

FINDLAY CITY COUNCIL AGENDA

REGULAR SESSION

June 4, 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 May 21, 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 – none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Service-Safety Director Paul Schmelzer – Fostoria Avenue/Plaza Street intersection improvements ODOT PID #93061

By authorization of Ordinance No. 2012-031, bids were opened for this project on May 23, 2013. Bids were received from three (3) potential contractors. The lowest and best bid was received from The Shelley Company of Findlay, Ohio in the amount of one hundred ninety-seven thousand four hundred forty-eight dollars and eight cents (\$197,448.08). An appropriation of this amount along with contingency and inspection time is needed. The project is included in the 2013 Capital Improvements Plan with one hundred percent (100%) funding from ODOT. Legislation to appropriate funds is requested. Ordinance No. 2013-033 was created.

FROM: ODOT

\$ 250,000.00

TO: Fostoria/Plaza Intersection Project #32821200

\$ 250,000.00

Mayor Lydia Mihalik – appointment to Blanchard Valley Port Authority

Request for confirmation for reappointment of Craig Anderson to the Blanchard Valley Port Authority through June 30, 2017. He has served as a joint City of Findlay/Hancock County appointment to the Port Authority since its inception in 2007.

Service-Safety Director Paul Schmelzer – 2013 Resurfacing Program, Project #32830100

By authorization of Ordinance No. 2013-022, bids were opened for this project on May 23, 2013. Bids were received from five (5) potential contractors. The lowest and best base bid was received from Newcomer Concrete of Norwalk, Ohio in the amount of nine hundred seventy thousand dollars one hundred sixty dollars and ninety cents (\$970,160.90). In addition, three alternates were included in the bid package which would bring the total contract amount to one million eighty-eight thousand nine hundred thirty-three dollars and fifteen cents (\$1,088,933.15). A budget of one million one hundred thousand dollars (\$1,100,000.00) is included in the 2013 Capital Improvements Plan. This appropriation request does not exceed the budgeted amount nor does it allow for any contingency at this time. As the project progresses, it may become necessary to request additional funds based on actual costs. Legislation to appropriate funds is requested. Ordinance No. 2013-033 was created.

FROM: CIT – Capital Improvements

\$ 1,090,000.00

TO: 2013 Resurfacing Program Project #32830100

\$ 1,090,000.00

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Robert and Kathy Wagner to vacate a sixteen and on half foot (16.5') wide north-south alley lying between lots 5021 and 5022 in the Niles Addition to the city of Findlay, Ohio. *We recommend approval.* Ordinance No. 2013-030 was created.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Kyle Reichenbach to rezone 201 West Hardin Street, as well as 610 and 614 S Cory Street, lots 237, 238, 239, 240, 241 and 242 in the Vance and Cory's Addition from C2 General Commercial District to C3 Downtown Commercial. *We recommend approval.* Ordinance No. 2013-031 was created.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Mary Houtz to vacate the east nineteen and a half feet (19.5') of Morrill Boulevard between Lima Avenue and Olney Avenue. *We recommend approval.* Ordinance No. 2013-032 was created.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss Community Reinvestment Areas #1 and #2. *We recommend development of a new CRA expansion map with an emphasis on downtown redevelopment, older housing stock redevelopment and enhancement of the I-75 corridor.*

LEGISLATION:

RESOLUTIONS – none.

ORDINANCES

ORDINANCE NO. 2013-026 (*Dietsch Brothers rezone*)

Third 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 DIETSCH BROTHERS REZONE) WHICH PREVIOUSLY WAS ZONED "I1 LIGHT INDUSTRIAL" TO "C3 DOWNTOWN COMMERCIAL".

ORDINANCE NO. 2013-030 (*Wagner alley vacation*)

First reading

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

ORDINANCE NO. 2013-031 (*Reichenbach 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 REICHENBACH REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL DISTRICT" TO "C3 DOWNTOWN COMMERCIAL".

ORDINANCE NO. 2013-032 (*Houtz alley vacation*)

First reading

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

ORDINANCE NO. 2013-033 (*appropriation of funds*)

First reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

UNFINISHED BUSINESS

OLD BUSINESS
NEW BUSINESS

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

May 29, 2013

Honorable City Council
Findlay, Ohio

RE: Fostoria Ave/Plaza St Intersection Improvements, ODOT PID#93061
Project #32821200

Dear Council Members:

By authorization of Ordinance 2012-31, bids were opened for the above-referenced project on May 23, 2013. Bids were received from three potential contractors. The lowest and best bid was received from The Shelly Company of Findlay, Ohio, in the amount of \$197,448.08. An appropriation of this amount along with contingency and inspection time is needed. The project is included in the 2013 Capital Improvements Plan with 100% funding from ODOT.

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

FROM:	ODOT	\$250,000
TO:	Fostoria/Plaza Intersection Project #32821200	\$250,000

Thank you for consideration in this matter.

Sincerely,


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

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

Flag City, USA

Office of the Mayor

Lydia L. Mihalik

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Findlay, OH 45840
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May 28, 2013

Honorable City Council
City of Findlay, Ohio

RE: Appointment to Blanchard Valley Port Authority

Dear Council Members:

This letter will serve as my request for your confirmation of reappointment of Craig Anderson to the Blanchard Valley Port Authority. Mr. Anderson has served as a joint City of Findlay/Hancock County appointment to the Port Authority since its inception in 2007.

Mr. Anderson has expressed a desire and willingness to continue to serve the community as a member of the Blanchard Valley Port Authority. This reappointment will be effective through June 30, 2017.

I trust that you will concur with my choice and confirm my appointment. Thank you for your consideration.

Sincerely,



Lydia L. Mihalik
Mayor

cc: Craig Anderson
Blanchard Valley Port Authority
Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
File

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

May 29, 2013

Honorable City Council
Findlay, Ohio

RE: 2013 Resurfacing Program, Project #32830100

Dear Council Members:

By authorization of Ordinance 2013-22, bids were opened for the above-referenced project on May 23, 2013. Bids were received from five potential contractors. The lowest and best base bid was received from Newcomer Concrete of Norwalk, Ohio, in the amount of \$970,160.90. In addition, three alternates were included in the bid package which would bring the total contract amount to \$1,088,933.15.

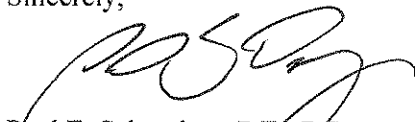
A budget of \$1,100,000 is included in the 2013 Capital Improvements Plan. Please note that the appropriation request does not exceed the budgeted amount nor does it allow for any contingency at this time. As the project progresses, it may become necessary to request additional funds based on actual costs.

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

FROM:	CIT – Cap. Imp.	\$1,090,000	
TO:	2013 Resurfacing Program		\$1,090,000
	Project #32830100		

Thank you for consideration in this matter.

Sincerely,



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

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

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Robert and Kathy Wagner to vacate a sixteen and one half foot (16.5') wide north-south alley lying between Lots 5021 and 5022 in the Niles Addition to the city of Findlay, Ohio

We recommend Approve

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

Aye Nay ABSENT
K. C. Collette

Aye Nay ABSENT
William Schedel, Jr.

Aye Nay Anne Spence
Anne Spence

Aye Nay J. Michael Slough
J. Michael Slough

PLANNING & ZONING COMMITTEE

DATE: May 21, 2013

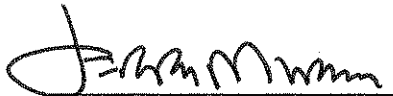
LEGISLATION _____

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Kyle Reichenbach to rezone 201 West Hardin Street, as well as 610 and 614 S Cory Street, lots 237, 238, 239, 240, 241 and 242 in the Vance and Cory's Addition from C2 General Commercial District to C3 Downtown Commercial.

We recommend APPROVAL

Aye Nay 
W. Jerry Murray, Chairman

Aye Nay ABSENT
K. C. Collette

Aye Nay ABSENT
William Schedel, Jr.

Aye Nay 
Anne Spence

Aye Nay 
Michael Slough

PLANNING & ZONING COMMITTEE

DATE: May 21, 2013

LEGISLATION _____

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Mary Houtz to vacate the east nineteen and a half feet (19.5') of Morrical Boulevard between Lima Avenue and Olney Avenue.

We recommend APPROVE

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

Aye Nay ABSENT
K. C. Collette

Aye Nay ABSENT
William Schedel, Jr.

Aye Nay Anne Spence
Anne Spence

Aye Nay Michael Slough
Michael Slough

PLANNING & ZONING COMMITTEE

DATE: May 21, 2013

LEGISLATION _____

COMMITTEE REPORT

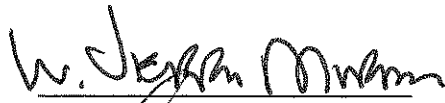
THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss Community Reinvestment Areas #1 and #2.

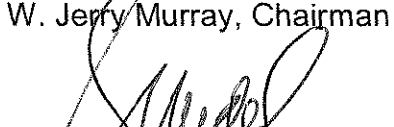
We recommend

DEVELOPMENT OF A NEW CRA EXPANSION MAP WITH AN EMPHASIS ON DOWNTOWN REDEVELOPMENT, OLDER HOUSING STOCK REDEVELOPMENT AND ENHANCEMENT OF THE I-75 CORRIDOR.

Aye Nay


W. Jerry Murray, Chairman

Aye Nay


William Schedel, Jr.

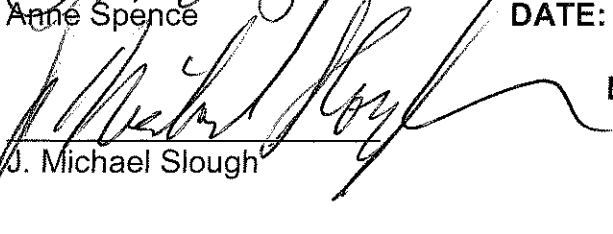
PLANNING & ZONING COMMITTEE

Aye Nay


Anne Spence

DATE: May 28, 2013

Aye Nay


J. Michael Slough

LEGISLATION _____

**FINDLAY CITY COUNCIL
CARRY-OVER LEGISLATION
June 4, 2013**

2013-026
(Dietsch Brothers rezone)

Third 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 DIETSCH BROTHERS REZONE) WHICH PREVIOUSLY WAS ZONED "I1 LIGHT INDUSTRIAL" TO "C3 DOWNTOWN COMMERCIAL".

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

JUNE 4, 2013

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, JUNE 4, 2013 MEETING.

ORDINANCES

- 2013-030 AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS WAGNER ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.
- 2013-031 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 REICHENBACH REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL DISTRICT" TO "C3 DOWNTOWN COMMERCIAL".
- 2013-032 AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS HOUTZ ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.
- 2013-033 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2013-030

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS WAGNER 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:

Being a sixteen and a half foot (16.5') wide north-south alley lying between lots 5021 and 5022 in the Niles 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. 2013-031

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 REICHENBACH REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL DISTRICT" TO "C3 DOWNTOWN COMMERCIAL".

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 Lots 237, 238, 239, 240, 241 and 242, in the Vance and Cory's Addition to the City of Findlay, Ohio.

SECTION 2: That said property above described herein be and the same is hereby rezoned from C2 General Commercial District to C3 Downtown Commercial.

SECTION 3: That from and after the effective date of this ordinance, said property above described herein shall be subject to C3 Downtown Commercial 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. 2013-032

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS HOUTZ 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:

Being the easterly 19.5 feet of that part of Morrical Boulevard which lies between Olney Avenue and Lima Avenue.

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. 2013-033

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:	ODOT	\$ 250,000.00
TO:	Fostoria/Plaza Intersection #32821200	\$ 250,000.00
FROM:	CIT-Capital Improvements	\$ 1,090,000.00
TO:	2013 Resurfacing Program <i>Project #32830100</i>	\$ 1,090,000.00

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 these projects may proceed expeditiously,

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 _____