

FINDLAY CITY COUNCIL AGENDA

REGULAR SESSION

April 2, 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 March 19, 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:

Zoning amendment request – 400 West Main Cross Street (Dietsch Brothers)

Van Horn, Hoover & Associates, Inc. on behalf of RJT Properties, LLC has requested a zoning change for 400, 414, and 418 West Main Cross Street as well as 208 and 214 Liberty Street from I1 Light Industrial to C3 Downtown Commercial District. Needs to be referred to City Planning Commission and Planning & Zoning Committee.

Alley vacation request – unimproved alley vacation for lots 5021 and 5022

Robert and Kathy Wagner have requested an alley vacation for the unimproved alley lying between lots 5021 and 5022 in the Niles Addition. Needs to be referred to City Planning Commission and Planning & Zoning Committee.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Treasurer's Reconciliation Report – February 28, 2013.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Bennett Enterprises LLC, dba Ralphies Family Sports Eatery, located at 1523 Broad Avenue, Findlay, Ohio for a D5 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Bennett Enterprises LLC, dba Ralphies Family Sports Eatery, located at 1523 Broad Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:
Robert F. Armstrong

City of Findlay Board of Zoning Appeals Minutes – February 14, 2013.

Findlay City Board of Health Minutes – February 20, 2013.

Service-Safety Director Schmelzer – N.E.A.T. Department items sold on GovDeals.com

The N.E.A.T. Department recently sold its vehicle on GovDeals.com and would like to use the proceeds to supplement the N.E.A.T. budget for property cleanups. An appropriation of funds is requested. Ordinance No. 2013-021 was created.

FROM: General Fund

\$ 3,000.00

TO: N.E.A.T. Department #21016000-other

\$ 3,000.00

Law Director Rasmussen – replacement resolution of services for Darway annexation

Resolution No. 011-2013 replaces already adopted Resolution No. 007-2013. The only change is the acreage in the header going from 3.833 acres to now being 3.591 acres. In order for the County Commissioners to conduct their April 9, 2013 hearing on this petition, this replacement resolution will need to be adopted at the April 2, 2013 City Council meeting. Replacement Resolution No. 011-2013 was created.

COMMITTEE REPORTS:

The PLANNING & ZONING COMMITTEE to whom it was referred a request from Matt Cordonnier from HRPC presented three (3) potential maps for the expansion of Community Reinvestment Areas (CRAs) #1 and #2.

We recommend that HRPC further develop CRA proposal 2 in preparation for further discussion.

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Leonard Gilbert to rezone 147 Garfield Avenue from R2 Single Family, Medium Density to R4 Two Family Dwelling or Multi-Family Dwelling.
We recommend denial of the request for rezoning.

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Van Horn, Hoover & Associates, Inc. on behalf of RJT Properties, LLC, to vacate a 16.5' alley running in an east-west direction and extending west from Liberty Street north of West Main Cross Street, lots 627-632 in the Vance's Addition.
We recommend approval of the alley vacation.
Ordinance No. 2013-019 was created.

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Joseph Edinger to rezone 123 Cherry Street from C1 Commercial to C3 Downtown District.
We recommend approval of rezoning.
Ordinance No. 2013-020 was created.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 010-2013 *(no PO/over \$3,000)* **First reading**
A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

RESOLUTION NO. 011-2013 **First reading**
replacement resolution of services for Darway Annexation
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 3.591 ACRES OF LAND, MORE OR LESS (REFERRED TO AS THE DARWAY ANNEXATION).

ORDINANCES

ORDINANCE NO. 2012-100 *(EMA)* **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. 2013-019 *(Dietsch Brothers alley vacation)* **First reading**
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS DIETSCH BROTHERS ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

ORDINANCE NO. 2013-020 *(123 Cherry St rezone)* **First reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 123 CHERRY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO "C3 DOWNTOWN DISTRICT".

ORDINANCE NO. 2013-021 *(N.E.A.T. Dept items sold on GovDeals.com)* **First reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

UNFINISHED BUSINESS

OLD BUSINESS
NEW BUSINESS



CIVIL ENGINEERING

Van Horn, Hoover
& ASSOCIATES, INC.

Charlotte, NC

P.O. Box 621524
CHARLOTTE, NC 28262
Phone: 704.604.4124
Fax: 419.423.5772

Findlay, OH

P.O. Box 612
FINDLAY, OH 45839
Phone: 419.423.5630
Fax: 419.423.5772

Info@VanHornHoover.com

March 14, 2013

City of Findlay Planning Commission
Municipal Building
Findlay, Ohio 45840

RE: Dietsch Brothers
400 W. Main Cross, Findlay

Dear Members of the Planning Commission:

This letter is to serve as a formal request to change the zoning of the above property.

The owners of the property are respectfully requesting a zoning change on the property listed above. The current site is used as an ice cream and chocolate store. The current zoning of the property is I-1; Industrial. The owners are requesting the zoning be change to be C-3; Downtown Commercial District. The building and proposed expansion fit into the proposed zoning change. The existing use fits the Downtown Commercial Zoning district better than the industrial use as currently zoned. The proposed change will also be consistent with adjacent zoning and land uses. The current size of the site is not conducive of being an Industrial Use lot due to the zoning restrictions the Industrial Use does not fit the uses in the vicinity.

If you have questions or require any additional information please give me a call.

Sincerely,

Daniel R. Stone, P.E., P.S. - Partner
Van Horn, Hoover & Associates, Inc.

PETITION FOR ZONING AMENDMENT

TO THE COUNCIL OF THE CITY OF FINDLAY, STATE OF OHIO:

We, the undersigned owner(s) of the following legally described property, hereby request consideration of a change in zoning district classification as specified below:

ADDRESS 400, 414 & 418 W. Main ^{Cross} SUBDIVISION Vance's Addition to the City of Findlay
208 & 214 Liberty St.
LOT NO.(s) 627-632

If a rezoning request involves more than one parcel, City Code requires that the petition be signed by the owners of at least fifty per cent (50%) of the frontage of the lots under consideration. If applicable, owners must fill in the following section:

SIGNATURE	SUBDIVISION	LOT NO.	STREET FRONTAGE
	Vance's	627- 628	21' - West Front St.
	Vance's	628-629	277' - Liberty St.
	Vance's	629-632	262 - W. Main Cross St.

IF NOT LOCATED IN A RECORDED SUBDIVISION, ATTACH LEGAL DESCRIPTION

EXISTING USE Ice Cream Parlor / Shop

PRESENT ZONING DISTRICT I-1

PROPOSED ZONING DISTRICT C-3

- a. Vicinity map showing property lines, streets, and existing and proposed zoning.
- b. List of all property owners within, contiguous to, and directly across the street from the proposed rezoning.
NOTE: COMPLIANCE WITH THIS REQUIREMENT IS EXTREMELY IMPORTANT. FAILURE TO NOTIFY ANY PROPERTY OWNER FALLING WITHIN THIS CRITERIA WILL POSSIBLY INVALIDATE THE REZONING ORDINANCE PASSED AS A RESULT OF THIS PETITION.
- c. A statement of how the proposed rezoning relates to the Findlay Comprehensive Land Use Plan.
- d. Application for Planned Unit Development, City Planning Commission, City of Findlay, Ohio, if applying for a PUD.

Name of Contact Person 1 _____

Mailing Address _____

Phone No. (Home) _____ (Business) _____

(date)

(Signature of Contact Person)

OFFICE USE ONLY

\$250.00 Fee Paid _____ \$100.00 Fee Paid PUD approval _____

Applicable Advertising and Filing Fees Paid _____

Date Petition Submitted to City Council _____

Referral to Planning Commission ___ Referral to Planning & Zoning _____

Planning Commission _____ Disposition _____

Planning & Zoning _____ Disposition _____

Public Hearing Date Set By Council _____

Date of Newspaper Notice
(Must be mailed at least 30 days prior to Hearing)

Date of Notice to Abutting Owners
(Must be mailed at least 20 days prior to Hearing)

Referred for Legislation _____

Date of Readings by Council: _____

First _____ Second _____ Third _____

Action by Council: _____ Ordinance No. _____

[Print](#) | [Back](#)

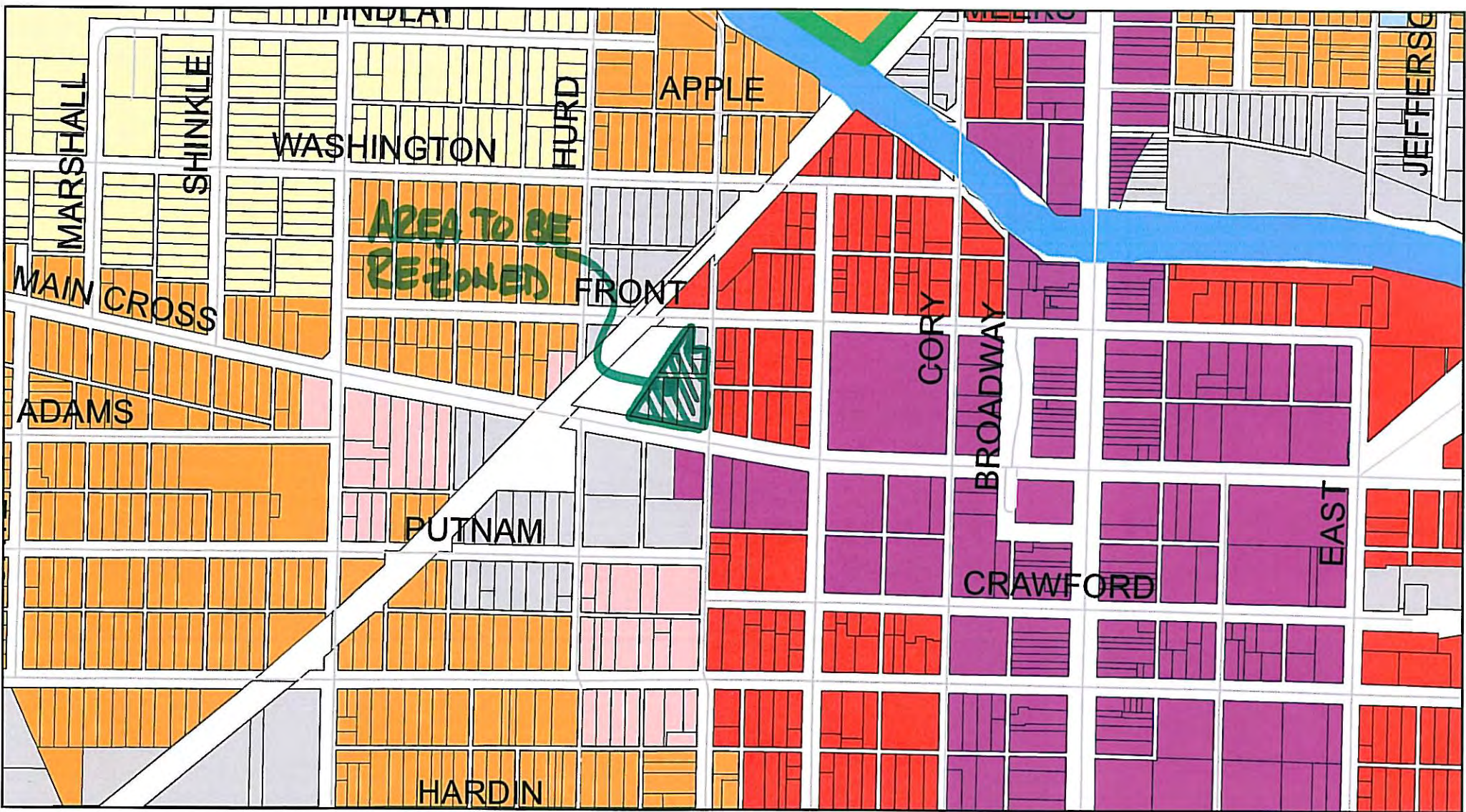
Hancock County GIS

AREA TO BE REZONED
FROM I-1 TO C-3



Notes

Rezoning Exhibit for
Dietsch Brothers
400 W. Main Cross



MARSHALL

SHINKLE

WASHINGTON

HURD

APPLE

MAIN CROSS

ADAMS

PUTNAM

HARDIN

FRONT

GORY

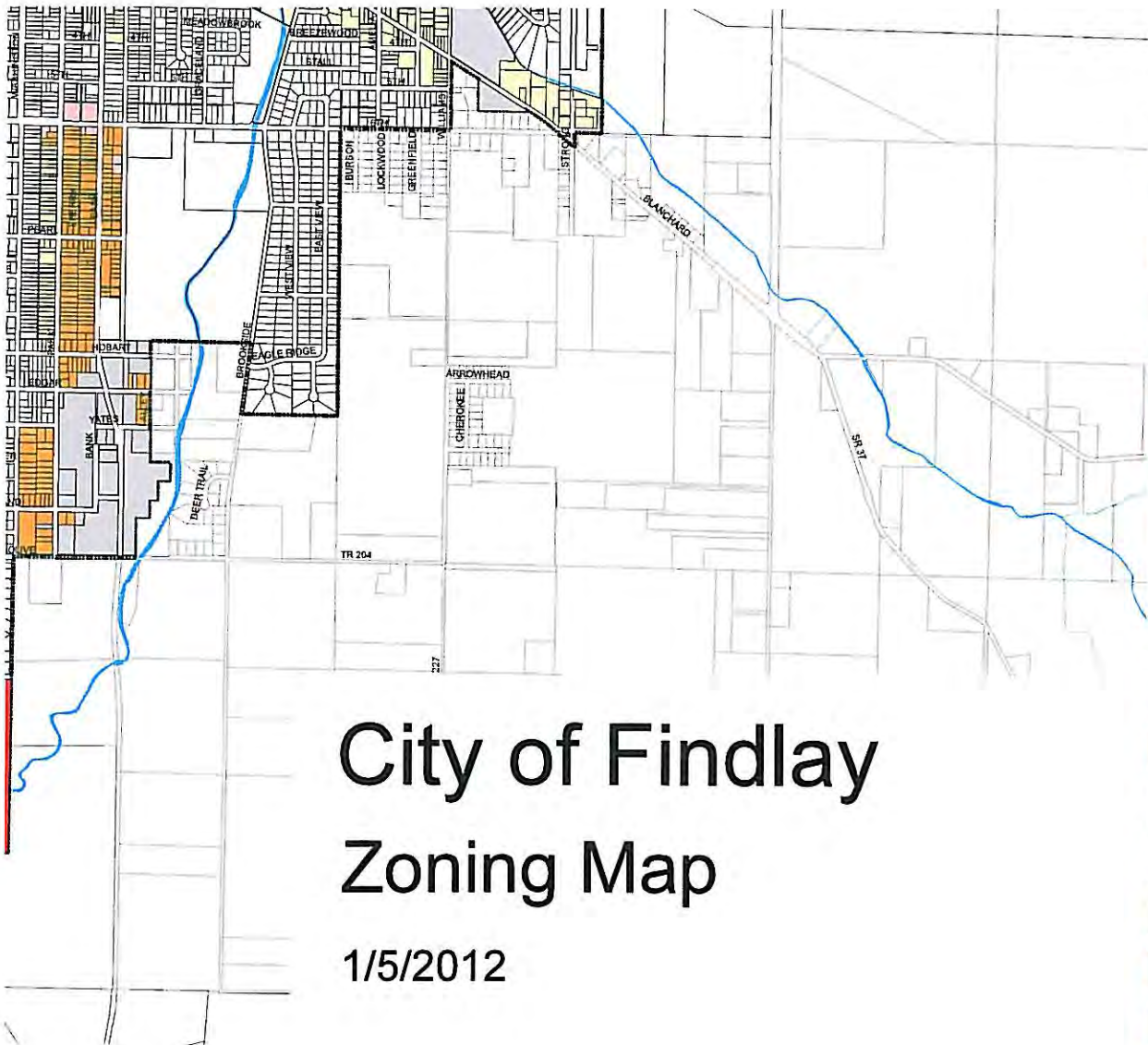
BROADWAY

CRAWFORD

EAST


















JEFFERSON

AREA TO BE REZONED



Legend

Zoning District

-  R1 - Single Family, Low Density
-  R2 - Single Family, Medium Density
-  R3 - Single Family, High Density
-  R4- Two Family, High Density
-  C1 - Local Commercial District
-  C2 - General Commercial District
-  C3 - Downtown Commercial District
-  O1 - Institutions and Offices
-  M1 - Multiple-Family District, Medium Density
-  M2 - Multiple-Family District, High Density
-  MH - Mobile Home District
-  CD - Condominium District
-  I1 - Light Industrial
-  I2 - General Industrial
-  PMUD - Planned Mixed Use Development
-  Hospital Overlay
-  University Overlay



Van Horn, Hoover
& ASSOCIATES, INC.

Phone: 419.423.5630 Fax: 419.423.5772

9747 State Route 224 West
FINDLAY, OH 45840

P.O. Box 612
FINDLAY, OH 45839

Surveying & Engineering • Land Use Planning • GPS/GIS Consultants

RJT Properties LLC
400 W. Main Cross St
Findlay, OH 45840

#600001026201, #600000315220, #600000315230,
#600000315240, #600000315150, #600000315140,
#600000315160, #600000315170 & #600000315180

Property Owners

Mailing Address

Becky J. Stacy
401 W Main Cross Street
Findlay, OH 45840
600001025582

Becky J. Stacy
708 Milton Street
Findlay, OH 45840

Paul Karhoff Excavating
409 W Main Cross Street
Findlay, OH 45840
600000315250

Paul Karhoff
13453 Twp Rd 149
Arlington, OH 45814

Vickie Russell Et Al
433 W Main Cross Street
Findlay, OH 45840
600000315280

Vickie Russell Et Al
1224 S Main Street
Findlay, OH 45840

City of Findlay
428 W Main Cross Street
Findlay, OH 45840
610001016738

City of Findlay
318 Dorney Plaza
Findlay, OH 45840

Patricia L. Baker
403 W Front Street
Findlay, OH 45840
600000315160

Brian D & Carrie Beltz
400 W Front Street
Findlay, OH 45840
610001015444

Michael R & Rebecca L Crawford
324 W Front Street
Findlay, OH 45840
560000170660

Steve O & Jerilyn S Smith
325 W Front Street
Findlay, OH 45840
560000170690

Arthur G Hershey
211 Liberty Street
Findlay, OH 45840
560000170680

Ann J Urbanski
0 Liberty Street
Findlay, OH 45840
560000170700

JT Plott LLC
330 W Main Cross Street
Findlay, OH 45840
560001022544

MSN 317 West Main Cross LLC 317
0 W Main Cross Street
Findlay, OH 45840
560000170830

Steve O & Jerilyn S Smith
2769 Twp Rd 142
Findlay, OH 45840

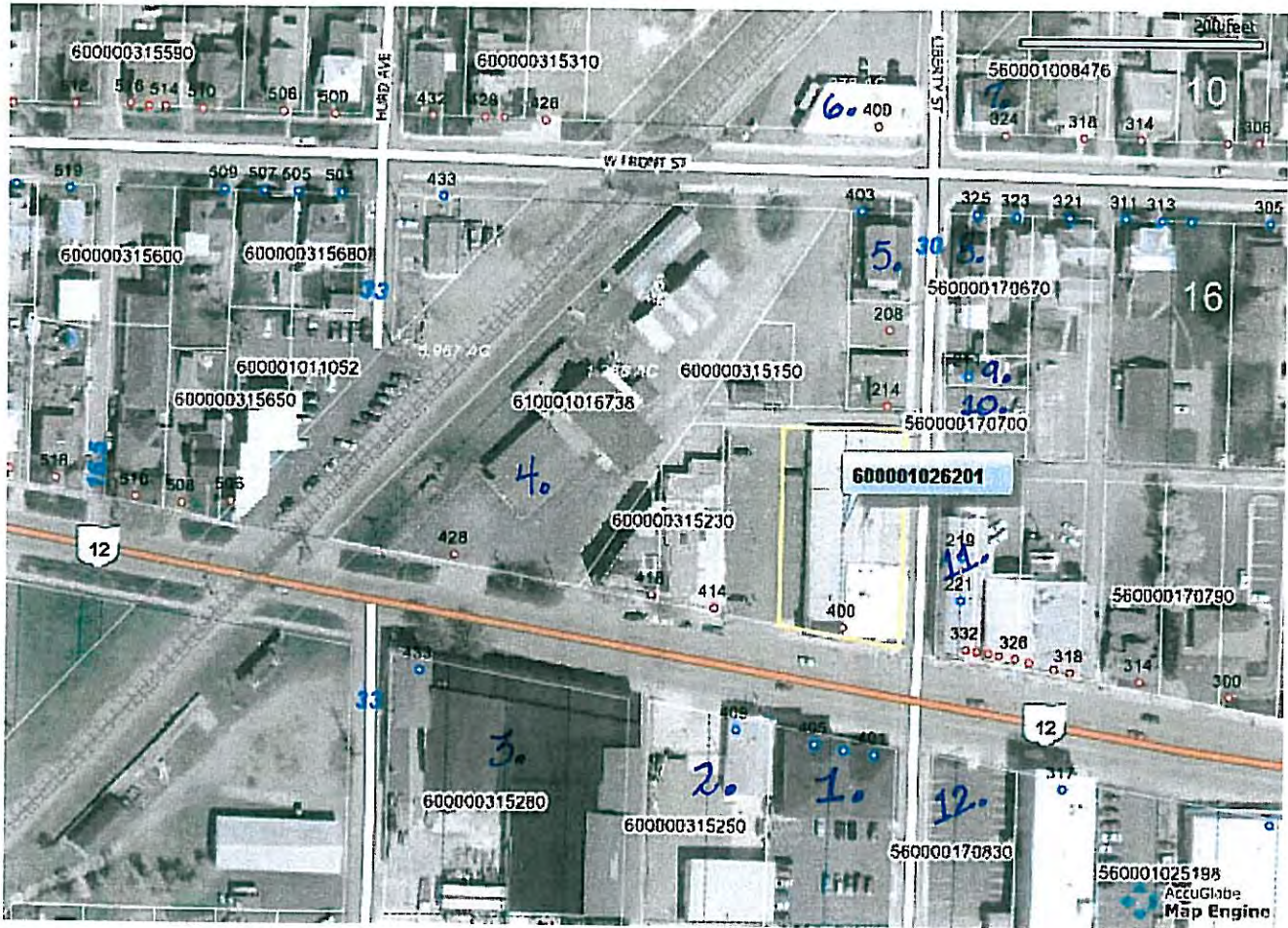
Arthur G Hershey
746 Hull Avenue
Findlay, OH 45840

Ann J Urbanski
927 Fox Run Road
Findlay, OH 45840

MSN 317 West Main Cross
317 W Main Cross Street
Findlay, OH 45840

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Hancock County GIS



Notes

ALLEY/STREET VACATION PETITION

FEE PAID _____

DATE 3/28/13

ADVERTISING AND FILING FEES PAID _____

DATE _____

HONORABLE MAYOR AND COUNCIL, CITY OF FINDLAY, OHIO:

We, the undersigned, being owners of property abutting the requested Alley unimproved vacation shown on the attached plat, respectfully petition (street/alley)

your Honorable Body to vacate the Alley unimproved described as: street/alley

unimproved alley

Being further described as abutting the following described LOTS in the

SUBDIVISION of: 5021 5022

590000261540, 590000261550 Niles Subdivision

A \$75.00 fee is submitted to pay for the cost of vacating the above-described alley unimproved (street or alley)

We agree to pay all cost and/or assessments that are now or have been constructed serving this property. Upon adoption of legislation, applicable advertising and filing fees will be invoiced to the petitioner. A plat of the area showing the portion to be vacated & a list of all property owners on that portion of the alley running from street to street, but not in the request for vacation are attached.

OWNER	ADDRESS	LOT NUMBER
<u>Robert + Kathy Wagner</u>	<u>509 Fifth St</u>	<u>590000261540 (5021)</u>
<u>Robert + Kathy Wagner</u>	<u>0 Fifth St</u>	<u>590000261550 (5022)</u>

TO: Applicants for Street or alley Vacation
FROM: Council Clerk

City law requires persons requesting the vacation of a street or alley to file a petition with City Council. Council then refers the request to the City Planning Commission and the Planning & Zoning Committee for their findings. These Committees file their report with Council, who in turn makes the final ruling on the request.

APPLICATION REQUIREMENTS

Petition forms are available in the Council Clerk's Office. It requires the signature of a majority of the property owners that abut the requested vacation. A plat of the area shall accompany the application indicating the street or alley to be vacated. This plat can be obtained from the City Engineer's Office.

In addition to the petition for an alley vacation being signed by the abutting property owners, which is notice, if said proposed alley vacation is less than the full alley running from street to street, either north and south or east and west as the case may be, then the Clerk will also send notices to the abutting property owners on that portion of the alley extended but not in the request for vacation. For example, if an alley runs from north to south from street A to street B, intersected by an east-west alley, and the request is to vacate the alley running from street A to the intersecting east-west alley, then the abutting property owners on the remaining portion of that north-south alley between street A and street B shall also receive notice of the petition to vacate from the Council Clerk. (Rules of Procedure, as amended, of Findlay City Council).

Ideally, the petition must be signed by all abutting property owners. If not, a Public Notice of Consideration to Vacate has to be advertised in the Courier for six consecutive weeks. The cost of the advertising shall be paid by the petitioner. Anyone wishing to address Council concerning the petition may do so as a result of the publication. This can occur at any of the three readings which Council must give an Ordinance that vacates right-of-way.

FEE

At the time of submitting the request to the Council Clerk, a **\$75.00 non-refundable fee** shall accompany the petition. This is to off-set some of the City's expenses. **Upon adoption of legislation, applicable advertising and filing fees will be invoiced to the petitioner.**

ASSESSMENTS

By law, if there were assessments to the abutting properties for improvements to the street or utilities, the petitioners are to pay the assessment fee for the property being vacated. These assessments, if any, are recorded in the City Engineer's Office. They are requested to be researched for the property upon legislation request. The petitioners will be invoiced for the total expense, and it must be paid before Council will vacate the street or alley.

PLANNING COMMISSION ACTION

Planning Commission action on vacation petitions will be in the form of a recommendation to City Council. Council may then either concur with the Commission's recommendation or override it. Concurring action may be accomplished with a simple majority vote, while overriding action requires a two-thirds (2/3) vote of Council. Notice of the Planning Commission Meeting will be sent from the Engineer's Office to the filer of the petition advising him/her when the request shall be heard.

PLANNING & ZONING COMMITTEE ACTION

This Committee's action will be in the form of a recommendation to City Council. Council may then either concur with the Committee's recommendation or override it. Action is a simple majority vote to concur or override the Committee report. Notice of the Planning & Zoning Committee Meeting will be sent by the Council Clerk to the petitioners advising them when the request shall be heard.

CITY COUNCIL ACTION

Once the petition is placed on Council's agenda, it will be referred to the City Planning Commission and the Planning & Zoning Committee with all documentation submitted. Both the City Planning Commission and the Planning & Zoning Committee shall review the request.

Upon their findings, Council will request legislation and give it three (3) separate readings if the vacation is to proceed.

In order to vacate a public right-of-way, City Council must adopt an ordinance doing so. Normally, legislation is prepared when the Planning & Zoning Committee recommends that an action be taken. However, appropriate legislation can be drawn at the request of any Council member, whether or not the vacation is supported by the Committee. Ordinances require three readings prior to adoption, and this normally occurs over the course of three consecutive meetings of Council.

A majority affirmative vote of at least five (5) members is necessary to enact a vacation ordinance. If Council disagrees with the Planning Commission's recommendation, it will take six (6) affirmative votes of members of Council to enact a vacation ordinance. The ordinance is not effective until at least 30 days after signing by the Mayor.

Revised 1-04

Name of Contact Person Robert and Kathy Wagner

Mailing Address 1511.5 Twsp Rd 215 Arcadia OH 44804

Phone No. (Home) 419-424-3466 (Business) 419-424-7192

3/28/13
(date)

[Signature]
(Signature of Contact Person)

OFFICE USE ONLY



PARK ST

BANK ST

6TH ST

5TH ST

100 FEET

220

200

205

1552

4649

1100

80

200

CR

CR

228

230

132

5006

5007

5008

5009

5010

5011

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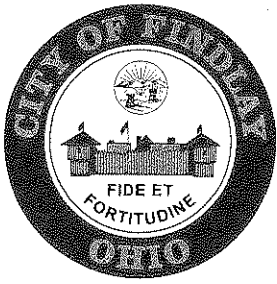
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TREASURER'S OFFICE

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 February 28

2013

TREASURER

Fifth Third Initial Balance	4,424,829.17
- Withdrawals ()	(3,390,936.46)
+ Deposits	3,991,040.06
Ending Balance	5,024,932.77
- Outstanding checks ()	(33,519.09)
Bank Adjustment	
- Outstanding deposit	
Treasurer's Checking Bal	4,991,413.68
Investment Principal	34,200,923.75
Accrued Bond Interest	
Treasurer's Total Cash and Investments	39,192,337.43

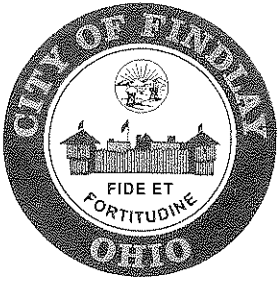
AUDITOR

Auditor's Checking Bal	4,991,413.68
Auditor's Total Cash and Investments	39,192,337.43

Respectfully submitted,



Susan Jo Hite
Treasurer



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

March 18, 2013

The Honorable Council:

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

Robert F. Armstrong

Bennett Enterprises LLC, DBA Ralphies Family Sports Eatery, 1523 Broad Avenue, Findlay, Ohio 45840

Sincerely,

Gregory R. Horne
Chief of Police

NOTICE TO LEGISLATIVE
AUTHORITY

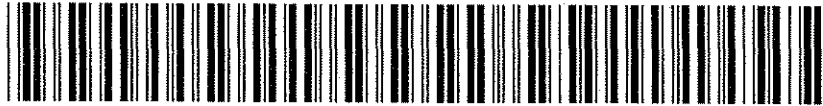
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TD

06204600030		TREX	BENNETT ENTERPRISES LLC
PERMIT NUMBER		TYPE	1523 BROAD ST
06	01	2012	FINDLAY OH 45840
ISSUE DATE			
03	14	2013	
FILING DATE			
D5			
PERMIT CLASSES			
32	044	A	F09466
TAX DISTRICT			RECEIPT NO.

FROM 03/18/2013

06204580055			BENNETT ENTERPRISES INC
PERMIT NUMBER		TYPE	DBA RALPHIES FAMILY SPORTS EATERY
06	01	2012	1523 BROAD ST
ISSUE DATE			FINDLAY OHIO 45840
03	14	2013	
FILING DATE			
D5			
PERMIT CLASSES			
32	044		
TAX DISTRICT			RECEIPT NO.



MAILED 03/18/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/18/2013

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 TREX 0620460-0030

(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

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/liqr



PERMIT # DL20460-0030

LIMITED LIABILITY COMPANY DISCLOSURE FORM
(This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company BENNETT ENTERPRISES LLC	DBA Name	
Permit Premises Address 1523 BROAD STREET	City, State FINDLAY, OH	Zip Code 45840
Township, if in Unincorporated Area	Tax Identification No. (TIN) 46-1459860	

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 <i>None</i>		
2) President <i>None</i>		
3) Vice-President <i>None</i>		
4) Secretary <i>None</i>		
5) Treasurer <i>None</i>		

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 ROBERT ARMSTRONG	Social Security No. (if individual)	<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> 5% or greater voting interest <input checked="" type="checkbox"/> 5% or greater membership interest
Residence Address 9866 FORD ROAD	Tax Identification No. (if applicable)	
City and State PERRYSBURG, OH	Zip Code 43551	
Telephone No. 419-874-1933	Date of Birth 07/02/55	
2) Name SI BENNETT IRR TRUS	Social Security No. (if individual)	<input type="checkbox"/> Managing Member <input checked="" type="checkbox"/> 5% or greater voting interest <input checked="" type="checkbox"/> 5% or greater membership interest
Residence Address 5800 MONROE ST F	Tax Identification No. (if applicable) 46-6465529	
City and State SYLVANIA, OH	Zip Code 43560	
Telephone No. 419-882-0081	Date of Birth N/A	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, WOOD COUNTY ss,

I, ROBERT ARMSTRONG being first duly sworn, according to law, deposes and says that he/she is (Title) MNG MEMBER

of the BENNETT ENTERPRISES LLC, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) [Signature] (Print Name and Title) ROBERT ARMSTRONG MANAGING MEMBER

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

[Signature] (Notary Public) 10-11-2016 (Notary Expiration)

OHIO DIV. LIQUOR CONTROL
FRONT DESK-2
2013 MAR -8 PM 12:44

DLC4032 (LIMITED LIABILITY COMPANY DISCLOSURE FORM)

SECTION C.
(CONTINUED)

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.

3) Name	MWB TRUST 12107-78	Social Security No. (if individual)	<input type="checkbox"/> Managing Member <input checked="" type="checkbox"/> 5% or greater voting interest <input checked="" type="checkbox"/> 5% or greater membership interest
Residence Address	5800 MONROE ST F	Tax Identification No. (if applicable) 27-7075651	
City and State	SYLVANIA, OH	Zip Code 43560	
Telephone No.	419-882-0081	Date of Birth N/A	
4) Name		Social Security No. (if individual)	<input type="checkbox"/> Managing Member <input checked="" type="checkbox"/> 5% or greater voting interest <input checked="" type="checkbox"/> 5% or greater membership interest
Residence Address		Tax Identification No. (if applicable)	
City and State		Zip Code	
Telephone No.		Date of Birth	
5) 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	
6) 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	
7) 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	
8) 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	
9) 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	

2013 MAR -8 PM 12:44
 HONI DESK-211101

Board of Zoning Appeals

February 14, 2013

Members present: Phil Rooney, Chairman; Doug Warren, Vice-Chairman; David Russell, Secretary; Sharon Rooney; George McAfee.

The meeting was called to order at 6:01 p.m. by Mr. Rooney. The members were introduced and the rules of the proceedings were explained.

Case # 50241-BA-13 (123 Cherry Street) was introduced. Todd Richard, Zoning/Floodplain Administrator reviewed the case:

Filed by Austin Gerber, on behalf of Mr. Joseph Edinger. The applicant is seeking a variance from section 1161.15j2 of the City of Findlay Zoning Ordinance. The applicant wishes to establish a crematorium within 100 feet of a residential area.

This building was established in sometime around 1920 and has had many uses over the past decades. It was zoned C-residential at the time zoning was adopted in 1955. In 2009, it was rezoned to B-3, Downtown Business. When the new zoning code and map were adopted in December 2011, this property was supposed to have been changed to C-3, Downtown Commercial, which is virtually the same classification as to what was the B-3 district in the old code. A mapping error placed it in the R-3 district (single family, high density).

Ironically, the R-3 district allows funeral services (conditionally) and we have included the crematorium activity as part of what a funeral service provides. The difference here is this crematorium is for pets only. The activity and process is the same as it is for humans.

The proposal was brought to the City Planning Commission (CPC) and it was denied since the activity is within 100 feet of a residential area. The wording of "area" in the code does not seem proper, however, the activity is within 100 feet of a district. The code allows crematoriums in the R-3 district but not within 100 feet of a residential area. The language seems to contradict itself. This is a code issue that needs to be addressed.

The applicant is meeting EPA and Wood County Building code requirements and has been very diligent in following the process. The activity should be relatively unnoticed and many of the neighbors have been notified. The building has no realistic possibility of being changed into a dwelling.

The owner is in the process of having the zoning district changed to the C-3 district. It is currently in the early stages. However, the C-3 district does not necessarily permit funeral services. If this variance is granted and the zone changes to C-3, a nonconforming use will be created.

Mr. Warren asked Mr. Richard why the 100 foot buffer was created. Mr. Richard does not know why and the language contradicts itself and it may be an error in the code writing.

Mr. Austin Gerber was sworn in. His address is 1512 Crystal Avenue. He is the business owner. He read a quote from Mr. Tom Genseman (?), owner of 125/127 Cherry Street. "Based on everything "(inaudible), This was from an email. Mr. Gerber said that if the request is turned down he will find an alternative location for this activity.

Mr. Joseph Edinger was sworn in. He lives at 820 Third Street and is the owner of 123 Cherry Street. He affirmed what Mr. Genseman stated in his emails that he was not in objection to the activity. Mr. Edinger reviewed some of the past uses of the property. He thinks this activity will have a very low impact and he will be using part of this building also. He said that he has had past inquiries for this building would have a higher impact but would have legal uses. The nature of the neighborhood is anything but R-3.

Mr. John Snyder was sworn in. He resides at 324 Clinton Street and also owns 322 Clinton Street. He thinks the applicant and owner of the property are great neighbors to have. His concern is more will happen here than what is intended. He thinks odor will be a problem. He does not want dead animals dropped off at the door and has a concern that large animals will be cremated either.

There were no written communications to be presented and no one else was present to testify in favor of or in opposition to the request.

Mr. Warren asked about the nature of the request. Mr. Richard told the Board that they are only ruling on the location of the activity in relation to the residential area. This is not a use variance. There is a map that indicates the properties within 100 feet of the activity.

Mr. McAfee asked about the zone change process. He asked about what happens when the zoning district is changed. Mr. Richard explained a legal nonconforming use will be created. The use has already been approved with the condition the Board grants a variance.


Mr. Warren asked about the errors in the map. He was advised to ask HRPC about the status of the map maintenance and update.

A motion to approve the variance was made by Mrs. Rooney provided the applicant or owner obtains the permit within 60 days. The motion was seconded by Mr. Russell. By voice vote, the motion passed 5-0.

The minutes from October 11, 2012 and December 13, 2012 were reviewed. Mr. Rooney made a motion to approve the minutes as written. Mrs. Rooney seconded the motion. The motion passed by voice vote 5-0.

A motion was made by Mr. Warren to leave the officers intact for 2013. Mrs. Rooney Seconded the motion. The motion passed by voice vote 5-0.

The meeting was adjourned at 6:25 p.m.



3-14-13

Douglas F Warren
3/14/13

FINDLAY CITY BOARD OF HEALTH MINUTES

REGULAR SESSION

February 20, 2013

HEALTH DEPT. CONFERENCE ROOM

Members Attendance:

A Mayor Lydia Mihalik, *President Ex Officio*
X Dr. Stephen Mills, Health Commissioner/Board Secretary
X Mr. Gregory Cline, *President Pro Tempore*
X Mr. William Alge
X Dr. Robert McEvoy
X Mrs. Joan Work
X Mr. James Niemeyer

Staff Attendance:

X Mrs. Barbara Wilhelm, Deputy Health Commissioner
X Mr. Craig Niese, Environmental Health Director
X Mrs. Taya Hyde, Nursing Director
X Mr. Eric Helms, Plumbing Inspector
X Mr. Chad Masters, Emergency Response
X Mrs. Becky Bern
X Mrs. Missy Jack
Guests
X Paul Schmelzer
X Dawn Thompson

Call to Order: In the absence of Mayor Lydia Mihalik, Board President Gregory Cline, called the meeting to order at 7:35 A.M.

Minutes: Mr. Cline called for a motion to approve the minutes of the January 16, 2013 Board Meeting. Mrs. Work moved to accept the minutes of the January 16, 2013 Board of Health meeting as circulated. Seconded by Mr. Alge. **Motion carried 4-0.** Filed.

HEALTH COMMISSIONER REPORT

1. Dr. Mills shared the latest proposed Master Trails plan which prioritizes some routes that the group feels should eventually be incorporated into city development. He explained the manner in which the plan would loop around and connect the city. If all purposed trails would be developed it would include 15 miles of new trails.
2. Related to this topic, Dr. Mills spoke with Matt Cordonnier of Hancock County Regional Planning regarding including a health representative on the Regional Planning Board. This would bring a new perspective to projects of HRPC. All board positions are currently filled but Dr. Mills asked that this be kept in mind should a vacancy occur.
3. Copies of the annual report were included in the Board's packet. The theme of Findlay's bicentennial was incorporated into the report as Dr. Mills shared some of the history of the city health department as well as commenting on the advancements made in public health over the last 200 years. Dr. Mills reviewed highlights of the report which included pointing out that providing public health services in 2012 cost each resident less than 21¢ per week. The report is available on the city's website.
4. Mr. Niese next introduced Dawn Thompson who was attending the meeting at the suggestion of the Board of Health to discuss the situation with her septic system. Ms. Thompson shared that she is currently on disability and does not have the financial means to make the needed improvements even if the new owners of the apartment property allow

her to tie in to their connection. Mr. Niese stated that there have been no further complaints regarding the property since the initial complaint 10 years ago. He has made frequent trips out to the property to assess the situation and the area is currently grown up with brush and not easily accessible. **Mr. Cline moved to grant a variance to Ms. Thompson and to revisit the situation in 1 year or if further complaints occur.** Seconded by Dr. McEvoy. **Motion carried 4-1 with Mrs. Work voting against.** Filed.

DEPUTY HEALTH COMMISSIONER REPORT

1. Included in the Board packet was a listing of proposed changes effecting public health that were included in the governor's budget. Mrs. Wilhelm reviewed these changes which include regionalizing grants, requiring continuing education for Board members, encouraging shared services, requiring sanitarians to be certified by the FDA and most importantly requiring health departments to be accredited by 2018. Mrs. Wilhelm noted that active, informed Board members are also a prerequisite for accreditation and we may want to revisit paying a meeting stipend to Board members. Ohio Revised Code allows for payment to the Board for meeting attendance but in the past the Board voted to refuse payment for their service. In relation to the Board the governor's budget also requires each Board of Health to include an executive officer or medical director of the hospital on its board. Mrs. Wilhelm is in full favor of this idea as it will serve to facilitate community planning. Mrs. Wilhelm did not have further details on these recommendations and if approved the changes would not go into effect before the start of the state's fiscal year on July 1, 2013.
2. Mrs. Wilhelm received a call several weeks ago from the O.S.U. College of Public Health asking for her assistance in scheduling a meeting in Findlay. The purpose of the meeting would be to bring together a small workgroup of local health department representatives to participate in developing a Continuous Quality Improvement Plan template which can be used by local health departments across the state as they work to reach accreditation goals. The meeting will take place at the City Health Department on Thurs. February 28. Mrs. Wilhelm has agreed to participate in the meeting as well. By doing so she hopes to gain an improved knowledge of continuous quality improvement as she works to complete CQI plans for our own department.
3. Much work has been done by the department in the area of obesity prevention. Our health educator Jenn Rathburn has been very busy working on Healthy Kids Day, which is a collaboration between the YMCA, the University of Findlay College of Health Professionals and the Findlay City Health Department, to be held on April 12, 2013 at the University. The event will include a health fair, health screenings, and physical activities for kids and families. Ms. Rathburn and Mr. Masters worked together on a competitive MRC grant to help provide funding for this event and they were recently notified that they were awarded \$7000 to help with this activity. This was a nationwide competitive grant. Mrs. Rathburn has also added 4 Findlay City Schools to the department's Recess Based Activity Program. Bigelow Hill, Northview Primary, Jacobs Primary, and Whittier Primary now join Arcadia in participating in the program that reaches an average of 1,100 active

participants per week. In March we will be having a *Fuel Up to Play* kickoff in these schools to encourage kids to pledge to do 60 minutes of activity per day. There will be a physical activity challenge for kids to log their activity and the winning school will be recognized at the Healthy Kids Day. The Child Obesity Prevention Action Team continues to meet on a monthly basis with the next meeting scheduled for Wednesday February 20th.

4. The health department has been ready to begin the Help Me Grow Home Visiting program for some time and have finally received the contract from O.D.H. to begin. Mrs. Wilhelm was pleased to learn that included in the contract is the opportunity to be reimbursed from the state for components of the program that have already been put in place such as training staff, program protocols etc. This opportunity will enable us to start the program with \$18,000 in addition to being able to bill for our visits.
5. Nursing Director, Taya Hyde, has turned in her official letter of resignation with her last day on staff being March 15, 2013. Mrs. Wilhelm reminded the Board that state subsidy requirements, as well as the Emergency Response grant, require the department to have a nursing director. Becky Bern is now the senior nurse in the department. She has successfully completed the Help Me Grow training, revitalized the BCMH program and received excellent employee evaluations. Mrs. Wilhelm recommended she be moved to the director's position. **Mrs. Work moved to name Becky Bern as the new Nursing Director effective March 17, 2013.** Seconded by Dr. McEvoy. Motion carried 5-0. Filed

NURSING REPORT

1. Mrs. Hyde introduced Missy Jack R.N. as well as Becky Bern R.N. who were in attendance. Mrs. Jack will fill the empty public health nurse position that will be created when Mrs. Bern moves up to the Director's position. Mrs. Jack has previous experience with Blanchard Valley Medical Associates as well as with the Findlay City Schools and St. Michaels as a school nurse.
2. The CLIA site visit was held on Jan. 29, 2013. A copy of the letter sent as a result of the site visit was circulated. We were found to be in full compliance with the CLIA requirements. Mrs. Hyde shared that the 2 representative sent from the Ohio Department of Health were very pleased with our policies and procedures.
3. This Friday February 22, our nursing department will be holding a regional Director of Nursing meeting here in our facility. The purpose will be to discuss accreditation as it pertains to the nursing divisions of local health departments and how to position themselves to work together to achieve their goals.

ENVIRONMENTAL HEALTH REPORT

1. Environmental health issues were handled with the Dawn Thompson property discussion. Mr. Niese did add that the Environmental Health Directors of local health departments have also been discussing accreditation. There is general consensus that the process will be very time consuming and require a good deal of focus.

EMERGENCY RESPONSE / EPI REPORT

1. Mr. Masters reviewed the annual Medical Reserve Corps (MRC) newsletter that was sent to all the volunteers and highlighted several of the responses from 2012. Mr. Masters also informed the Board that he is wanting to host a volunteer recognition banquet on April 24th at the Findlay Inn & Conference Center to coincide with National Volunteer Appreciation Week (April 21-28) to acknowledge the service of the medical volunteers in the community since 2010. Mr. Masters requested a motion to allocate MRC funds (separate from general revenue funds) to pay for the function. **Dr. McEvoy moved to approve the use of MRC funds to provide a volunteer recognition banquet for MRC volunteers.** Seconded by Mr. Alge. **Motion carried 5-0.** Filed

Additionally, Mr. Masters informed the Board that with the recent receipt of the NACCHO Competitive Capacity Building Award of \$7,000 (which Mrs. Wilhelm had mentioned earlier in the meeting), the Hancock County MRC has received \$31,000 since 2008 to build its health and preparedness infrastructure.

Safety-Service Director, Paul Schmelzer, inquired about the health department's awareness of coordination between other agencies that would be involved in an emergency response situation (EMA, Blanchard Valley Hospital, Red Cross, etc.) Mr. Masters replied that he began attending monthly Pandemic Flu Committee meetings at BVH in 2006, which evolved into an All-Hazards Committee, whereby representatives from these agencies attended. Mr. Masters mentioned that he is now attending the Disaster Collaborative meetings at the Red Cross, where the topics of response are similar. There are representatives from the agencies above who are present to discuss what they can contribute during a response. Mr. Masters stated that the health department has, and will continue to, work with these community partners to ensure a unified approach to preparing citizens for emergencies.

PLUMBING REPORT

1. Mr. Helms had no new items to report from the plumbing department.

MEETING REQUESTS

Mrs. Work moved to approve the meeting requests as submitted:

1. March 22, 2013: Becky Bern, Cassie VanHorn and Missy Jack to World TB Day in Reynoldsburg Ohio. Cost: Lunch

2. March 29, 2013: Becky Bern to Ohio Public Health Communication System Training (OPHCS)
Toledo Ohio. No Cost.

Mr. Niemeyer seconded. **Motion carried 5-0.** Filed

OLD/UNFINISHED BUSINESS

None

NEW BUSINESS

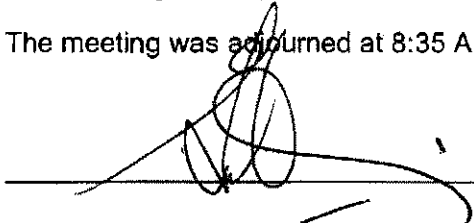
None

EXPENSES

Mrs. Work moved to approve the expenses, as circulated, for payment by the City Auditor.

Seconded by Mr. Alge **Motion carried 5 – 0.** Filed.

The meeting was adjourned at 8:35 A.M.


_____, President


_____, Secretary (Health Commissioner)

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

March 27, 2013

Honorable City Council
City of Findlay, Ohio

Dear Honorable Council Members:

The N.E.A.T. Department recently sold its vehicle on GovDeals.com and would like to use the proceeds to supplement the N.E.A.T. budget for property cleanups.

An appropriation is respectfully requested as follows:

FROM:	General Fund	\$3,000.00
TO:	N.E.A.T. Department 21016000-other	\$3,000.00

Thank you for your consideration.

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
File

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

March 28, 2013

Honorable City Council
Findlay, OH 45840

RE: replacement resolution of services for Darway Annexation

Dear Council Members:

Included in the April 2, 2013 City Council packet is a replacement resolution of services for the Darway annexation. Resolution No. 011-2013 replaces already adopted Resolution No. 007-2013. The only change to the resolution is the acreage in the header going from 3.833 acres to now being 3.591. In order for the County Commissioners to conduct their April 9, 2013 hearing on this petition, this replacement resolution will need to be adopted at the April 2, 2013 City Council meeting.

Thank you for your consideration in this matter.

Very truly yours,



Donald J. Rasmussen
Director of Law

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The PLANNING & ZONING COMMITTEE to whom was referred

MATT CORDONIER FROM HRPC PRESENTED
3 POTENTIAL MAPS FOR THE EXPANSION OF CRA
#1 AND #2.

We recommend

THAT HRPC FURTHER DEVELOP CRA
PROPOSAL 2 IN PREPARATION FOR
FURTHER DISCUSSION.

Aye Nay W. Jerry Murray
W. Jerry Murray, Chairman

Aye Nay K. C. Collette
K. C. Collette

Aye Nay William Schedel Jr
William Schedel Jr

Aye Nay Anne Spence
Anne Spence

Aye Nay J. Michael Slough
J. Michael Slough

PLANNING & ZONING COMMITTEE

DATE: March 19, 2013

LEGISLATION _____

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Leonard Gilbert to rezone 147 Garfield Avenue from R2 Single Family, Medium Density to R4 Two Family Dwelling or Multi-Family Dwelling.

We recommend

DENIAL OF THE REQUEST FOR RE-ZONING.

Aye Nay

W. Jerry Murray
W. Jerry Murray, Chairman

Aye Nay

~~*[Signature]*~~
K. C. Collette

Aye Nay

William Schedel Jr
William Schedel, Jr.

Aye Nay

Anne Spence
Anne Spence

Aye Nay

J. Michael Slough
J. Michael Slough

PLANNING & ZONING COMMITTEE

DATE: March 19, 2013

LEGISLATION _____

COMMITTEE REPORT

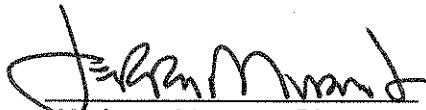
THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Van Horn, Hoover & Associates, Inc. on behalf of RJT Properties, LLC, to vacate a 16.5' alley running in an east-west direction and extending west from Liberty Street north of West Main Cross Street, lots 627-632 in the Vance's Addition.


We recommend

APPROVAL OF THE ALLEY VACATION


Aye Nay


W. Jerry Murray, Chairman

Aye Nay

~~~~
K. C. Collette

Aye Nay


William Schedel, Jr.

PLANNING & ZONING COMMITTEE

Aye Nay


Anne Spence

DATE: March 19, 2013

Aye Nay


J. Michael Slough

LEGISLATION _____

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Joseph Edinger to rezone 123 Cherry Street from R3 Single-Family to C3 Downtown District.
C-1 Local Commercial

We recommend

APPROVAL OF RE-ZONING.

Aye Nay

W. Jerry Murray
W. Jerry Murray, Chairman

Aye Nay

~~*K. G. Collette*~~
K. G. Collette

Aye Nay

William Schedel Jr.
William Schedel, Jr.

PLANNING & ZONING COMMITTEE

Aye Nay

Anne Spence
Anne Spence

DATE: March 19, 2013

Aye Nay

J. Michael Slough
J. Michael Slough

LEGISLATION _____

**FINDLAY CITY COUNCIL
CARRY-OVER LEGISLATION
April 2, 2013**

ORDINANCE NO. 2012-100 (EMA)

Mayor referred this to the 1/8/13 Appropriations Committee mtg where it was tabled

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

APRIL 2, 2013

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, APRIL 2, 2013 MEETING.

RESOLUTIONS

- 010-2013 A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).
- 011-2013 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 3.591 ACRES OF LAND, MORE OR LESS (REFERRED TO AS THE DARWAY ANNEXATION).

ORDINANCES

- 2013-019 AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS DIETSCH BROTHERS ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.
- 2013-020 AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 123 CHERRY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO "C3 DOWNTOWN DISTRICT".
- 2013-021 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

RESOLUTION NO. 010-2013

A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

WHEREAS, Ohio Revised Code 5705.41(D) provides that if expenditures are incurred by a municipality without a purchase order, within thirty (30) days, the municipality must approve said expenditures.

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

SECTION 1: That the expenditures set forth on the attached list identified as "Exhibit A" which are identified by the appropriate voucher on previously appropriated funds be and the same are hereby approved, all in accordance with Ohio Revised Code 5705.41(D)

SECTION 2: 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 _____

OVER PURCHASE ORDER/NO PURCHASE ORDER- COUNCIL AUTHORIZATION

VENDOR	VOUCHER	ACCOUNT	DEPARTMENT NAME	AMOUNT	REASON FOR EXPENSE	WHY
CLEMANS NELSON & ASSOCIATES	112075	21018000- 441100	HUMAN RESOURCES	4215.81	PROFESSIONAL SERVICES PERTAINING TO CIVIL SERVICE LAYOFFS	NO PURCHASE ORDER WRITTEN

RESOLUTION NO. 011-2013

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 3.591 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 _____

ORDINANCE NO. 2013-019

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS DIETSCH BROTHERS ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

WHEREAS, a petition has been presented to Council for vacating a portion of an alley set forth herein, and;

WHEREAS, Council upon approval and recommendation of such vacation by the Planning Commission of the City of Findlay, Ohio, is satisfied that it will not be detrimental to the general interest and ought to be made.

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

SECTION 1: That the following described alley be and the same is hereby vacated:

Situated in the City of Findlay, County of Hancock and State of Ohio:

An east-west sixteen and a half foot (16.5') wide alley adjoining lots 627, 628, 629, 630, 612 and 632 in the Vance's Addition to the City of Findlay, Ohio.

SECTION 2: That the aforesaid vacation is hereby made subject to the preservation of the public utilities right-of-way, in accordance with the provisions of Ohio Revised Code Section 723.041 including an easement is reserved for all sanitary and/or storm sewer lines in said vacated right-of-way.

SECTION 3: That this Ordinance 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. 2013-020

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 123 CHERRY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO "C3 DOWNTOWN DISTRICT".

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That the following described property:

Situated in the City of Findlay, County of Hancock, State of Ohio:

Being the west 52.34 feet of lots 963 and 964 in the North Findlay Addition to the City of Findlay, Ohio.

SECTION 2: That said property above described herein be and the same is hereby rezoned from C1 Local Commercial to C3 Downtown District.

SECTION 3: That from and after the effective date of this ordinance, said property above described herein shall be subject to C3 Downtown District regulations.

SECTION 4: This Ordinance 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. 2013-021

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	\$ 3,000.00
TO: N.E.A.T. Dept #21016000-other	\$ 3,000.00

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 funds received from items sold on GovDeals.com may be used within the N.E.A.T. Department,

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 _____