

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

MARCH 19, 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 March 5, 2013 Regular Session City Council meeting. Councilwoman Spence seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Ward requested to add the following to the agenda, seconded by Councilman Monday. All were in favor. Motion carried.

- Michaela Breece – Community Outreach Garden (WRITTEN COMMUNICATIONS section)

Councilman Collette moved to move the Oral Communications portion of tonight's meeting ahead of WRITTEN COMMUNICATIONS so that those attending tonight's meeting for the sole purpose of Army Corp of Engineers updates could hear them now and not have to wait. Seconded by Councilman VanDyne. All were in favor.

ORAL COMMUNICATIONS:

Mike Pniewski from the Army Corp of Engineers (hereinafter referred to as CORP) first addressed Council over two (2) years ago promising updates on the progress of the study at periodic intervals. He intended to give an update after the end of the public comment period back in January, but due to his travel schedule, tonight is the first opportunity he has had. He explained why he cannot take any questions from the public because the CORP is currently in a deliberation where the agency deliberates the plans that were presented back in December. During the deliberation period, there is a limitation on the type of interaction that the CORP can have with the public so as not to give any appearance of undue influence or the appearance of any favoritism for one group or another. Interaction with the public during this is limited. However, because the City of Findlay is a sponsor of the study, they are able to address Council as a governmental organization that is a sponsor of the study to talk about the study at large and answer Council's questions.

Mr. Pniewski provided an update on the CORP's process and where they are in that process. The CORP's planning process is a technical process and is not a political process. It takes very specific steps to be able to evaluate a flood risk management issue, and in a technical way, produce measures to be able to deal with those issues, be able to assemble plans that can deal with the issue, and then select a final plan which is the plan that the CORP will take forward to do further technical analysis. The first phase of the study ended in November of 2011. This was the initial conditions phase where the problem is defined and come up with measures that will be able to adequately address those issues (i.e. levee, diversion channel, non-structural, flood walls, etc.). These types of measures may work in one place, but may not work at all in other places. One of the major measures that does not work in this area is retention because of the flatness of this area. It is very hard to maintain retain a large amount of water in a small area. Once the measures are established, the next step is to put them together and create plans which are known as the second phase. When they put those measures together and try to develop a plan that derives the highest net benefit. This is done to try to figure out what combinations of measures will provide the highest benefits in terms of managing flood risk while minimizing the negative impacts from those measures. Any flood risk management plan or combination of measures will have both positive and negative impacts. The goal of the planning process is to find the suite of measures that will provide the highest amount of positive impacts while minimizing the amount of negative impacts relative to the cost of those measures to derive the highest net benefits. The reason they put together a suite of plans is to find the plan that provides the highest net benefits (aka best bang for your buck), the cost of the measures taken cannot be more than benefit (positive cost benefit ratio). They also look for the sweet/suite of alternative plans that best meets environmental laws and regulations, as well as the cost of managing those environmental laws and regulations. They also look for the best plan that deals with any potential loss of life. Loss of life is the primary function of dealing with flood risk management. Once the plans are put together, those plans are evaluated under technical merits. They are dealing with flood risk management, not flood control, and not flood mitigation. Any plan that is put together manages the risk of damage from flooding. Any flood risk management project transfers a risk from one place to another. Some will benefit from that transfer risk and have higher positive impacts and other areas will have negative impacts from the transfer risk. The purpose is to maximize the positive transfer risk while minimizing negative transfer risk. It is a very delicate and complicated process.

Mr. Pniewski noted that the CORP is about two-thirds (2/3) of the way through the second phase. In December, they presented the final array of plans where they looked at hundreds of different types of combinations of putting measures together and came up with four (4) that would provide the highest net benefit calculation.

1. One would be the construction of diversion channel that extends from Eagle Creek through the agricultural areas west of Findlay where it re-enters into the Blanchard River about eight (8) miles downstream. One of the main reasons why Findlay floods is because of the timing of peak flows from three (3) main tributaries that all come together within a half hour of each other in downtown Findlay. When it rains, the rainfall goes down the streams where in each stream gets a peak flow. Rain will enter the stream and rise up to a peak flow and then go back down over time. When peaks from tributaries meet, they are additive. When a peak at Eagle Creek is at one level (lowest level), and another peak at Lye Creek that is slightly higher, and also a peak at the main thread of the Blanchard River that is even higher, all those peaks add together to create a large peak that flows down the river. Upstream from Findlay is an area that goes from a high slope to a low slope causing the peaks that form together to pond as it has a hard time getting downstream as Findlay is a very flat slope. One of the primary ways to deal with this is to take one of the peaks and move it downstream to better utilize the existing capacity of the Blanchard River. Instead of having three (3) peaks meeting in downtown Findlay, there would only be two (2) which would result in a lowering of flood elevations in Findlay.
2. Another option is to install a retention pond on Eagle Creek which would involve the removal of Norfolk and Southern bridge downstream of where Main Street crosses the river. This diversion includes a retention pond that would be constructed in an area south of Findlay by the existing Boy Scout camp (aka Camp Berry) in Hancock County that serves itself well to retention. There is a steep grade in the river where there is some relief where some water can be retained. Instead of redirecting the peak, this would hold it back. The Blanchard/Lye diversion is a cut-off channel. One of the main issues with flooding in the Blanchard is that Findlay's drinking water reservoir is built in an area of the river where the main foot of the Blanchard goes directly north-south and then makes a ninety degree (90°) bend east-west. It is not natural for rivers to make ninety degree (90°) bends. When water makes a bend like this, it kicks back causing a large head loss. It will jump the banks and then overflow. With the reservoir in the way of making this bend smoother, the river cannot accomplish this, so instead

it backs the water up and causes the water in the river to rise, and behind the reservoir it jumps the bank and then overland flows across farmland about a mile and a half (1 ½) and empties into Lye Creek. This option would take one third (1/3) of the flow of the Blanchard and going into Lye Creek, but Lye Creek is not equipped to take that flow. Lye Creek is much more of a direct route into downtown Findlay. The cutoff route cuts out about half (1/2) the distance that it would normally take for that same amount of water to get to downtown Findlay. If it makes the jump, it can get there twice as fast which increases the peak flow in Lye Creek and meets at the same time as the other three (3) peaks. There is a higher peak in Lye Creek which results in a lower amount of water in the Blanchard, so that water has the ability to flow faster since it is not as much. By cutting off that flow, it would prevent the cross-flow resulting in much lower elevations of water in Lye Creek and also results in slowing down the peak since it goes around the bend. As he presented in December, that results in lower flood levels in the Blanchard River in every flood event except for the one hundred (100) year. Based on the flows in the hundred year (100), there are some backwater issues. There are some higher level amounts in the Blanchard River than there is without the Blanchard/Lye cutoff. As a result of that, there is some induced flooding along the thread of the Blanchard from State Route 15 all the way around the bend until it gets to downtown Findlay. Taking that cutoff lowers the amount of flood water in Lye Creek in every flood event up to about three feet (3') resulting in less amount of damage occurring in the Lye Creek area. This would significantly lower the risk of damage and frequent flood events to those in the Lye Creek area, but increases the risk of possible higher damages in a one hundred (100) year event.

These options are evaluated based on net benefits. When you take the amount of benefits you gain along Lye Creek judging the tradeoff with the damages that occurs as a result of the induced flooding.

3. Another option is the Blanchard to Lye diversion by itself without the western diversion. This would be a non-structural measure in which the CORP would buy people out or raise the elevation of their homes, and would also remove the Norfolk-Southern bridge.
4. This is a combination of the three (3) above options (combination of the Blanchard to Lye diversion, the western diversion, and the removal of the Norfolk-Southern bridge, and the non-structural measure).

Once these four (4) plans became available, the CORP was obligated to inform the public of not only the benefits of those plans, but also the negative impacts of them in order to solicit comments from the public. They received approximately seventy (70) comments from the public both within and outside the city of Findlay (some from Ottawa). These four (4) plans are being further evaluated to take a closer look at them and make any necessary changes to them to lower the negative benefits and locate the suite spot. They are now looking into which of the four (4) plans provides the highest net benefit. They are now reviewing their analysis to find the negative impacts from flooding and make any necessary changes to try to lower the amount of negative impacts. This will require additional data to make an adequate judgment, and will obtain some further analysis and opinions from their legal staff (i.e. condemnation, land values, etc.), information from their real estate department to try to narrow down land values. They obtain as much data as they can to make better decisions about selecting what is the best plan that drives the highest net benefits.

Opportunities for future feedback:

Because of the congressional situation right now, it is unclear of when Mr. Pniewski will be able to come to Findlay again in the future. There are a couple of issues being worked out that has a lot to do with what the future timeline of the study. Congress is determining what the possibility of receiving future federal funds will be and whether or not there will be a continuing resolution to close out the year so that the CORP can develop a work plan to determine whether the CORP will get federal funds for FY13 or not is still being determined. Congress could decide to go with a monthly or weekly resolution. It is Congress's decision on what to do. The CORP is uncertain if they will receive future federal funding for the study in FY13.

The impact is on the Department of Defense. The CORP is part of the Department of Defense. Civilian employees of the Department of Defense will be furloughed up to one day per week which means twenty percent (20%) less time to do things, so the entire process will take longer.

The process does allow multiple opportunities for future feedback. The next opportunity is while we work through and select the tentatively selected plan which is endorsed by their vertical team who will release the draft feasibility report that will outline the analysis to date that the CORP has done to arrive to the tentatively selected plan. Once the draft feasibility report is released, there will then be a series of public meetings where questions from the public can be answered by the CORP. When that will be released is dependent on Congress and monies. It could be as soon as this summer or fall. There will also be opportunities after that. Once the CORP has more data on which landowners will be impacted by the projects, there will then be a series of landowner information meetings. These meetings will be where the CORP will meet with individual landowners to inform them what the impacts are and the compensation possibilities are. Those meetings will probably take place the middle of 2014. After those meetings, most likely late 2014, there will be the release of the final feasibility report and the release of the environmental impact statement. This will also be when public feedback will be allowed.

Mr. Pniewski received and read all of the correspondences Councilmembers received from Findlay citizens, but he cannot answer all of them at this time mainly because they deal with specifics and specific impacts. Right now, the CORP does not have answers. Based on the Blanchard to Lye diversion, there is an increase in the flood level in those areas of at least two and a half (2 ½) inches. He is unsure of how it impacts specific residences or how it will impact neighborhoods, or how the CORP will mitigate for it. Those are all detail oriented information that done as the study progresses. He does not know the answers for those questions right now. Mr. Pniewski appreciates all the questions as they are all very good questions, but he cannot answer them right now, but will be happy to answer them once he knows what the answers are.

Mr. Pniewski thanked Council for the invitation to speak and opened the floor up for Councilmember questions.

Discussion:

Councilman VanDyne asked if induced flooding is one of the alternatives that has been decided upon by the COPR or if it is still in the review stage. Mr. Pniewski replied it has not been decided upon. There is a very real possibility that it may not happen.

Councilwoman Spence asked if when the CORP takes into consideration the cost to the community to make any changes (i.e. cost of houses that would be impacted by induced flooding). Mr. Pniewski replied it is not just the construction costs, but those types of costs are calculated in. The CORP's report is required to mitigate negative impacts, but it is uncertain what the mitigation method will be until he knows what the exact impact is. There is a contingency based on a percent of value that is used to be able to derive costs. It is an apples to apples comparison tool. Councilwoman Spence then asked if the deliberation period ends when the draft feasibility report is presented. Mr. Pniewski replied that is correct.

Councilman Collette asked if there have been any other projects similar to Findlay's that Mr. Pniewski could provide examples in other cities, villages or towns where this has occurred and what kind of compensation was involved. Mr. Pniewski replied that Fargo is similar to Findlay. They are a large agricultural and flat community that is about four (4) or five (5) times larger than Findlay, but many of their issues are very similar to Findlay. There is a large amount of induced flooding in Fargo to where it is impacting three (3) towns. They have induced flooding in square miles of land instead of a few hundred acres like Findlay has. Fargo is purchasing one town outright and doing some ring walls and levees around some other towns in which the towns will be protected and no one will be allowed to live there while they are flooded because of the possible risk of levee failure. Residents there could not live in their houses for up to two (2) months or more. Councilman Collette then asked what type of compensation is being provided to

those in Fargo for the non-use of their homes and/or the loss in home value. Mr. Pniewski replied he does not know exactly, but those in Longtown were bought out in which they paid their market value for their homes. Councilman Collette asked if the price to buy out their homes could not be agreed upon, if it would then go to condemnation proceedings. Mr. Pniewski replied that is correct. The CORP will appraise the property. The property owner is welcome to get their own appraisal. If the purchase price cannot be agreed upon, then the CORP will pay for a third appraisal and then the CORP's final offer becomes the average of the three (3) appraisals. All of these will be done in landowner meetings. For areas that are not being purchased (non-structural), it will be a non-voluntary process. In an induced flooding area, there may some property owners who decide they do not want to raise their homes, so they then assume the risk. When they receive damages from induced flooding, they are then compensated for that assumed risk.

Councilman Monday noted that a lot of those in the audience tonight attended tonight's City Council meeting because of induced flooding which is a very emotional issue for those who have lived in their homes for many years and do not want to move, be compensated, and do not want the flooding. When they purchased their homes, they thought they would not have to worry about flooding on their properties. Councilman Monday also lives in an area that has the potential for induced flooding if that is the route the CORP takes. Three (3) or four (4) inches of water makes a big difference in whether water will come up to his sidewalk or come into his home. He encouraged Mr. Pniewski to talk to whomever he needs to talk to figure out what can be done as there must be something that can be done so that property owners who will be affected by induced flooding so they can be secure in their homes. He talked about four (4) options in which only one (1) included induced flooding. The induced flooding option may not happen if we do not have another one hundred (100) year flood, but will still lower property values. No one will want to purchase those properties. He would like someone from the CORP to come to Council who can answer citizens' questions as all of their questions are not getting answered. Mr. Pniewski replied that he understands citizens' frustrations and that he will be happy to answer their questions once he knows what the answers are. Councilman Monday asked when the next public comment session will be. Mr. Pniewski replied that once the release of the draft report is given, a public comment session will be held. Councilman Monday is tired of hearing about a study doing a study upon a study. This issue has been studied to death. He asked when the studies are going to stop and when will citizens see some action. No one has seen anything get done except for promises of another study. His constituents call him constantly asking when the studies will stop and when will they see some results. All they hear about is studies that need to be done and certificates that need to be filed which equates to more money going to the CORP. He asked if it would be to the CORP's advantage to continue the study so they make the money. When you consider Findlay's contributions to the CORP plus the hundred or thousand others throughout the country, the CORP is making a lot of money on studies. He is receiving phone calls and letters from constituents in his ward who are angry. While he realizes Mr. Pniewski is only the messenger, but he wants answers and get something done. He has talked to representatives in Washington who tell him they are trying, but that they can only go so far, then they hear sequestration, which he feels is just a copout. He asked Mr. Pniewski to take his comments back to his supervisor and let him/her know that at least one Councilmember in the City of Findlay wants some action. Mr. Pniewski replied he sympathizes with what Councilman Monday has said and that he is just a plain citizen too. Councilman Monday thanked Mr. Pniewski for bringing updates to Council and that the decisions made for Findlay are not solely his decision. Mr. Pniewski replied that the biggest issue that the CORP has had in terms of the study in the way that the process works is receiving funding. The CORP only received funding for the study in fiscal year 2011. In terms of how CORP studies go, this is going very quickly. A typical CORP study process, even the fastest CORP study processes takes an average of five to eight (5-8) years. A major transportation corridor study takes five to eight (5-8) years. They are not dealing with something small but rather with a significant piece of infrastructure that is a major investment. It is a significant piece of infrastructure that impacts a lot of people. The CORP does not have the latitude to get it wrong. They only have one shot. In order to get it right, it takes a very deliberate and lengthy process to make sure all the I's are dotted and T's are crossed as they do not get another chance.

Councilman Nichols asked what level of water is referred to when Mr. Pniewski mentioned induced flooding. He asked if he was using 2007 flood levels or the 1913 flood. If the 1913 flood, two inches (2") can become two feet (2'). Mr. Pniewski replied that the CORP can only look at the one hundred (100) year flood. If there is anything in excess of the one hundred (100) year flood, the Federal Government by policy will not pay for any piece of infrastructure that does anything higher than the one hundred (100) year flood. The 2007 flood was a little more than the one hundred (100) year flood event. It was pretty close. The 1913 flood was higher than a five hundred (500) year flood event. Councilman Nichols purchased a property out by the Findlay Airport. While he tore down that property, he noticed a high water mark of 1913 on the third block of the foundation which alarmed him. Mr. Pniewski replied that what should scare people more is that if the 1913 flood occurred today. The 2007 flood and the 1913 flood river levels were about equivalent. The flow in the river during the 1913 flood was about thirty-five percent (35%) more. You would have to add about three to four more feet (3-4') to the 2007 flood to equal the 1913 flood.

Councilman Murray asked if the four (4) options Mr. Pniewski gave will be narrowed down to one (1) when he comes back this summer with the draft feasibility report. Mr. Pniewski replied that is correct. Councilman Murray then asked what rights Council has if the option chosen that has a cost benefit ratio for the government is not good for the community. Mr. Pniewski replied that local communities are permitted to form what is known as a locally preferred plan that has to be based on technical merit. To say Council does not like the option chosen because it floods one area versus another area runs into some legal issues. The local community is welcome to provide the locally preferred plan and the CORP will work with them to come up with a plan that meets the needs of the community as best they can that their process will allow.

Councilwoman Spence asked if only one of the four (4) options does not include induced flooding. Mr. Pniewski replied that is correct. Councilwoman Spence then asked if the location for the other three (3) induced flooding areas are the same or other areas of the community. Mr. Pniewski replied they are all the same. What causes the induced flooding is the Blanchard to Lye diversion cut off. That option is in three (3) or the four (4) options. Councilwoman Spence then asked if the non-structural measure is the option that would not include the possibility of induced flooding. Mr. Pniewski replied that there is one option that includes just the western diversion channel alone. It would be that channel alone with non-structural in the Norfolk Southern. Councilman Murray asked if that has induced flooding. Mr. Pniewski replied it does, but that every plan has positive and negative impacts. There will be the construction of the diversion dam in the western diversion where water will back up. The landowners upstream of that will receive negative impacts. Every plan includes induced flooding. It is a matter of where.

Councilman VanDyne asked if Mr. Pniewski has received all of the comments and questions Council has received so far. Mr. Pniewski replied he has. Councilman VanDyne then asked if those will go to the next public comment meeting and addressed then. Mr. Pniewski replied that if the City wishes to submit them to the CORP during the next public comment period, the CORP will be more than happy to take them.

Mayor Mihalik addressed Councilman Monday's comments about being tired of the studies. Perseverance is the key because back in the 1960s, the City had the option to try and fix this, but did not. It is now time to do so. It is now our time to persevere and make it through this process so that our children do not have nightmares about flood waters rising whenever it rains, and so that our community can continue to be economically viable to continue to support the fourth (4th) largest company in the state of Ohio on Main Street of Findlay. So that we can continue to support the small businesses and restaurants that invest countless amounts of money in our community. We do not want to see another 2007 roll around. In order for us to try and keep that from happening again, we have to stay strong and united as a community as all of us benefit when we end up solving this issue. She has faith that at the end of the day that the CORP will come through with a solid plan that has the highest cost benefit ratio and that all our efforts and investments that have been put forth locally will be worth it in the end. Councilman Monday replied to tell that to the citizens that will be a victim of the induced flooding. Mayor Mihalik replied that she understands what the citizens are saying and their concerns. If she had a chance to do it over again, if she was the CORP, she would have done a much better job in preparing that response for those individuals. She feels confident

that they are not going to induce flooding to a point where it is going to be detrimental to those neighborhoods. The Administration has talked to Mr. Pniewski and Steve Wilson. It will be minimal. More details probably should have been worked out before this options was discussed. If there was more information available, then there would not be the concerns we have. We know that overall this solution needs to be comprehensive and be beneficial for the entire community. It is not about us versus them or their neighborhood versus another neighborhood. It is about what is beneficial for the entire community so that we can move forward. She is tired of having to answer the questions. We need to do something about it. In order for us to do something about it as a community, we have to persevere and continue to move forward. While it seems like it is taking a long time, we need to keep in mind that Findlay is one of four (4) communities in the United States under this pilot program. We are pushing and congress is listening. She does not have any control over sequestration. The CORP understands what we are doing. It is incumbent upon us as leaders in our community to support this process and come up with a solution. If we do not come up with a solution, we will be that 1960s community and will not be the same Findlay and Hancock County that we are now. We need to stay the course and persevere to come up with a solution that is beneficial to all. Until the CORP knows all the answers, we cannot point fingers about those that are going to be affected by induced flooding or those who are not going to be induced. We do not have that information yet so it is tough to get excited about the options. We need to stay the course. We have invested the money and have invested the time. We are further ahead now than we ever have been. Steering away now is detrimental. She asked what we will do if a company like Marathon decides that they want to not be in Findlay anymore. We would be crippled if that happened because we have had a lack of leadership because we did not want to persevere and follow through. There are families in this community that we owe it to. We need to continue to move forward. It will take time. We need to have patience. We need to do this for our grandchildren and for their children so that you can say at the end of the day that you did everything that you could as a Councilman of Findlay City Council to make sure that we are a better community than what we are today. It is tough, but these are the decisions that we have to make and the path that we have to follow moving forward. It is frustrating, but it is the only option we have. To do nothing is irresponsible. We cannot just sit and wait for the next significant rainfall. We need to stay the course and persevere.

WRITTEN COMMUNICATIONS:

Bill Lydick – wildlife crossing sign on South River Road

Mr. Lydick attending a City Council meeting approximately two to three (2-3) years ago requesting a sign be posted on South River Road to help protect the large number of geese that nest directly across the river in that area. His request was denied and he is now asking City Council for their assistance in posting a "wildlife crossing" sign similar to the one posted on East Melrose just past Crystal Avenue which has a lot less wildlife in that area than on South River Road.

Discussion:

Councilman Slough noted that he went and looked at the sign on East Melrose and it appears to be a homemade sign and does not look like a sign the City would make. If Mr. Lydick wants to install a wildlife sign, he have a sign made and put it up. The City of Findlay does not have the responsibility for the geese.

Councilman Collette noted that citizens cannot just put signs wherever they want to. This does not seem like a huge request. He does not have an issue with fulfilling this request.

Councilman Monday noted that during the last Administration, a similar request was made for the same area where it was referred to the Traffic Commission where it was denied at that time. Councilman VanDyne asked if there was specific reason why it was denied. Councilman Monday replied he is unsure, but that the minutes would probably state the reason.

Councilman Nichols believes these types of signs are all private signs. He remembers dealing with these requests when he was on Council the first time and it was decided then that if someone was one of these types of signs, they can do so privately as it was not part of City Council's privy to do so.

Neither the Mayor nor the Service-Safety Director has a problem entertaining this request at Traffic Commission. Referred to Traffic Commission. Filed.

Michaela Breece – Community Outreach Garden

Ms. Breece and Daniel Horton came before City Council on March 5, 2012 to discuss a Community Outreach Garden. She is now writing to City Council to inform them that they have decided to team up with the United Way Community Gardens of Hancock County Project where they will be establishing their garden with them. Filed.

PROCLAMATIONS – none.

RECOGNITION/RETIREMENT RESOLUTIONS – none.

PETITIONS – none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

Findlay Police Department Activities Report – February 2013. Filed.

N.E.A.T. Departmental Activity Report – February 2013. Filed.

City Planning Commission agenda – March 14, 2013; minutes – December 13, 2012; minutes – January 10, 2013; staff report – March 14, 2013.

Discussion:

Councilman Nichols complimented these reports. They are well written in that when you read them, it is as if you are in the meeting. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Diaz Investments, Inc. dba El Tequila, located at 2411 Tiffin Avenue, Findlay, Ohio for a D1, D2, and D3 liquor permits. This requires a vote of Council.

Gregory R. Home, Chief of Police – Diaz Investments, Inc. dba El Tequila, located at 2411 Tiffin Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

Felipe Diaz Cruz

Councilman Nichols moved for no objections be filed. Seconded by Councilman VanDyne. 6 Council members in favor, 2 opposed. Filed.

Service-Safety Director – City-owned Hardin Street Parking Lot

The Hancock County Commissioners are moving forward with plans to renovate space on Main Street. The County will soon be relocating additional County offices into the 514 South Main Street building currently housing Café Marie and the Hancock County Adult Probation Office. As a result of this move, a considerable number of County employees will be in need of parking in that immediate area. The County is interested in purchasing the Hardin Street lot from the City. As part of the purchase agreement, the County is willing to increase the number of City employees able to park in the lot on the north side of the municipal building. Council's permission to enter into an agreement with the County Commissioners to craft an agreement is requested. Ordinance No. 2013-017 was created.

Discussion:

Councilman Monday noted that this issue came up last year where the County wanted to acquire that lot. He received a phone call from James Berk who is the CEO of Scrambler Maries which has a restaurant across from Marathon who told him that if he lost the parking back there, that they would most likely leave downtown Findlay. He is concerned about losing another business in downtown Findlay, so he will not vote in favor of this as he feels it is more important to keep our downtown intact as we can.

Councilman Collette noted that the City also owns the Hardin lot that is west of Cory Street. He has spoken with some of the downtown business owners who are concerned that this will take away the parking that is near their businesses as opposed to moving them over to the west Hardin address. Mayor Mihalik noted that Commissioner Riegle mentioned that Café Marie (aka Scrambler Maries) is a tenant of the building the County owns, so they would be willing to make accommodations and will do what they can to work with those property owners to continue to lease adequate spaces for those individuals. Councilman Collette asked if the County can purchase the parking lot that is west of Cory Street. He drives by there during the day and sees empty parking spaces everywhere. We should keep the parking lot for our citizens and downtown businesses closer to Main Street. Service-Safety Director Schmelzer replied that he can talk to them about this option. We are not alone in our concern for making sure there is adequate public parking. He has been assured by the County Commissioners that there will still be public parking that will remain in that lot.

Councilman Murray asked what lot north of the Municipal Building is this referring to. He asked if it is the one next to the Probate Court or the one across the street that is next to the Library. Service-Safety Director Schmelzer replied it is the one next to the building that they just got done redoing. Mayor Mihalik replied it is the former Media One lot.

Councilman Ward feels they should look for parking on Cory Street and possibly move the leased spots to that area so there would be more public parking in that area to handle those visiting the Justice Center or Probation Center while still allowing the businesses to have access to the lots close to Main Street. He requested a list of how many parking spaces would be left over for the public before any type of decision is made. Service-Safety Director Schmelzer replied these are the kind of numbers that he intends on working out and in addition to the number parking spaces the City will need for employees in the media one lot. Councilman Ward asked where City employees in the media one lot park now. Service-Safety Director Schmelzer replied they park there now without passes. We need to figure out how many passes we will need to continue to let them park there as well as how many more we will need. Mayor Mihalik added that once the weather warms up, we will be restriping at the Municipal Building to remove the majority of the reserve parking spots and relocating employees to the parker lot and also the excess spaces at the media one lot in order to accommodate our employees. We are doing this because of the complaints that there isn't enough parking close to downtown, so we will be opening up the public lot out front of the Municipal Building, removing employee reserved spots so there will be more downtown parking spaces for those visiting the restaurants and businesses. Councilman Ward asked to see that plan. Filed.

Service-Safety Director Paul Schmelzer – ODOT resurfacing SR 568/SR 330-0.20/0.15, PID #76823

Preliminary legislation has been received from the Ohio Department of Transportation (ODOT) regarding this project. This legislation verifies the City's consent to proceed with the project and proposes a commitment to pay twenty percent (20%) of the resurfacing costs for the areas of State Route 568 from Main Street to Bright Road that are within the City limits. In order to put the project on the books for 2014, ODOT has requested the approved legislation be returned to them no later than April 10, 2013. The work is planned for the spring of 2014 and will be contracted by ODOT. The City's estimated share for the project is ninety thousand dollars (\$90,000.00). This project is currently included in the 2013 Capital Improvements Plan which will soon be available for review. This project qualifies for both County Permissive and State Highway as funding sources. An appropriation of funds is requested. The City's matching funds were already discussed at the March 12, 2013 APPROPRIATIONS COMMITTEE. An appropriation of funds will be requested at a later time once ODOT formalizes the numbers. ODOT preliminary Ordinance No. 2013-015 was created. Filed.

Hancock Regional Planning Commission Interim Director Matt Cordonnier – HRPC status of revolving loan fund billing

Attached is the Hancock Regional Planning Commission's (HRPC) Revolving Loan Fund (RLF) for the period of December 2012-January 2013 in the amount of one thousand two hundred fifty-nine and fifty-two cents (\$1,259.52). Details were provided to the City Auditor and will be available when the invoice is presented for approval. HRPC has accrued three hundred two dollars and eighty cents (\$302.80) for administration of the City RLF for the month of February. HRPC will hold the February invoice and will present a combined invoice for February and March in early April. HRPC is not currently processing any new loans, but anticipates several new applications in the near future. Several telephone calls and meetings with potential RLF applicants have taken place. Ordinance No. 2013-018 was created. Filed.

Traffic Commission Minutes – February 19, 2013. Filed.

City Auditor Jim Staschiak – HB5

The City Income Tax Administrator Andrew Thomas has been working hard to keep the City Income Tax Board apprised of the progress of HB5 and our Income Tax Collections. If the bill passes as written, we have narrowed down concerns to the following two points:

1. Findlay would lose its ability to file its nearly 600 annual small claims cases through Findlay Municipal Court. This would divert \$35,000 to \$50,000 in fees away from Findlay Municipal Court, add up to \$10,000 in additional costs to the process, and jeopardize the City's collection of nearly \$450,000 in past due taxes. The City collected \$1,121,985 of these past due taxes over the past three (3) years.
2. By establishing the Municipal Tax Policy Board and requiring local ordinance and rule changes to be submitted to that board and then to the Joint Committee on Agency Rule Review, HB5 puts municipalities in a position where they would be surrendering their local rule-making authority.

HB5 represents municipal tax reform by an entire rewrite of ORC 718. Many municipalities around the State are now joining together to oppose this bill in its entirety until such time that the issues can be resolved. Both the City Auditor and the City Income Tax Administrator encourage Council to take a serious look at this issue.

Discussion:

Councilwoman Spence asked what portion of the bill will impact the City's ability to collect outstanding taxes through small claims court. Auditor Staschiak replied that when the bill died last session, it was reintroduced this year, unfortunately he is not versed with the state legislative process. There was a full review of by the Ohio Municipal League (OML). We rely on them very heavily for what information we need to know here at the City of what is going on at the State. Mr. Thomas is also part of the group of income tax related professionals that deal with the OML for keeping up with changes understanding what is going on. A new review and a very in-depth table were forwarded about two (2) or three (3) weeks ago to the income Tax Board members. He will forward the email to Councilwoman Spence. The issue is serious. There are multiple major cities around the state that are taking a position against this and are holding rallies. He is unsure what position this Council should take. This issue threatens our revenues.

Councilman Nichols noted the Mr. Thomas has made Council aware of this bill for the last couple of years. He asked how Council can help Mr. Thomas and the City in helping to collect these taxes that are due to the City and support the cause. Acting Law Director Hackenberg replied that Council can file small claims cases. Councilman Nichols asked what Council can do to head it off at the state level. Acting Law Director Hackenberg replied you can work with state, legislators. Council can pass a resolution in opposition of this, and work with those in Columbus and let them know that these are our true concerns we have and that they were elected to represent us to protect us.

Councilwoman Spence went to Columbus in February and talked to quite a few of our representatives about HB5. The majority of them told her that the changes that they are proposing in HB5 would only affect business collections. She requested the email that was mentioned earlier be forwarded to her and gather additional information. She is unsure what affects the HB5 proposed bill would have on our community. Auditor Staschiak replied it is a political issue. It is community around the state (i.e. CPA, lobbying group). The Board of Realtors Lobbying Group at the state level has supported this bill. Municipalities are fighting a very large constituency. A number of cities around the state have passed resolutions taking a position against the bill as it is written.

Mayor Mihalik noted that this is a very complicated issue and takes a lot of pouring through to compare and contrast what is good and bad about it. The email that Auditor Staschiak has spoken about the table that talks about what impacts different aspects this bill actually has on the City of Findlay is probably worth a look. It is difficult to understand what we can do as a body and as a community for this particular issue. Jumping on the bandwagon is one thing, but understanding exactly how it affects our community because we are different from everybody else in certain aspects. There are some communities that are statutory and there are others that are charter, and there are other communities that will be affected. She has spoken with State Representative Sprague about this issue. His concern is the length of time people can be working within the City of Findlay before we can start taxing their income which is his main concern right now. Our City Income Tax Administrator is taking an opportunity to look at what revenue changes we could potentially see which is in the email. She suggested Council read the comparison and gain an understanding of exactly what this is as it can have big impacts, not necessarily on the City of Findlay, but on communities and municipalities across the state of Ohio. Filed.

City Auditor Jim Staschiak – 5 year forecast plan

At the February APPROPRIATIONS COMMITTEE meeting, the framework for a five (5) year forecast planning tool and its importance for showing the financial impact of operational and/or funding changes across City departments as well as the impact on capital monies available for important projects such as streets and equipment was discussed. The framework for presenting the General Fund portion of this plan is complete and ready for the expense data to be completed by the Administration, as well as the revenue data by the City Auditor's Office. There has never been a decision making tool available to this Council that provides a view of the real long term impact of potential changes to the funding across the City's operations and capital plans. According to 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. Collaboration between the City Auditor's Office forecasting revenue projections and the Mayor's Office projecting expenses to complete this document will allow us to comply with many of the planning recommendations in the performance audit. Filed.

City Auditor Jim Staschiak – financial analysis of costs for FFD layoffs

Attached is the financial analysis of the costs associated with twenty (20) staff members of the Findlay Fire Department that are scheduled for layoff:

- Budgeted cost for 2013 of the twenty (20) Firefighters with one time cost of layoff = \$942,185.00
- Cost of retaining twenty (20) Firefighters from January 1, 2013 – December 31, 2013 = \$1,590,948.00
- Cost to retain twenty (20) Firefighters from January 1, 2014 – December 31, 2014 = \$1,804,175.00

The decision is more than a financial one. The reality of municipal budgeting throughout the State is one of balancing both operational cost including staffing levels with vital capital and equipment needs including deferred maintenance with the limited resources available. Filed.

Mayor Lydia Mihalik – renewal of Dog Warden 2013 contract

The agreement for Dog Warden services between the City of Findlay and the Board of Hancock County Commissioners expired December 31, 2012. The City of Findlay is interested in renewing the contract for said services for the period of January 1, 2013 through December 31, 2013 for the amount of twenty thousand dollars (\$20,000.00). Funds are budgeted for these services for 2013. Authorization to enter into an agreement with the Board of Hancock County Commissioners for Dog Warden services for the period of January 1, 2013 through December 31, 2013 is requested. Ordinance No. 2012-016 was created.

Discussion:

Councilman Collette asked if this is what we have done before and that since fines and fees that are collected are payable to the County not the City, so he asked if we are doing this just for coverage. Mayor Mihalik replied that is correct. Filed.

City Auditor Jim Staschiak – Revolving Loan Fund Administration

The Hancock Regional Planning Commission has submitted an invoice for their expenses/staff time for RLF administration for December 2012 through January 2013 (copy attached). This is now a routine request, and you have approved requesting the appropriation without going to committee each time. Authorization to draw from the Revolving Loan Fund account and appropriate funds is requested. Ordinance No. 2013-018 was created.

FROM: Revolving Loan Fund \$ 1,259.52
TO: General Expense #21010000-449400 \$ 1,259.52

Filed.

Budget Summary of Year-To-Date Information Report/Cash & Investments Report as of February 28, 2013. Filed.

COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom it was referred a request from the Service-Safety Director to discuss Ohio Department of Transportation (ODOT) resurfacing of State Route 568/State Route 330-0.20/0.15, PID #76823:

We recommend approval of the above request. Ordinance No. 2013-015 was created.

Councilman Collette moved to adopt the committee report. Councilwoman Spence seconded the motion. All were in favor. Filed.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 044-2012 (CRA #1)

(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.

**During Old Business,
removed from being tabled**

RESOLUTION NO. 045-2012 (CRA #2)

(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.

**During Old Business,
removed from being tabled**

RESOLUTION NO. 009-2013 (DFID)

Second reading

Adopted

A RESOLUTION APPROVING THE RENEWAL PETITION, SERVICES PLAN AND BUDGET OF THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

Councilman Collette moved to suspend the Statutory Rules and give the Resolution its third reading. Seconded by Councilman VanDyne. Aye: Collette, Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward. The Resolution received its third reading. Councilman Collette moved to adopt the Resolution, seconded by Councilman VanDyne. Aye: Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

ORDINANCES

ORDINANCE NO. 2012-100 (EMA)

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.

Tabled

- 2012 carry-over
- ODOT manhole adjustments project #32821600
- OPWC Byal Ave improvements (Phase I) project #32513200

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Ward noted that he talked with the Administration asking to get the Capital Improvements plan out so that they can all see it in an extended period. There has to be an appropriation of funds into the Capital Improvements Fund so that we know exactly what we are working with which is what this is doing. It does not preclude anything else other than taking the money we have talked about in November and putting it into our Capital Improvement Fund, as well as our self-insurance severance pay. We have more than talked about this and have decided this is really needed at this time.

Ayes: Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-010 and is hereby made a part of the record.

ORDINANCE NO. 2013-011 (YMCA – swimming pool)

Second reading

Adopted

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT (CONTRACT) WITH THE YMCA TO OPERATE THE RIVERSIDE SWIMMING POOL FACILITY AND ASSOCIATED YMCA PROGRAMS FOR PUBLIC AND RECREATIONAL USE FOR THE CITY OF FINDLAY FOR THE 2013 SEASON, AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its third reading. Councilman Nichols seconded the motion. Ayes: Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday, Murray. The Ordinance received its third reading. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Ward. Ayes: Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-011 and is hereby made a part of the record.

ORDINANCE NO. 2013-012 (CUBE & 5-Plex baseball fields)

Second reading

Adopted

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO DEVELOP A SCOPE OF WORK, ADVERTISE FOR BIDS FOR LANDSCAPING, MOWING, AND FIELD MAINTENANCE SERVICES FOR THE CITY OF FINDLAY'S CUBE AND 5-PLEX BASEBALL FIELDS, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Spence asked that since the City is currently taking care of the landscaping, mowing, and field maintenance at the CUBE, will there be things for our employees to do to fill the time of these duties that will now be outsourced. Service-Safety Director Schmelzer replied that those City employees are part-time temporary workers who will not be hired for this summer.

Councilman Ward asked if this will still come through City Council for review and to decide what will be done once bids are received. Service –Safety Director Schmelzer replied that is correct.

Councilman Slough asked how much money will this save the City. Service-Safety Director Schmelzer replied that he will not know until he sees the bids. Councilman Slough asked for a guestimate. Service-Safety Director Schmelzer replied he does not. Councilman Slough noted that those summer employees that were hired in the past were Findlay residents who were usually college kids who were working for money for college. It bothers him that we will be outsourcing and denying the college kids opportunities for employment.

Councilman Murray asked if the drug testing for potential employees that was discussed during the last City Council meeting will be part of the criteria for bids. Service-Safety Director Schmelzer replied it will be part of the agreement.

City Auditor Staschiak added that Council passed Ordinance No. 2012-104 last year which deals with post-issuance compliance on city-owned property where you have tax-advantaged debt. This is where we issue debt that the buyers of that debt are getting special tax benefits. What we have to do to make sure we are as compliant is to do a review of this private use agreement. He does not expect any problems, but will make sure the language in this bid document precludes us having an issue long term. This is the first time we are doing this type of review on a city-owned property with tax-advantage debt on it. It is a good process that we will get done and will be fine.

Nay: Slough. Ayes: Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols, Schedel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-012 and is hereby made a part of the record.

ORDINANCE NO. 2013-013 (WPC Bar Screen project #35620900)

Second reading

Adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Ward moved to suspend the Statutory Rules and give the Ordinance its third reading. Councilman Murray seconded the motion. Ayes: Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols, Schedel, Slough. The Ordinance received its third reading. Councilman Ward moved to adopt the Ordinance, seconded by Councilman Collette. Ayes: VanDyne, Ward, Collette, Monday, Murray, Nichols, Schedel, Slough, Spence. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-013 and is hereby made a part of the record.

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Spence asked what the MRC grant is pertaining to. Mayor Mihalik replied it is for the City Health Department from the Medical Reserve Corp. Auditor Staschiak added that he has the letter from the Health Department that say one of the requests to utilize grant monies is for the Healthy Kids Day event in collaboration with the YMCA, and the other is to develop and maintain an official Medical Reserve Corp in Hancock County.

Ayes: Collette, Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-014 and is hereby made a part of the record.

ORDINANCE NO. 2013-015 (ODOT preliminary legislation)

AN ORDINANCE COOPERATING WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE RESURFACING OF ASPHALT CONCRETE IN ORDER TO MEET AMERICAN DISABILITY ACT (ADA) REQUIREMENTS (i.e. CENTERLINES, EDGELINES, STOP BARS, RAILROAD MARKINGS, CROSS WALKS, PARKING STALL PAINTING, AND PAVEMENT MARKINGS) ON STATE ROUTE (SR) 568 FROM MAIN STREET TO THE EASTERN CORPORATION LIMITS, PID #76823, A PORTION OF WHICH IS IN THE CITY OF FINDLAY, WHICH NECESSITATES THE COOPERATION OF THE CITY OF FINDLAY FOR CERTAIN WORK TO BE PERFORMED BY THE CITY ON THE PORTION LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Councilman Collette moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Ward seconded the motion. Ayes: Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Collette. Ayes: Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-015 and is hereby made a part of the record.

ORDINANCE NO. 2013-016 (2013 renewal Dog Warden services)

AN ORDINANCE AUTHORIZING SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH THE BOARD OF COMMISSIONERS OF HANCOCK COUNTY, OHIO, FOR DOG WARDEN SERVICES IN THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Collette seconded the motion. Ayes: Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday, Murray. The Ordinance received its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Collette. Ayes: Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-016 and is hereby made a part of the record.

ORDINANCE NO. 2013-017

~~(County purchase City owned Hardin St parking lot; County)~~

~~AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO NEGOTIATE WITH THE HANCOCK COUNTY COMMISSIONERS FOR THE POTENTIAL SALE OF THE CITY OF FINDLAY'S HARDIN STREET PARKING LOT, AND DECLARING AN EMERGENCY.~~

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

Discussion:

~~Councilman Ward asked for assurance that space will be available for parking and is unsure that the specifics in this ordinance signifies only Hardin Street. He heard other Councilmembers mention looking into the possibility of the parking lot on North Cory Street. He thinks the ordinance should be amended to give authorization to consider the North Cory lot.~~

~~Councilman Collette asked if the parking lot west of Hardin should also be considered as it deals with the parking lots both west and east of Cory Street. Service-Safety Director Schmelzer asked if it is the Hardin lot, if Council will not be in favor of it. Councilman Collette asked if the Hardin lot is the lot behind Café Maries. The ordinance can be amended to include the Hardin and Cory Street lots and to come back with a plan.~~

~~Councilman Ward moved to amend the ordinance, seconded by Councilwoman Spence. Ayes: Spence, VanDyne, Ward, Collette, Monday, Murray, Nichols, Schedel, Slough. The ordinance was amended to read as follows:~~

ORDINANCE NO. 2013-017 AS AMENDED

First reading

Adopted

(County purchase City-owned Hardin St parking lot; County)

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO NEGOTIATE WITH THE HANCOCK COUNTY COMMISSIONERS FOR THE POTENTIAL SALE OF THE CITY OF FINDLAY'S HARDIN STREET OR SOUTH CORY STREET PARKING LOT, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Monday asked if this ordinance should be tabled to allow a more definitive idea of what they want to be discussed. Councilman Monday moved to table the ordinance, seconded by Councilman Nichols. Nay: VanDyne, Ward, Collette, Murray, Schedel, Slough, Spence. Ayes: Monday, Nichols. Motion failed.

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

Discussion:

Councilman Ward pointed out that Council is asking the Service-Safety Director to look into this. We are not giving away any land or any parking, but are asking to come back with a plan to include both of these lots instead of just one. By amending the ordinance and adopting it instead of tabling it, it allows us to move ahead. By adopting it as amended allows the Service-Safety Director to go ahead and come up with a plan to see what the County can live with and see what public spaces are still available in the Hardin Street lot. Service-Safety Director replied that by adopting the amended ordinance, it gives him permission to put the plan together, which is what he was looking for. In addition to consideration to our employee's parking, public parking, there is also the revenue aspect of the parking lots to take into consideration. He asked the Auditor to take a look at those numbers and then will come back to Council with everything.

Councilman Monday asked if Council will still have a chance to reject this if they do not want to go with it. Service-Safety Director Schmelzer replied that is correct. He did not want to spend the time or effort to put a plan together if Council was opposed to this. This ordinance allows him to do so.

Councilman Murray feels this ordinance is confusing in that it appears that Council is giving the Service-Safety Director authorization to purchase something. The parking lot mentioned is actually north-west of the Municipal Building and is not north as mentioned in the letter.

Ayes: Collette, Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward. Ordinance was declared adopted as amended and is recorded in Ordinance Volume VV, Page 2013-017 and is hereby made a part of the record.

ORDINANCE NO. 2013-018

First reading

Adopted

(RLF expenses/staff time for RLF administration for December 2013 & January 2013)

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Collette moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Ward seconded the motion. Ayes: Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette. The Ordinance received its second and third readings. Councilman Collette moved to adopt the Ordinance, seconded by Councilman Ward. Ayes: Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-018 and is hereby made a part of the record.

UNFINISHED BUSINESS:**Old Business:**

Councilman VanDyne thanked Jeff Newcomer and his staff for their prompt response to water flowing problems in his ward.

Councilman Schedel noted that earlier tonight a PLANNING & ZONING COMMITTEE meeting took place Matt Cordonnier provided a couple of updated options for a community reinvestment area, so he requested Resolutions 044-2012 and 045-2012 be removed from the table to allow the resolutions to be cleaned up and move on to a new plan that will be forthcoming. Councilman Collette seconded the motion.

Resolution No. 044-2012

Ayes: Collette, Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward.

The Resolution is lifted from the table.

Councilman Schedel moved to adopt the Resolution, seconded by Councilman Collette. Nay: Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette. The Resolution was defeated.

Resolution No. 045-2012

Ayes: Monday, Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette.

The Resolution is lifted from the table.

Councilman Ward moved to adopt the Resolution seconded by Councilman Collette. Nay: Murray, Nichols, Schedel, Slough, Spence, VanDyne, Ward, Collette, Monday. The Resolution was defeated. Councilman Murray clarified to the audience that Council is cleaning up some legislation because they will be coming back with a new CRA proposal which will start the process over.

New Business:

Councilman Murray had a meeting with the Apartment Association and Todd Richard last week. He complimented Todd Richard on his knowledge of zoning and knows our City very well. He represented the City very nicely that night.

Service-Safety Director Schmelzer suggested the next APPROPRIATIONS COMMITTEE meeting on April 9, 2013 possibly start early as he will have a capital plan to discuss at that meeting. He anticipates needing at least an hour. Councilman Ward set the meeting time to start at 4:00pm.

Councilman Ward: **APPROPRIATIONS COMMITTEE** meeting on April 9, 2013 at 4:00pm, third floor conference room of the Municipal Building (CR1).

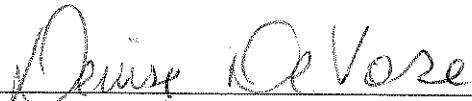
agenda: 1. Capital Improvements Plan


Councilman Ward appreciates the Service-Safety Director working on not only our Capital Improvements Plan that will be presented to the APPROPRIATIONS COMMITTEE at the April 9, 2013 meeting, and also his diligence in using the system he has to provide Council with a five (5) year forecast. He also appreciates the letters from the Auditor. He looks forward to receiving the quarterly updates from the Auditor and also from the Administration on where our income is going. He hopes that information will be available at the April 9, 2013 APPROPRIATIONS COMMITTEE meeting.

Councilman Murray thanked Mr. Pniewski on all his hard work and also thanked the citizens for their input. The letters they submitted were well written and well researched. Service-Safety Director Schmelzer told the audience that if anyone wants copies of the letters and emails submitted to the Army Corp, they can contact his office. They are all scanned together & can be emailed to anyone or can provide a hard copy.

Councilman Schedel asked for everyone to keep Law Director Don Rasmussen in their thoughts and prayers tomorrow.

President J Slough adjourned Council at 9:26pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL