

# FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

FEBRUARY 5, 2013

COUNCIL CHAMBERS

**PRESENT:** Collette, Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward

**ABSENT:** none.

President J. Slough opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

## MINUTES:

Councilman Collette moved to accept the minutes as circulated from the January 15, 2013 Public Hearing. Councilman Spence seconded the motion. All were in favor. Motion carried. Filed.

Councilman Ward moved to accept the minutes as circulated from the January 15, 2013 Regular Session City Council meeting. Councilman Collette seconded the motion. All were in favor. Motion carried. Filed.

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

**WRITTEN COMMUNICATIONS** – none.

**PROCLAMATIONS** – none.

**RECOGNITION/RETIREMENT RESOLUTIONS** – none.

**ORAL COMMUNICATIONS** – none.

## PETITIONS:

### Zoning amendment request – 123 Cherry Street

Joseph Edinger has requested a zoning change for 123 Cherry Street from R3 Single Family to be rezoned to C3 Downtown District. This is to re-establish zoning that was approved by the City Planning Commission in November 2009. Referred to City Planning Commission and Planning & Zoning Committee.

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

### Precipitation and Reservoir levels report – October-December 2012.

#### Discussion:

Councilman M. Slough asked how high the City allows the reservoir to get. Service-Safety Director Schmelzer replied that in years past, it has been over ninety percent (90%), but has not been over eighty percent (80%) since he has been in office. Filed.

### Mayor Lydia Mihalik – City's insurance policies

The City's insurance policies expire in July of this year. The City is desirous to re-bid these policies for the renewal period of July 2013-July 2016. Emergency legislation to accept bids and enter into a contract for this is requested. Ordinance No. 2013-006 was created. Filed.

### Zoning/Floodplain Administrator Todd Richard – Flood Damage Reduction Ordinance

A draft of the updated Flood Damage Reduction Ordinance is now available via the City's website (Councilmembers were supplied with a CD). After our recent flood events, several gaps in the current code were discovered. The update clarifies some of our standards and prepares us for any future mitigation measures that may occur. The Ohio Department of Natural Resources has reviewed and approved this draft. All language with a ~~strike~~ through symbol is old, and any **bold** type is new.

Special attention has been paid to the definitions. Many of them are for clarification purposes and make the code more complete.

- Page 7: "Critical Facility" has been defined. These types of uses will now be prohibited from the floodplain, regardless of the zoning district in which they are permitted. Critical facilities must be kept out of high risk areas.
- Page 8: engineered vents have been defined and will be mandated. Contractors will not have to install as many of the traditional vents as they did in the past to meet the venting standard.
- Page 28: above ground fuel tanks will be permitted within the 100 year flood zone, provided they are anchored on elevated structures. Underground fuel storage tanks will still be prohibited within the floodplain. This exceeds FEMA's minimum standard.
- Page 37: the prohibition of fill within the floodplain has been slightly relaxed by specifying some types of activity that will be permitted. FEMA does not prohibit fill within the 100 year floodplain, only within the regulated floodway.
- Page 38: a sandbagging standard has been created. Sandbags are considered fill, however, by keeping them within three feet (3') of a foundation wall, the impact should be minimized but also allow protection to the property during a flood event.
- Page 39: Activities within the regulated floodway are clearly specified, as specified by FEMA.
- Page 50: a falsification section has been added. Most of this wording is derived from our General Offenses Code. It has been modified for this ordinance and a violation is considered a first degree misdemeanor.

These changes will ensure continued sound floodplain management and meet or surpass the minimum National Flood Insurance Program (NFIP) standards. Findlay is still one of the top five (5) communities with the most policyholders in the state of Ohio.

A request to review all proposed changes during the review and adoption process, and that this be referred to the City Planning Commission and the Planning and Zoning Commission for a review and recommendation to Council for eventual adoption is requested.

Discussion:

Councilman Murray asked Matt Cordonnier (HRPC) in the audience if this will be addressed at the February 14, 2013 City Planning Commission meeting. Mayor Mihalik replied that the February meeting has been cancelled due to lack of agenda items. This will be addressed at the March 14, 2013 City Planning Commission meeting. Filed.

**Treasurer's Reconciliation Report – December 31, 2012. Filed.**

**Service-Safety Director – Trenton Avenue/Blanchard Street traffic signal upgrade, project 32810300**

By authorization of Ordinance No. 2011-009, bids were opened for this project on January 8, 2013. Six (6) potential contractors submitted bids with the contact being awarded to Perram Electric of Wadsworth, Ohio. The project was included in the 2012 Capital Improvements Plan with funding from ODOT. Legislation to appropriate funds is requested. Ordinance No. 2013-007 was created.

FROM: ODOT	\$ 100,000.00
FROM: Capital Improvements – CIT	\$ 5,000.00
TO: Trenton Ave/Blanchard St Traffic Signal Upgrade <i>project #32810300</i>	\$ 105,000.00

Filed.

**City Auditor Jim Staschiak – long term budget forecasting**

Long term budget forecasting is critical to make informed decisions on the long term impact of any operational changes or new capital expenditure. Per the Government Finance Officers Association (GFOA), a proper long term plan is an invaluable tool to public officials who want to ensure the financial sustainability of their communities while providing vital public services to maintain the health, safety and welfare of citizens. The City Auditor has spoken with a specialist at the State Auditor's Office in evaluating five (5) year plans where it was made clear that a proper plan requires collaboration between the City Auditor's Office forecasting revenue projections and the Mayor's Office projecting expenses. The framework for presenting the General Fund portion of this plan will be complete in the next few weeks and will be ready for the data to be filled in by our respective offices. A forecast can be completed first quarter this year which will allow the City to comply with many of the planning recommendations in the performance audit. The City Auditor will be prepared to discuss this framework at the next Appropriations Committee meeting on February 12, 2013.

Discussion:

Councilman Ward reminded the Administration that when the performance audit was discussed, Council asked the Administration to inform them, maybe in an Appropriations Committee meeting, on the status of the performance audit and what is being done. Filed.

**City Auditor Jim Staschiak – Cash & Investments 2012 year-end report**

A Cash & Investments report for 2012 year end is enclosed. The Auditor's Office is in the final stages of closing the 2012 fiscal year and the City Auditor will be prepared to discuss the available cash balances for enterprise funds and the transfer of the one million dollars (\$1,000,000.00) to the capital improvements account, per the last Appropriations Committee meeting in 2012. Cash balances are cash in the account which is different from the unappropriated balance of each respective fund.

Discussion:

Councilwoman Spence asked if there has been any change or improvements on revenue from our investments as they have been down over the last couple of years. Auditor Staschiak replied that there has been change, but due to Federal policies, the change is driving the revenue down even further. It is a never-ending push by the Fed to do quantitative easing. Because of the restrictions put on us by the State of Ohio, and are more restrictive investment policy that we as the City put in place in the late 1980's or early 1990's, he is limited to very few types of investments. Agencies and treasuries would be the most common he could buy in excess of one million dollars (\$1,000,000.00). Right now, a one (1) year return on a treasury, he has to pay to buy it, which does not make sense. A two (2) year treasury might pay twenty to twenty-six (20-26) basis points, and as high as thirty-five (35) basis points. The Auditor's Office is looking at restructuring (the investments) and purchasing over this week and next week. Returns will be down until at least the end of 2013. Filed.

**Service-Safety Director Paul Schmeizer – CDBG FY2012**

The Ohio Department of Development has notified the City that the Community Development Block Grant (CDBG) funds for the fiscal year 2012 (construction year 2013) are now available. A portion of the funds will be used for the on-going infrastructure improvements in the West Park area. The following is a breakdown of how the grant funds will be used:

- \$75,000 = Byal Avenue (Phase II) project construction
- \$ 4,600 = Fair Housing Program
- \$22,200 = HRPC grant administration
- \$46,200 = Senior Center Equipment

Legislation to appropriate funds is requested as following:

FROM: CDBG Grant Funds	\$ 148,000.00
TO: Byal Avenue, Phase II (CDBG FY2012) , <i>Project #32523000</i>	\$101,800.00
TO: Senior Center Equipment, <i>Project #31930500</i>	\$ 46,200.00

Ordinance No. 2013-008 was created.

Discussion:

Councilman Monday asked if CDBG funds are for low to medium income type areas of the city, could the \$46,200 be used for something for the City rather than give it away to the Senior Center for equipment. While he appreciates the Senior Center and all it offers, he feels these funds could be better suited for a small project for what it was intended to be used for. Service-Safety Director Schmeizer replied that is the use the City has used CDBG monies for in the past. We apply for a project, but do not receive one hundred percent (100%) funding for it between CDBG and OPWC. When we found out we would be receiving significantly more funding OPWC, we tried to see if we could use it towards another CDBG project or go retroactive back to a project that we had tried to fund (i.e. last phase of the Greenwood project), but were not able to do so. Our next choice was other CDBG uses. One of them is fairly automatic is use towards the Senior Citizen Group. Rather than risk losing the money knowing that we could not go forward or retroactively, and knowing how little an expansion of forty-six thousand dollars (\$46,000.00) would do for us in a project, we decided to not risk it and

requested HRPC amend the grant application and put the money towards the Senior Center. In the future, we will have to decide whether or not we want to expand projects for CDBG money. If we are able to pull down large amounts (\$250,000.00 range) for OPWC, then we will be able to get a larger project done. If we don't, we will have to a large out-of-pocket expense to complete the project. Typically, the City has had to spend approximately one hundred to one hundred fifty thousand dollars (\$100,000.00-\$150,000.00) to complete a block for CDBG. In this case, we did not have to spend anything because of the OPWC money.

Councilman Ward asked if the \$22,200 HRPC grant administration is the administration cost for this one (1) CDBG grant. Service-Safety Director Schmelzer replied it is. Councilman Ward then noted that HRPC receives fifteen percent (15%) of the grant money. Services Safety Director Schmelzer replied that it is in that range for every CDBG application. Councilman Ward then replied that it seems high for the amount of the grant. Mayor Mihalik added that the grant administration costs pay for the salaries for the individuals who work on the grants, and it also helps pay for public notices, etc. that are associated with carrying out the activities (i.e. bidding, etc.). It is not solely personnel hours responsible for the grant. Up to twenty percent (20%) can be applied for administrative fees on grants, so this is below the allotted amount.

Councilman Slough asked if any particular area is earmarked for the next CDBG funds received. Service-Safety Director Schmelzer replied that if we keep receiving only one hundred fifty thousand dollars (\$150,000.00) on these projects, it will take a number of years to complete the West Park scope. The phasing on that project has been driven by the drainage pattern. This project has at least four (4) more years to go. Filed.

**City Planning Commission Minutes – January 10, 2013. Filed.**

**Traffic Commission Minutes – January 22, 2013. Filed.**

**Findlay City Board of Health Minutes – December 19, 2012. Filed.**

Discussion:

Councilman Murray noted that the last few sections of this report discuss pay increases to the staff on the Board of Health. During budget discussions, it was noted how well they did on their grants, so their budget had gone up. We discussed increasing their hours which is all we agreed to. He is unsure what rights or responsibilities Council has to approve raises on staff members and feels the timing raises is poor. He agrees with Mayor Mihalik's opinions about it. He then asked if every department has the right to give raises like this. Mayor Mihalik replied that the Board of Health is a different entity in terms of legality. They have an independent board that is responsible for making those decisions. She is not a voting member. She runs the meetings, but is just ex officio. Council approves their budget through the normal budget process through an appropriation, so Council controls the amount of money they spend and how much money they are allotted. The Health department then has control on what they do within that budget after it has been allotted. Law Director Rasmussen added that the Health Department controls the Health Board. Council controls the gross funds that they are willing to contribute to that department.

Councilman Collette agrees with the Mayor that the timing on the request for pay increases is poor, especially with cuts the City has had to take, layoffs, etc.

Councilman Murray noted that the March report should be coming about the merger. He feels the City Health Department either needs to merge or work towards its closure. With layoffs within the City, he does not feel that the Health Department's request for pay increases is not a team effort.

Councilman Schedel asked what pay raise dollar amount the Health Department is asking for. Mayor Mihalik replied that they were promotional step increases. She is unsure the exact dollar amount. Councilman Schedel then asked if any other City departments have received any kind of increase since the beginning of 2012. Service-Safety Director Schmelzer replied that he has received numerous requests for pay raises for individual employees, but he has not approved a payroll change notice for any of them. Municipal Court has had some that were approved through the budget process, but he does not have control over them. Auditor Staschiak told Service-Safety Director Schmelzer during tonight's meeting that there were two (2) pay increases in the Streets Department, but he is unsure what/who they were. Auditor Staschiak added that they were increase from 140 to 160 in late November after the ballot issue. Councilman Schedel then asked how much those increases were. Auditor Staschiak replied that a pay increase from 140 to 160, under the old system and prior to the change to the second tier, is in the one dollar fifty cents to one dollar seventy cents (\$1.50-\$1.70).

Councilman Schedel does not believe we can close the City Health Department legally. Service-Safety Director Schmelzer replied this is correct. Councilman Monday noted that by law, we do not need to have a City Health Department, but that the County does. Service-Safety Director Schmelzer replied that is correct. The City has to have an appointed representative to carry out that duty.

Councilman VanDyne asked who is on the Health Board. Mayor Mihalik replied they are: Joan Work, Dr. McEvoy, Bill Aige, Greg Cline, and Jim Niemeyer.

**City Income Tax Monthly Collection Report – January 2013. Filed.**

**N.E.A.T. Departmental Activity Report – January 2013. Filed.**

**COMMITTEE REPORTS – none.**

## LEGISLATION:

### RESOLUTIONS

#### RESOLUTION NO. 044-2012 (CRA #1)

Tabled

*(first reading on 9/4/12- requires Council motion to be lifted from table)*

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

#### RESOLUTION NO. 045-2012 (CRA #2)

Tabled

*(first reading on 9/4/12- requires Council motion to be lifted from table)*

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

#### RESOLUTION NO. 006-2013

First reading

Adopted

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).

Councilman Collette moved to adopt the Resolution, seconded by Councilman VanDyne. Ayes: Collette, Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record. Filed.

### ORDINANCES

#### ORDINANCE NO. 2012-100

Tabled

*Mayor Mihalik referred this to the 1/8/13 Appropriations Committee after the first reading*

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. 2013-004

Third reading

Adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH CONGRESSMAN LATTA'S OFFICE TO LEASE APPROXIMATELY THREE HUNDRED SEVENTY SQUARE FEET OF OFFICE SPACE IN THE CITY OF FINDLAY'S MUNICIPAL BUILDING.

Councilman VanDyne moved to adopt the Ordinance, seconded by Councilman Collette.

#### Discussion:

Councilman Monday asked if this ordinance is adopted, how it will be established where that office will be located within the Municipal Building. Mayor Mihalik replied that the current Civil Service Office will be relocated to accommodate Congressman Latta.

Councilman Nichols noted that since he came to Findlay in 1957, Congressmen have always had offices outside of the Municipal Building (bank building, etc.). He cannot recall that any of them have been in the city building. He asked why the change. The city building is owned by the citizens of Findlay and not all Findlay citizens are of one political party. To house the Congressman is a step in a different direction. He does not have any issues with it, but doesn't understand why a Congressman would want to come into a city building and bypass some of the local offices along Main Street. Mayor Mihalik replied that the Administration was asked if there was any opportunity of space for the Congressman to house his office here. It made sense to them, and there is a lot of synergy to have a local district office here within the building. There is accessible parking. It is a secure place, and we have all the infrastructure necessary. Some of the complaints the Congressman's Office has received in the past is that it is very difficult to park. The Municipal Building has handicap accessibility in this building, so individuals who may be coming to talk about veterans benefits or something else who have a disability can get in and out of the building without a problem. We made sure that we took a look at what office space would cost so we weren't undercutting anybody. We feel it is a very fair rate. As we continue to push forward for flood mitigation, we felt it was important to have somebody next door so that we could continue to put that pressure on them. Councilman Nichols then asked if his office will be maintained every day, staffed every day. Mayor Mihalik replied it will be.

Councilman Slough asked how much the City is charging for this office space. Mayor Mihalik replied that they settled on seventeen dollars per square foot (\$17/sq ft). Service-Safety Director Schmeizer added that is approximately seven thousand (\$7,000.00) a year.

Ayes: Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-004 and is hereby made a part of the record.

#### ORDINANCE NO. 2013-006

First reading

Adopted

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO TO TAKE BIDS AND ENTER INTO CONTRACTS FOR INSURANCE COVERAGE FOR AIRPORT LIABILITY, AUTOMOBILE, BOILER MACHINERY, CONTRACTOR'S EQUIPMENT, CRIME INSURANCE, POLICE PROFESSIONAL LIABILITY, PUBLIC OFFICIAL'S ERRORS AND OMISSION LIABILITY, REAL AND PERSONAL PROPERTY, AND DECLARING AN EMERGENCY.

Councilman Ward moved to suspend the Statutory Rules and give the Ordinance its second and third reading. Councilman Monday seconded the motion. Ayes: Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday. The Ordinance received its second and third reading. Councilman VanDyne moved to adopt the Ordinance, seconded by Councilman Ward.

**Discussion:**

Councilman VanDyne receives complaints from small business owners around the city Findlay that they did not get an opportunity to bid. He asked if this bid process will be open to any insurance agency that wants to bid. Service-Safety Director Schmelzer replied that is correct.

Auditor Staschiak noted that the reference to health insurance being out for bid needs to be removed from the header of this ordinance. The City does not bid health insurance as we are self-insured.

Councilman Ward moved to amend the header of the ordinance to remove the reference to bidding health insurance. Councilman Collette seconded the motion. Ayes: Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday, Murray. Council President Slough noted that those in favor of adopting the Ordinance as amended signify by saying aye, those opposed nay. Ayes: Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-006 and is hereby made a part of the record.

**ORDINANCE NO. 2013-007**

**First reading**

**Adopted**

**AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.**

Councilman Collette moved to suspend the Statutory Rules and give the Ordinance its second and third reading. Councilwoman Spence seconded the motion. Ayes: Slough, Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols, Schedel. The Ordinance received its second and third reading. Councilman Collette moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols, Schedel, Slough. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-007 and is hereby made a part of the record.

**ORDINANCE NO. 2013-008**

**First reading**

**Adopted**

**AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.**

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its second and third reading. Councilman Slough seconded the motion. Ayes: Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols, Schedel, Slough. The Ordinance received its second and third reading. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Collette. Ayes: Ward, Collette, Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-008 and is hereby made a part of the record.

**UNFINISHED BUSINESS:**

***Old Business:***

Councilman Murray noted that there are two (2) CRA ordinances that have been tabled and Matt from HRPC has been rewriting them. He asked how to remove them from the table and introduce the new legislation. He asked if Council should wait until Matt has them finished, or remove them now. Law Director Rasmussen replied that Council is not ready to take action on them yet. It was mentioned that this may need to go back to City Planning Commission and also Planning and Zoning Committee. Councilman Murray replied that is correct. We will wait for the new legislation and then remove the two tabled ordinances. Law Director Rasmussen replied that Council will need to refer the CRAs to the two (2) committees so that they get on the agendas for the next meeting. Check with HRPC on when the new ordinances will be ready. Councilman Murray noted that HRPC is rewriting them, so it is most likely that they will start over.

Councilman Nichols noted that councilmembers received a letter addressed to Council from Bob Beutier concerning flooding. When letters are addressed to Council, he feels they should be read during Council meetings. Law Director Rasmussen replied that the letter is addressed to the Army Corps. If a Councilmember receives a letter for their information and wishes to have it read at a City Council meeting, and if another member of Council agrees that it should be read, then you can ask that it be read. Otherwise, it requires that the correspondence be addressed to Council. The decision was made not to have been read by Council, and did not receive any other requests from any other Councilmember. In the future, if you any Councilmember wants a letter read at a City Council meeting, any Councilmember can ask to have it read. Councilman Collette noted that was recently done for the letter for the High Street Green Waste Site drop-off site.

Councilman Nichols has been receiving phone calls on the electric aggregation program. His constituents have opted out, but then receive notice that they are in the program and have to opt out again with a fee. He asked if those in the program can remain on budget payments. Service-Safety Director replied that Findlay residents can remain on a budget payment through First Energy Solutions. If anyone has questions about the electric aggregation program, they can call the Mayor's Office. He encouraged anyone who has to opt out of the program more than once to let the Mayor's Office know. That is by far the most annoying thing residents are experiencing with this program. We are being told that they have opted out of the program and then six (6) months later they get another notice saying they are in the program. We will compile a list of individuals who are having to opt out more than once and are forwarding them to First Energy Solutions to make sure they do not have to go through it again.

Councilman Schedel spoke with Deputy Health Commissioner Barb Wilhelm about the requirements by law for the City of Findlay to have a Health Department. Ms. Wilhelm said that unless a health merger is approved by the DAC, we have to by law have a Health Department. Law Director Rasmussen replied that it is not the simple. We do not have to have a Health Department, but do have to provide some service and/or pay for some service. Councilman Schedel added that would require an agreement with the existing County Health Department. Councilman Ward asked if the agreement with the County Health Department could be made with other private organizations to pay them for services rendered. Law Director Rasmussen replied that question has come up before. There is not a requirement that it be any particular governmental entity. Councilman Ward asked if it could be a hospital that takes it over. Law Director Rasmussen replied that is correct.

**New Business:**

Councilman Ward: **APPROPRIATIONS COMMITTEE** meeting on February 12, 2013 at 4:30pm, third floor conference room of the Municipal Building (CR1).

- agenda: 1. Performance Audit update  
2. Budget updates (closing of 2012)

Councilman Murray: **PLANNING & ZONING COMMITTEE** meeting on February 26, 2013 at 12:30pm, Council Chambers, first floor of the Municipal Building (CC).

1. 123 Cherry Street rezone
2. CRA #1 & 2
3. Flood Code

Councilman VanDyne asked if there is a **COMMITTEE OF THE WHOLE** meeting next week. Councilman Ward replied that it will be immediately following the **APPROPRIATIONS COMMITTEE** meeting on February 12, 2013.

**COMMITTEE OF THE WHOLE** meeting on February 12, 2013 immediately following the **APPROPRIATIONS COMMITTEE** meeting, third floor conference room of the Municipal Building (CR1).

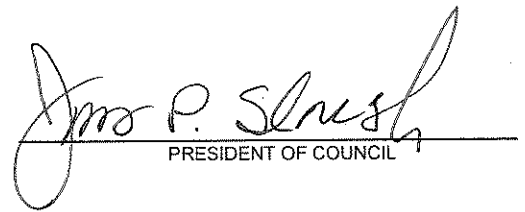
1. City's green waste site drop-off fees

Councilwoman Spence asked if the Army Corp has responded to the flood letters that were given to Councilmembers last City Council meeting. Mayor Mihalik replied that she has spoken to Mike Pniewski who told her that this is the process they are going to go through to update the individuals who responded directly to the Corp after the public meetings were held in December. The Corp will respond with a letter that thanks them for their comments. There will also be a frequently asked questions sheet and answers to those questions that were asked of them. Mr. Pniewski will be at the March 19, 2013 City Council meeting where he can answer any additional questions. He does not see the need for a **COMMITTEE OF THE WHOLE MEETING**, but will address Council at its regularly scheduled meeting in March. Service-Safety Director Schmelzer added that Councilmember will receive a copy of the questions and answers sheet.

President J. Slough adjourned Council at 8:16pm.



CLERK OF COUNCIL



PRESIDENT OF COUNCIL