

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

October 16, 2018

COUNCIL CHAMBERS

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

ABSENT: Niemeyer

President Monday opened the meeting by announcing that Dan Sartin and others with the Aktion Club of Hancock County Disability Awareness will lead the Pledge of Allegiance, and that a moment of silent meditation will follow.

President Monday introduced Boy Scouts Ken Eckelberry and Dave Budke. Ken is with Troop 308 and is here tonight for his communications badge. Dave is with Saint Michaels with Troop 319 and is here for his citizenship with the community badge.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the October 2, 2018 Regular Session City Council meeting minutes. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Russel moved to add the following to tonight's agenda. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

ADD-ONS:

- Hengsteler annexation (**PETITIONS** section)
- Letter from HRPC Director Matt Cordonnier re: RLF Howard's Coin Shop @ 3500 N. Main St (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
- Resolution No. 027-2018 – Hengsteler annexation – what services the City will provide if annexed into city limits (**LEGISLATION** section)
- Ordinance No. 2018-108 – Howard's Coin Shop RLF (**LEGISLATION** section)

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Petition for Annexation – Hengsteler Annexation

Matthew Klein, RCO Law, submitted a petition to the Council Clerk on October 2, 2018 to annex 36.689 acres of land in Marion Township into the City of Findlay. A legal description for said property is attached with the petition. Referred to Law Director for a Resolution of Services. Resolution No. 027-2018 was created. Referred to City Planning Commission and Planning & Zoning Committee to accept and approve the annexation as well as to change the zoning. Filed.

ORAL COMMUNICATIONS:

Dan Sartin – Aktion Club of Hancock County Disability Awareness

Mr. Sartin read the following letter:

Dear City Councilmembers. This is a letter on behalf of Aktion Club of Hancock County. Aktion Club is a branch of the Kiwanis Club for people with disabilities. We have had a very active club through Blanchard Valley Center for about thirteen (13) years. Like the Kiwanis, we are a service club. Over the years, we have participated in countless community service projects throughout the area. Many of our members are also part of a group called Speaks Out which is an advocacy group teaching and encouraging its members to speak up and advocate for themselves and for others. Our members have disabilities of various kinds, but we all love our community and our nation, and we love to help others. Several months ago, a few of us traveled to Columbus as part of a disability awareness month and had the opportunity to speak one on one with our State Representatives. We really enjoyed talking with them and sharing some concerns that affect people with disabilities, and now would like to share those concerns with Findlay City Council. Transportation is an ongoing problem for individuals who do not drive. H.A.T.S. is a blessing, but restricted hours and rigid scheduling protocol create many issues in the summer. H.A.T.S. runs until 10:00pm, but during the winter, cut-off time is 7:00pm that really limits any evening activities. There is no transportation on Sundays or holidays and further restricts the ability to participate in community activities. To reserve a ride, one must schedule two weeks in advance. This is very important because many appointments and activities arise on short notice. Furthermore, H.A.T.S. schedules a half (1/2) hour window pick up time. We must sit and wait for thirty (30) minutes, but if we aren't there when the bus arrives, it will not wait for us. Many people with disabilities utilize vehicles with side-loading ramps and lifts. There are not enough striped areas wide enough to accommodate those ramps. Many offices and stores do not install automatic doors. We realize that this is a financial issue, but businesses need to be aware that many individuals cannot access their business because they are unable to open the door. Our Post Office is not wheelchair accessible. This is a public building and should accommodate people with disabilities. On one more positive note, he would like to thank City Council for the improvements that have been made to our downtown area. The curb cutouts make it so much easier for people in wheelchairs or with other types of walking disabilities to maneuver from corner to corner. The crosswalks in the middle of the blocks are also helpful. We are proud to be members of this great community and would welcome any opportunity to serve in any way we can. Please contact us if you are aware of service needs that we could fulfill. Thank you for your service to our community. Sincerely Aktion Club President.

Discussion:

Councilman Russel thanked Mr. Sartin for coming before Council and reading the letter, and also for being the President of the Aktion Club. He is a Findlay Kiwanian. He was in the Kiwanis when the Aktion Club started thirteen (13) years ago. It has been one of the best things the Kiwanis has ever done. Mr. Sartin and his team are proof of that. To the Boy Scouts who are here for their communication badges and citizens in the nation, this is what it looks like. Mr. Sartin is a citizen addressing his government and could not have been done better. There has always been one individual behind the Aktion Club in helping the club move - Susan Kizer who is in the audience. She is a long-time Administrator of the Blanchard Valley Center who works tirelessly on behalf of the members of the club and her constituents. He thanked Ms. Kizer for all that she does for the Aktion Club and for Blanchard Valley Center. She must be like a proud mom to have Mr. Sartin up here tonight. He thanked Mr. Sartin for being here tonight.

Melissa Humphress – Planning and Zoning Committee report recommending no changes to the 6” grass ordinance

Back in May, prior to voting on the freedom restricting law which dictates the length of grass, Councilwoman Holly Frische asked Mayor Mihalik and Law Director Rasmussen about people like the Leguire's who have large lots of one acre or more if there will be an amendment to accommodate them which was before the vote to which Law Director Rasmussen stated "trust me, we will work with people with large lots like the Leguire's". All Councilmembers should reject the PLANNING AND ZONING COMMITTEE report recommending no changes be made to the law since it was promised that there would be changes. This is in complete contrast to the Law Director Rasmussen's promise. This law should be rescinded, reconsidered, repealed, whichever word the Law Director Rasmussen decides is legal as it violates the freedoms of all Findlay residents. The length of grass does not affect the health or well-being of anyone and should not be legislated. On a little side note, Councilman Hellmann came out to the property and said that he did not see a problem since it was fenced in and no one could see it. Since the law fails to define grass, which we often have a problem with definitions here, then that means that all grasses over the six inch (6") length are in violation including the grass surrounding the Marathon campus, the Findlay Municipal Building, and all ornamental grasses growing throughout the City. However, Mayor Mihalik and her Zoning Enforcement Officers misuse the law to threaten specific citizens with prosecution for violating the grass law specifically those who dare to question her bullying of the Leguire family, all the while turning a blind eye to Marathon and wealthy citizens whose tall ornamental grasses are also in violation. Laws are meant to protect people. Dictating the length of plants on private property in no way protects anyone. It is a governmental overreach that in her opinion, is nothing short of domestic terrorism. She finds it interesting that tabling topics only happen when it suits Council, and that the vote on grass should only have happened after every aspect of the ordinance had been addressed including large lots of over an acre or more.

Discussion:

Councilman Wobser asked Ms. Humphress how tall grass should be able to be in City limits. Ms. Humphress asked Councilman Wobser how he defines grass. Councilman Wobser replied your front yard, your neighbor's front yard, or a property down the block. Ms. Humphress asked if he is referring to grass-grass, lawn grass, ornamental grass or what exactly is he defining. Councilman Wobser replied lawns. Ms. Humphress replied she has no opinion about it because it doesn't bother her. Councilman Wobser asked Ms. Humphress if she feels that everyone should be able to do whatever they want with their lots. Ms. Humphress replied they should be able to do whatever they want with their property. Councilman Wobser asked if he is correct that Ms. Humphress has a very libertarian standpoint in that property owners can do whatever they want, get rid of the rules, build what you want, grow what you want, and that Ms. Humphress would have no problems with that. Ms. Humphress asked what is meant by grow whatever you want. Councilman Wobser replied that her point is that she does not want anyone telling her what she can do with her property. Ms. Humphress replied that is correct. Councilman Wobser replied he understands that, but if someone next to Ms. Humphress decides to build a factory next to her lot, if that would be okay with her because it is their property. Ms. Humphress replied it is with her because she does not believe that zoning has a place in our society. Councilman Wobser pointed out that that when Ms. Humphress's nephew purchased the property, he knew the rules. Ms. Humphress replied there were no rules then. Councilman Wobser replied that is not true. There have always been rules when it comes to what happens inside the City limits, but that he bought the property anyway and did not purchase property in the county where those rules are much less limiting and could have done all the things that he has done inside the City without any problems. Councilman Wobser has always wondered why he did that. He asked why when he knew what he wanted to do with the property, why he didn't purchase something outside the City limits that would allow him to do those things and would have never gone down this path. Ms. Humphress replied she cannot speak for him because she is not him. If Councilman Wobser wants to address him, he should address him, but he is not here. Councilman Wobser replied that Ms. Humphress has referenced his property several times. Ms. Humphress replied that she did reference his property because it was also referenced in May specifically about the Leguire's property. It is a five (5) acre property, much of it is a garden. The back lot of it is a garden. Councilman Wobser replied that he is just trying to get an understanding of where Ms. Humphress thinks this should be. Ms. Humphress replied that she would hope that her nephew would maintain it to the expectations of the City of Findlay. Councilman Wobser replied that he is just trying to get an idea of what would make Ms. Humphress happy with rules that the City were to put in place. It seems obvious that Ms. Humphress wants no rules put in place. Ms. Humphress replied that she thinks the City should leave the citizens of Findlay alone for things that are so unimportant and go after the opiate epidemic. Go after what is killing people. She asked if grass is going to kill anybody. She does not think so. She asked if it is going to kill a neighbor to see somebody's blade of grass longer than it should be. She doubts that. She asked if it will kill somebody if the opiate epidemic continues. Yes it will. It has already been proven as it has already happened. She does not know what is being done on that. She asked if Councilman Wobser is aware of what is being done. Councilman Wobser replied that the Police force works on it every day. Ms. Humphress asked to what extent.

Councilwoman Frische noted that she was going to wait to speak until they are on committee reports, but she thinks everyone needs to stop attacking one another. She does not think the reason Ms. Humphress came tonight is the issue of how tall grass should or shouldn't be. She believes there will be a lot of explanations given during the committee report on this because there really hasn't been. Back in May, she, Councilman Wobser and Councilman Russel as well as other members of Council, spoke a lot on this topic. She went back and reviewed the minutes on it where there was an understanding at the meeting back in May that Council needed to pass the ordinance in order to continue to enforce grass and junk vehicles inside the City. It was better to define it of six inches (6") as a height determination. She had talked with Todd Richard prior to that Council meeting about what options the City has to address large lots and what his thoughts were about it in which he brought up the Beaver Creek ordinance because that is where he is from. Beaver Creek has a policy for large lots. He talked with the Mayor and Law Director on that. During the Council meeting, the Law Director stated that it would continue to be addressed to clarify things. There are a lot of questions that need to be answered on the committee report tonight when we get to it and we should not be attacking one another about heights of grass or where someone should live or shouldn't live. It is her hopes that Ms. Humphress's questions will be addressed when they get to the committee reports.

Councilman Shindledecker has received a number of emails, phone calls, and face-to-face communications to the effect that they are elected to serve all of the people with the implication that they are not serving just the Leguire's. When he reads the communications, he agrees that they were elected to serve all of the people including those that have lawns and like to have lawns. While they are serving all of the people, they sometimes spend a lot of time being asked to serve just a few individuals.

Superintendent of Findlay City Schools Ed Kurt/Elementary School Principal Krista Miller – safety and security levy

Mr. Kurt summarized where they are at as a school district. Following the Parkland shooting in Florida, they held a community meeting in March 2018 with approximately two hundred sixty (260) individuals in attendance at their high school auditorium. They listened to concerns and tried to answer as many questions as they could. Following that meeting, the Board of Education began to meet and formed their own safety committees inside the district meeting. They met with people outside the district (Mayor, several Councilmembers, Safety Director, as well as many around the county) that specialize in safety and security. From that, the Board put together a budget to attack safety personnel in the schools, mental health services, and surveillance and safety equipment and training. They have budgeted approximately forty-four and eight tenths percent (44.8%) towards security personnel, forty-seven percent (47%) toward mental health services, and eight and two-tenths percent (8.2%) towards safety and surveillance equipment and training. They are proposing a one million five hundred thousand dollar (\$1,500,000) safety and security levy that would run for five (5) years. It would collect one million two hundred twenty-seven thousand dollars (\$1,227,000). They will report annually to this district and community, the amount of money spent in each one of those categories and will only spend those monies in those categories. If it is not spent, it will be carried over to the next year. Metal detectors are not in their proposed budget and stayed with those three (3) categories. They feel very strongly in those categories with the people he has referenced in putting the budget together. He feels strongly in the fact that separately, both this community and the Sylvania community came up with the same areas to attack for their safety and security levy. They had not met until about five (5) or six (6) weeks ago and went over how they got to the same conclusion and talked about strategies moving forward. He turned it over to Jacobs Primary School Principal Krista Miller.

Ms. Miller familiarized Council on what the school faces with a lock-down level 3 drill that is conducted to keep their students safe. Students face different circumstances than what they might have faced just a few years ago. She reminisced about a story book that someone loves to read to their students or children. The last few weeks, the schools have been reading the book titled "I am not scared". It is a children's book based on the ALICE Training that all of the students, staff, faculty and teachers are trained in at Findlay City Schools. The book is age appropriate and developmentally appropriate written to teach children how to respond if somebody dangerous would come into the building. It includes evacuating, hiding, and running zig-zag down the hallway and out into the yard to avoid the danger. The dangers are real. The potential out there is real. The schools are doing all they can to be proactive and not reactive. They are asking for funds for Police Officers who serve the community as well as the schools. It is her hopes that it will be a done deal with the November election. She invited everyone to come out and walk the halls of Jacobs school with her and look at the children and staff that is out there to see and feel what they do and why they are asking to enhance their safety.

Discussion:

Councilwoman Frische asked what the current 2018 budget amount is that pays for the Security Officers. Mr. Kurt replied just under two hundred thousand dollars (\$200,000). Councilwoman Frische asked if the five hundred fifty thousand dollar (\$550,000) levy will be additional on top of the two hundred thousand dollars (\$200,000), or if the two hundred thousand dollars (\$200,000) will go back into the General Fund. Mr. Kurt replied they are currently in an operational deficit to maintain that security, they would like to use the additional two hundred thousand dollars (\$200,000) inside the five hundred fifty thousand dollars (\$500,000). Councilwoman Frische asked when the study on Officers and security was done, how many Security Officers they could have gotten versus how many Police Officers that will be intermittent and traveling to the schools. Mr. Kurt replied just Security Officer would be approximately ten (10). True Resource Officers would be six (6). Councilwoman Frische asked if that would be a total of sixteen (16) on top of what is already there. Mr. Kurt replied to add the three hundred fifty thousand dollars (\$350,000) on both sides with the City contributing on the current proposed budget along with the District, they would add ten (10) security personnel to their current six (6). They would keep the current six (6) they have now, and if they work with the City for School Resource Officers (SROs), it would be six (6). Councilwoman Frische asked if the six (6) are Police Officers. Mr. Kurt replied that is correct. Councilwoman Frische asked if they kept their three hundred fifty thousand dollars (\$350,000) and did not repay the City for three (3) Officers, what that would do for the school. Mr. Kurt asked if she means if they move forward without the City's contribution. Councilwoman Frische replied that is correct. If the school kept their three hundred fifty thousand dollars (\$350,000) what that would provide for the school. Mr. Kurt replied they could add ten (10) Security Officers.

Councilman Watson noted that he was the one who mentioned metal detectors at the last meeting. The reason he did that was because it was mentioned at the public hearing. Mr. Kurt agreed. Councilman Watson believes the mental health portion of this makes sense to him. He asked how it was determined that the three prongs of the levy/school safety is the best approach. Mr. Kurt replied that when they looked at studies on safety in schools, they looked at all the categories including metal detectors which they do not have in their budget, and they looked at the biggest impact which came back to security personnel, mental health, and surveillance and safety equipment training. You have to train. There is a video out right now called shooter-shooter which is about shootings in Ohio. The video stresses training. The more they are trained, the better off you are. It has to be a component of it. Anytime there is a crisis like this, they want the personnel right there so there is response time. He agrees that the most important thing is the mental health aspect. The opiate epidemic that was mentioned earlier tonight pours over into the effects of the children. Mental health is the most important of the three (3) components. Councilman Watson asked if they were able to do a District-wide needs assessment of any kind to determine the three (3) prongs and how the needs would match up with what they have budgeted. Mr. Kurt replied they did. They looked at the security at the high school and how they use them around the District. They also looked at the logistics of the buildings. They Guidance Counselors track what they see and who they see. They also track how much they work with Children Protection Services (CPS) on what goes outside the mental health. The need for that is great. By tracking that, it helps them put their budget together. Councilman Watson asked what their barometers are for success. He asked how they will compare what is currently happening. He asked if they are going to measure discipline referrals and the outcomes from Guidance Counselors and then see how that looks after the levy. He assumes after five (5) years, this is something they will want to continue. He asked how they will measure that success. Mr. Kurt replied they will continue to track that with the Guidance Counselors. The gap is the services provided outside to what the services are provided inside. The middle category is so important in getting those kids to those services. Language out, language arts, science, math and social studies are where they live as a school district. The bottom line is to get those kids the services that they are struggling with due to the environment at home or due to their own mental health issues and not being able to get them to those services. They can track that and come up with good data. Right now, they are seeing situations where they are not getting to that data. Principal Miller can provide some no-name examples. He does not see why they could not track that with the budget being put out annually about successes of the program and the situations put in place and the positive effects it is having on the District. He was asked the last time about the Resource Officers and the negative connotation. From his experiences, with the right SROs in the building, the rapport with the Police, the response with the Police, and the benefit of those Police Officers with the children and the atmosphere was tremendous. They have to track their discipline every year, so they could definitely do that and look at that with the Resource Officers effects in the building. Councilman Watson pointed out that his big fear from last week was that they started with a bunch of assumptions and came up with a solution, so the planning that has gone into this eases those fears. His biggest fear was that they came up with a solution first and shoe-horned it into what they think the problem is, but Mr. Kurt has laid out what the problem is, so he is impressed with that. Mr. Kurt replied that they took the comments from that community meeting to heart and analyzed every one of them and got research on them. They are sitting right where they need to be. The fact that Sylvania works separately from them, but ended up with the same three (3) main categories says a lot. Both sides did their homework. They are a public school. They need to be reflective of what the community wants. Their strategic plan states that they want a safe environment for the students and the people who work in the schools. They are working to do that. This levy will allow them to take that to another level both with security personnel, mental health services, and surveillance and safety equipment training that is put in the schools. Following November 6, they will do whatever the community wants them to do.

George Martens – all topics

Council President Monday pointed out, for the record, that he had another ORAL COMMUNICATIONS form from a gentleman that was not filled out correctly. Council President Monday told him that there was nothing filled out under the caption of what he wishes to address Council in regards to. Council President Monday had told him that he would not accept that, so he wrote in "all topics". Council President Monday told him he has to be more specific than "all topics" and he chose not to speak. Mr. Martens from the audience replied that is not true. Council President Monday replied no comments from the audience. Council President Monday asked Mr. Martens if he has a topic he wants to speak to. Mr. Martens replied "all topics". Council President Monday replied if he provides a more specific topic, he will let him speak. Council President Monday asked Mr. Martens what the topic is. Mr. Martens replied he wants to speak about speaking. Council President Monday replied no, that does not make it.

Councilman Harrington pointed out that there was a WRITTEN COMMUNICATION that wasn't addressed in the agenda prior to the ORAL COMMUNICATIONS.

WRITTEN COMMUNICATIONS:

Philip Rooney, Rooney & Ranzau, Ltd – Downtown Findlay Improvement District

Philip Rooney represents the Downtown Findlay Improvement District, Inc. (DFID). Pursuant to Ohio Revised Code Section 1710.06(B), attached is the DFID's proposed downtown services plan as part of the renewal of the downtown improvement district for an additional five (5) years. Statute requires Council to provide Mr. Rooney with any comments or recommendations regarding the plan so that he may proceed with the final plan and petition prior to the end of the year. A resolution will be generated after the petition of signatures is received. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

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

Findlay Police Department Activities Report – September 2018. Filed.

Precipitation and Reservoir levels report – July-September 2018. Filed.

City Auditor Staschiak – summary financial reports

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

- Summary of Year-To-Date Information as of September 30, 2018
- Financial Snapshot for General Fund as of September 30, 2018
- Open Projects Report as of September 30, 2018
- Cash & Investments as of September 30, 2018

Filed.

Findlay Fire Department Activities Report – September 2018. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Caseys Marketing Company dba Caseys General Store 3778, located at 1403 North Main Street, Findlay, Ohio for a C1 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Caseys Marketing Company, Findlay, Ohio. A check of the records shows no criminal record on the following:

- James R. Pistillo
- Jay Soupene
- Julia L. Jackowski
- Michael R. Richardson

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

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Asian Grill Ltd dba Asian Grill, located at 1813 Tiffin Avenue, Findlay, Ohio for a D1 and D2 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Asian Grill Ltd, Findlay, Ohio. A check of the records shows no criminal record on the following:

- Young K. Park
- Yi Zheng

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

Service Director/Acting City Engineer Thomas – WTP roof replacement project #35782300

By authorization of Ordinance No. 2018-096, the City will be using the US Communities Purchasing Program for the WTP Roof Replacement Project. The bid amount for the project is one hundred forty-nine thousand four hundred five dollars (\$149,405). The contractor will be The Garland Company from Cleveland, Ohio. This project is included in the 2018 Capital Improvement Plan and the total project estimate is within the budgeted amount. Previously, twenty thousand dollars (\$20,000) was appropriated for design and startup. At this time, an appropriation of funds is needed for construction, inspection, and contingency. Ordinance No. 2018-105 was created.

FROM: Water Fund	\$ 140,000.00
TO: WTP Roof Replacement Project #35782300	\$ 140,000.00

Filed.

Hancock Regional Planning Commission Director Matthew Cordonnier – City of Findlay Revolving Loan Fund request for appropriation

On October 5, 2018, the City of Findlay Revolving Loan Fund Committee awarded a loan to D&S Buildings LLC in the amount of \$106,413.00. The funding will provide funds for the purchase of 3500 North Main Street to house Howard's Coin Shop. The closing date for the loan is set for October 24, 2018. Legislation to appropriation funds and be passed on an emergency basis in order to accommodate the timeline of the business and the bank that are involved in the financing of the project is requested. The appropriation of City RLF funds have historically been passed on an emergency basis in order to accommodate the time sensitive needs of businesses. Ordinance No. 2018-108 was created.

FROM: City of Findlay Revolving Loan Fund	\$ 106,413.00
TO: D&S Buildings LLC	\$ 106,413.00

Discussion:

Councilman Russel asked for some background on this including the timeline for consideration. Matt Cordonnier from the audience replied that the Revolving Loan Fund (RLF) is for a coin shop that is currently located in Leipsic. They have been in business for over thirty (30) years and wish to relocate to Findlay near I-75. They do a large amount of business. They also have a very large internet presence. They sell over fifteen hundred (1,500) lots a week. They approached HRPC for a RLF to acquire the building that they will be relocating to. Along with that, they will be committing to creating five (5) new jobs as required by the grant. Filed.

COMMITTEE REPORTS:

A COMMITTEE OF THE WHOLE meeting was held on Tuesday, October 2, 2018 to conduct a pre-budget meeting.

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

An AD HOC COMMITTEE met on October 3, 2018 to discuss the Mayor's 2020-2023, City Auditor's 2020-2023, Council President's 2020-2021, and Councilmember 2020-2021 salaries.

We recommend the committee discussed procedure and progressing forward – meeting to be continued.

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

The PLANNING & ZONING COMMITTEE to whom was referred a request from Philip Rooney on behalf of Blanchard Valley Health System to rezone 2475 Crystal Avenue from C1 Local Commercial to M2 Multi-Family.

We recommend zoning change as requested. Ordinance No. 2018-107 was created.

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

The PLANNING & ZONING COMMITTEE to whom was referred met on October 11, 2018 to continue September 13, 2018 discussions on large lot mowing.

We recommend that current ordinance remain in effect.

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

Discussion:

Councilwoman Frische asked who all was in attendance at the committee meeting. Councilman Harrington replied the five (5) committee members were there. Councilwoman Frische asked if they were presented with an ordinance to review for large lots. Councilman Harrington replied no. Councilwoman Frische asked if it was part of the discussion from the main meeting to look at the Beaver creek ordinance. Councilman Harrington replied never. Councilwoman Frische replied she is looking at the minutes and that Councilman Harrington should review the main minutes. Councilman Harrington replied the Beaver creek ordinance was never considered on large lot mowing.

Councilman Watson pointed out that he is not on the committee, but was in attendance and asked if the discussion that took place could be summarized at that meeting. Councilman Harrington replied that it was the third meeting that they discussed large lot mowing. They discussed a lot of different scenarios all of which fell back to the original or current ordinance addressed. Based on that, the committee felt that all citizens inside the city limits, regardless of what their lot size is, need to adhere to the current ordinance. The language in the current ordinance about the size of the lots or the requirements that those can and will be brought to the committee at a future date, but the committee felt that at the current time, the current ordinance should remain in effect and that the citizens of Findlay, regardless of their lot size, need to adhere to that, so mow your lawn and we'll leave you alone.

Councilwoman Frische was at the main meeting when the ordinance was asked for and she questioned it asking if Council needed to immediately pass it. The Law Director told Council that it did and would continue to work on large lots. It was also mentioned that Todd Richard had an idea that he gave to the Administration for review that she assumed would have come to the committee. She was not aware of three (3) committee discussions that took place on large lots because she attended one and they did not discuss it in that meeting which was either in August or September, but knows that when they were talking before, there were discussions about subdivisions being developed with homes not on them yet and how the City will be treating those lots that get large grass. They talked about lots in the City that get farmed or have wheat on them or are a five (5) acre parcel and if the City is going to make them mow back so many feet from the street or the perimeter of their property. She does not think it was just talking about the Leguire's property and thought Council was just cleaning up the ordinance in clarifying some things with regards to that. With that, she cannot accept the committee report.

Councilman Watson echoed a lot of what Councilwoman Frische just stated. He is disappointed that we are where we are right now because he remembers the conversation about working with people who have large lots. It is disappointing that we won't talk about carving out an exception among Council. He will rely on the Mayor at this point in terms of selected enforcement action because as the ordinance is written, the City could go right now and mow over a garden which does not make any sense. He does not feel it is just and he has a real problem with it. It is his hopes that the City does not mow over that garden.

Councilman Russel noted that at previous meetings, Mr. Cordonnier was requested to bring two (2) possible ordinances for consideration. He is unsure where the language came from, but the committee felt that neither of them were appropriate for the City for various reasons. There was a lot of consideration amongst the committee on this issue. To say there was none is incorrect. They met multiple times on it. Ultimately, the committee thought that the current ordinance was the best. Some of the examples that were talked about were on undeveloped subdivisions. The response is that they are asking the property owners to maintain their lots and they do. Mr. Leguire's property was talked about. Todd Richard was at the last meeting who stated that Mr. Leguire's property, in its current condition, there are no violations. It does not include gardens. If a property owner with a three to five (3-5) acre lot plants corn, they will be fine. The reason for the six inch (6") is to have a measure upon which they can enforce. It has always been in the code. The City has a contract with Walter Drane Company who helps keep the City's code in sync with Ohio Revised Code. With one of their standard revisions, they remove the City's language to set a height limit which is why the committee came back with the six inch (6") height limit so that the City has a marker upon which to go by. That language has been in there for some time. They have not heard an outcry from the citizens that the City was cutting people's lawns of octogenarians when they vacation in Florida. That hasn't happened. In fact, what he has mostly heard from citizens is that they are thankful for the increased enforcement. The sky is not going to fall with a six inch (6") requirement. It hasn't. It will not. This is an ordinance that will still be managed and enforced by people, with good folks working with the City. To call this domestic terrorism when talking about school shootings and shootings such as Las Vegas, is uncalled for. It did get proper consideration. The committee's best judgment was to leave the ordinance as is.

City Auditor Staschiak pointed out that he has direct knowledge of at least one case and that there may be two, where citizens have come to the Auditor's Office to pay fines. The City is charging a one hundred fifty dollar (\$150) Administrative fee when the lawn is mowed, but his office is unable to explain to citizens why that is right and proper. In the past, his office had always been told by prior Law Directors that they cannot do that. He is not criticizing anyone, but he is in a position where he cannot explain it to the public. The public are coming to his office and making comments. In one case, the individual works in a factory, and when the factory was on shut down, he took a vacation, but came back just after three to five (3-5) days of rain and mowed his property the first dry day and was very upset that he had to pay the fine. The Auditor's Office told him that Council would be his best avenue for having discussion. There has been some concern from the public. He does not have a way to explain the one hundred fifty dollar (\$150) fee because his office is only allowed to charge anyone ten cents (\$.10) per copy. They cannot tack on fees.

Councilman Russel clarified that the change in fee structure for lawn mowing services was put in place two (2) years ago, possibly three (3) because the previous level was so low that many citizens were okay with the City being their law service which is not a good or proper use of City resources to be the lawn service for those who chose not to comply. That is why the fee was increased.

Councilman Shindledecker noted that as part of the committee's research and discussion on the grass ordinance, they received ordinance information from nineteen (19) other Ohio cities. The length of grass in those areas ranged from five to twelve inches (5-12"). The amount of time the owner is given to comply ranges from three (3) days and up. There are a couple of cities that are more lenient than Findlay. Our legislation is less restrictive than most of the nineteen (19) cities that they studied.

Councilman Watson understands what Councilman Russel is saying and does think that the majority of the input he has received from citizens has been positive for the grass ordinance which is why he voted for it initially, but recognizes that sometimes, there is a need for logical exceptions, and there are sometimes that the law sometimes does not meet everyone's needs which is where we have to step in. For instance, the reason Mr. Leguire's garden runs into problems with the ordinance is because he uses grass as a natural barrier for his garden. He has rows of corn, pumpkins, and squash. He uses tall grass to block out critters as best he can. He cannot afford to put up a fence around this garden and around his property. There needs to be exceptions for those that it causes an undo hardship on. Even if it is just one citizen, the City should consider if an exception is just or not.

Councilwoman Frische echoed Councilman Watson's statement. The key things that she capture from what Councilman Russel stated was that there has not been a problem yet and that the sky is not falling yet. She agrees with that because she also voted for the ordinance, but did so under the understanding that verbiage for large lots was going to be carved out that would not hurt anybody and would have clarified things for Council, the Administration, and the citizens to understand what constitutes a large lot and what does not, and how property owners are to maintain them. She believes there are exceptions to the rules. There may not have been any problems yet, but that can change when interpreting the ordinance per case without clarification.

Seven Councilmembers were in favor (Harrington, Hellmann, Ostrander, Russel, Shindledecker, Slough, Wobser), two against (Frische, Watson). Filed.

A COMMITTEE OF THE WHOLE meeting was held on Thursday, October 11, 2018 to discuss school safety levy and the budgetary effects on the City. Resolution No. 026-2018 was created.

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

**LEGISLATION:
RESOLUTIONS**

RESOLUTION NO. 025-2018 (*opposition to State Issue 1*) requires one (1) reading **first reading adopted**
A RESOLUTION STRONGLY OPPOSING STATE ISSUE 1 TO REDUCE PENALTIES FOR CRIMES OF OBTAINING, POSSESSING, AND USING ILLEGAL DRUGS, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 026-2018 (*support property tax levy for Findlay City School District safety & security*) requires one (1) reading **first reading adopted**
A RESOLUTION SUPPORTING THE PROPOSED PROPERTY TAX LEVY FOR SAFETY AND SECURITY FOR THE FINDLAY CITY SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Resolution, seconded by Councilman Shindledecker.

Discussion:

Councilman Wobser pointed out that Council is supporting this levy with the understanding that there will be a lot more detail coming for the memorandum of agreement between the City and the School system. Ultimately, this comes down to a dollars and cents issue for both the citizens approving the levy and with Council approving approximately four hundred thousand dollars (\$400,000) per year for a five (5) year term to add the Officers in. What happens after the five (5) years also needs to be looked at (how are those Officers will be utilized, etc.). Mr. Kurt did a very nice job of explaining everything and that there will be a memorandum with the Safety Director. When Council gets to see those, he anticipates they will pan out exactly as Council expects. Council needs to be aware of when it comes to appropriating money for the budget for these Officers, that all of those things will be taken into consideration.

City Auditor Staschiak is not against this nor is he advocating it, but wanted to provide some information to Council. None of the numbers that have been mentioned on the costs of the Officers have been vetted through the Payroll Clerk nor through the Auditor's Office. The budget process will require the full amount for employment, so budgets will need to reflect the entire cost of those Officers. He has questions on how reimbursement costs will be structured (monthly, quarterly, annual, up front, etc.) which will determine how he will project the revenue figures down the road. Councilwoman Frische asked if the four hundred thousand dollars (\$400,000) is the full number. City Auditor Staschiak replied he has not been given the opportunity nor has he been requested to review any of the numbers. Councilwoman Frische asked if he has reviewed them on his own. City Auditor Staschiak replied no, he has not been given enough information to do that.

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

RESOLUTION NO. 027-2018 (*Hengsteler annexation – services City will provide if annexed into City limits*) requires three (3) readings **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 MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST FOURTH (1/4) OF SECITON 5, T1N, R11E, A TRACT OF LAND CONSISTING OF 36.689 ACRES OF LAND, MORE OR LESS.

First reading of the Resolution.

ORDINANCES

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

ORDINANCE NO. 2018-097 (*credit card policy*) requires three (3) readings **tabled after second reading on 10/2/18**
AN ORDINANCE APPROVING THE BANK CREDIT CARD POLICY ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A.

ORDINANCE NO. 2018-099 (*2018 annual sewer & manhole lining program project no. 35680200*) requires three (3) readings **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2018-100 (*WTP underground utility capacity increase project no. 35776100*) requires three (3) readings **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2018-101 (*Park Street rehabilitation project no. 32875900*) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

adopted in OLD BUSINESS

ORDINANCE NO. 2018-102 (*aviation fuel*) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

adopted in OLD BUSINESS

ORDINANCE NO. 2018-104 (*bicycle ordinance*) requires three (3) readings
AN ORDINANCE AMENDING SECTION 373.11 AND REPEALING SECTION 373.13 OF CHAPTER 373 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

second reading

Second reading of the Ordinance.

ORDINANCE NO. 2018-105 (*WTP roof replacement*) requires three (3) readings
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.

ORDINANCE NO. 2018-106 (*Production Dr ROW dedication plat*) required three (3) readings
AN ORDINANCE ACCEPTING THE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE PRODUCTION DRIVE RIGHT-OF-WAY DEDICATION PLAT, AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.

ORDINANCE NO. 2018-107 (*2475 Crystal Ave rezone*) requires three (3) readings
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 2475 CRYSTAL AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO "M2 MULTI-FAMILY".

first reading

First reading of the Ordinance.

ORDINANCE NO. 2018-108 (*Howard's Coin Shop RLF*) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

first reading

adopted

Councilman Harrington moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Slough. Ayes: Hellmann, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-108 and is hereby made a part of the record.

UNFINISHED BUSINESS: **OLD BUSINESS**

Councilman Russel requested Council to reconsider Ordinance No. 2018-102 (*aviation fuel*), seconded by Councilman Harrington. All were in favor.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Slough.

Discussion:

Councilwoman Frische asked if the reason that the rules are being suspended on this is because there is a need to keep the fuel moving. Service Director/Acting City Engineer Thomas replied yes. Mayor Mihalik added that the Airport has just reached the total amount of fuel that was sold last year now, so they are ahead of schedule.

Ayes: Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Ostrander. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Ostrander, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-102 and is hereby made a part of the record.

Councilman Harrington noted that the City has recently started putting up signs that the City Planning Commission and the Planning and Zoning Committee had recommended. That seems to be received very well. It alleviates some of the questions on what properties are being considered for. It also identifies who to contact for those that have questions.

Mayor Mihalik added that the changes in the ordinance for public notification were a direct result of the citizen engagement with the residents of the Manor Hill neighborhood. She thanked them for being responsive to an issue. Council and the Administration are happy to accommodate their request for public notification.

City Auditor Staschiak pointed out that the DFID sent a notice out asking for a timeline. Council passed legislation in 2009 and received the first payments in 2014 for the 2013 year, and in 2013, Council passed the legislation for the 2014-2018 year and are now past the deadline for filing the assessments for next year. He encouraged Council to double-check with Attorney Rooney and/or Law Director Rasmussen. Once this is passed, there will be a one year gap in the collections of that amount of money due to the timing.

Councilman Russel noted that during the pre-budget meeting, there was a slide on economic pressures with discussions on a potential recession and there was a bullet point stating verbatim decline modest likely in twenty to twenty-five percent (20-25%) range that he is unsure what was meant by that. During the meeting, the City Auditor mentioned he would provide Council with details behind that bullet item and where he got that information from (possibly from Fifth Third). He asked the City Auditor if he has had an opportunity to get more details on the twenty to twenty-five percent (20-25%) decline. He asked what would be declining by that amount. City Auditor Staschiak replied that it referred to the stock market that a modest pull back as much as twenty to twenty-five percent (20-25%). Those were not his words. They were an Economist's words. As the Economist said, it is not going to get any better than this, so it is time to get ready and is time to be prepared whether it is two (2) or three (3) years down the road. What it boils down to is that the City is right-sized. The City of Findlay is a refined geographic area. It changes very little from year to year. By being right-sized, when a modest recession comes, there should be no reason to lay off a single employee because we are right-sized today. We have the right number of people and are prepared for it. That is the message that the Economists are delivering and is the message he wants to deliver to Council. Let's be right-sized. Let's be ready and when that recession comes, let's walk away like it's not even going on and get ready for the boom when it comes around next time.

Service Director Thomas provided more detail for Ordinance No. 2018-101 (Park Street rehabilitation project). That project is completed, but he cannot pay the contractor and close out the job until he receives the funds to do so. When the Engineering Office looked at it, they looked at the wrong budget line for the project, so they are a little short on the project. This Ordinance is for additional funds. The Ordinance received its second reading tonight, but there are five (5) Tuesdays in October, so the third reading will not be for another three (3) weeks. He asked if Council would possibly reconsider the Ordinance. Councilwoman Frische asked what the dollar amount on it is. Service Director/Acting City Engineer Thomas replied a little over fifteen thousand dollars (\$15,000) from the Capital Fund and just over five thousand dollars (\$5,000) from the Sewer Fund for a total of twenty thousand two hundred seventeen dollars (\$20,217). Councilwoman Frische asked what took it over again. Service Director/Acting City Engineer Thomas replied that the soil under the bricks were bad, so they had to undercut and take some of the extra dirt out and replace it with stone. They were not planning on replacing some of the catch basins (five or six of them), but upon inspection, they had to be replaced.

Councilman Russel moved to reconsider the Ordinance, seconded by Councilman Hellmann. All were in favor. Councilman Russel moved to suspend the statutory rules and give the Ordinance it third reading, seconded by Councilman Slough. Ayes: Watson, Wobser, Frische, Harrington, Hellmann, Ostrander, Russel, Shindledecker, Slough. The Ordinance received it third reading. Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Slough.

Discussion:

Councilman Hellmann asked if this project is closed out. Service Director/Acting City Engineer Thomas replied that the project is done. It is not closed out because the last invoice has not been paid.

Ayes: Wobser, Frische, Harrington, Hellmann, Ostrander, Russel, Shindledecker, Slough, Watson. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-101 and is hereby made a part of the record.

NEW BUSINESS

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

City Auditor Staschiak informed Council that the Bureau of Worker's Compensation (BWC) has announced a twelve percent (12%) Worker's Compensation rate decrease for public employers across the board. 2019 decreases are the second largest in at least thirty (30) years. It is a big rebate off the City's Workers Comp. This came at a good time as it is budget season.

Council President Monday announced that during the last City Council meeting, he allowed a couple of speakers to trade off minutes to each other to extend their time to talk which was not within the committee rules of Council. He was in error in doing that and it will not happen again.

Council President Monday adjourned Council at 8:14pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL