performs work in Findlay or is otherwise required to report income under the Ordinance, no tax is imposed on the distributive shares of the S corporation's income to shareholders that are not individuals. [See Article III(B) for proper allocation methods.]

c. Corporations which are required by the provision of Section 5727.38 to 5727.41, inclusive, of the Revised Code of Ohio, to pay an excise tax in any taxable year as defined by the Ordinance, may exclude that part of their gross receipts upon which the excise tax is paid. In such case, expenses incurred in the production of such gross receipts shall not be deducted in computing net profits subject to the tax imposed by the Ordinance.

SECTION 4: That the amended paragraphs to Articles III, V, and VI of the Rules and Regulations approved by the City Income Tax Board on February 6, 2013 and to be adopted by the Income Tax Administrator, be and the same hereby approved by this Council as written herein and shall be effective February 20, 2013 at 12:01AM.

SECTION 5: This Resolution shall be in full force and effect from and after the earliest period provided by law.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2013-009

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

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, County of Hancock, State of Ohio, two thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the ordinances of the City of Findlay, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2013 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

303.01	Compliance With Order of Police Officer. (Amended)
303.99	General Traffic Code Penalty. (Amended)
313.03	Traffic Signal Indications. (Amended)
313.04	Lane-Use Control Signal Indications. (Amended)
313.05	Special Pedestrian Control Signals. (Amended)
313.06	Flashing Traffic Signals. (Repealed)
331.12	U-Turns Restricted. (Amended)
333.09	Texting While Driving Prohibited. (Added)
335.032	Electronic Wireless Communication Device Prohibited. (Added)
335.07	Driving Under License Suspension or Restriction. (Amended)
335.072	Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended)
335.074	Driving Under License Forfeiture or Child Support Suspension. (Amended)
337.01	Driving Unsafe Vehicles. (Amended)
337.09	Lights on Parked or Stopped Vehicles. (Amended)
337.18	Motor Vehicle and Motorcycle Brakes. (Amended)
337.23	Limited Load Extension on Left Side of Passenger Vehicle. (Amended)
337.29	Bumper Heights. (Amended)
339.01	Oversize or Overweight Vehicle on State Routes. (Amended)
339.03	Maximum Width, Height and Length. (Amended)
339.06	Vehicles Transporting Explosives. (Amended)
339.07	Towing Requirements. (Amended)
339.08	Loads Dropping or Leaking. (Amended)
341.05	Commercial Drivers' Criminal Offenses. (Amended)

General Offenses Code

- 505.001 Animals and Fowl Definitions. (Enacted)
- 505.01 Dogs and Other Animals Running at Large. (Amended)
- 505.13 Dangerous Wild Animals and Restricted Snakes. (Amended)
- 505.14 Dangerous Dogs. (Amended)
- 513.12 Drug Paraphernalia. (Amended)
- 513.121 Marihuana Drug Paraphernalia. (Added)
- 529.021 Purchase by Minors. (Amended)
- 529.04 Liquor Consumption in Motor Vehicle. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.08 Procuring. (Amended)
- 533.09 Soliciting. (Amended)

SECTION 3: The complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements; wherefore this ordinance shall take effect and be in force from and immediately after its passage.

PRESIDENT OF COUNCIL

PASSED _____

MAYOR

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2013-010

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM: General Fund	\$ 2,100,000.00
TO: Self-Insurance Fund	\$ 400,000.00
TO: Severance Payout Reserve Fund	\$ 200,000.00
TO: Capital Improvements	\$1,500,000.00
FROM: ODOT	\$ 40,000.00
FROM: Sewer Fund	\$ 10,000.00
TO: ODOT Manhole Adjustments project #32821600	\$ 50,000.00
FROM: OPWC	\$ 250,000.00
FROM: Water Fund	\$ 45,000.00
FROM: Sewer Fund	\$ 25,000.00
TO: Byal Avenue Improvements (Phase I) project #32513200	\$ 320,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that 2012 unappropriated funds may be utilized, and so that said projects may proceed,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____