

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

June 18, 2013

COUNCIL CHAMBERS

PRESENT: Monday, Murray, Nichols, Russel, Schedel, Slough, Spence, VanDyne

ABSENT: Ward

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

MINUTES:

Councilwoman Spence moved to accept the June 4, 2013 Public Hearing for the rezoning of 123 Cherry Street. Seconded by Councilman Nichols. All were in favor. Motion carried. Filed.

Councilman Russel moved to accept the June 4, 2013 Regular Session City Council meeting minutes. Seconded by Councilman VanDyne. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Monday made a motion to add the following to the agenda, seconded by Councilman VanDyne. All were in favor. Motion carried

REPLACEMENTS:

- Ordinance No. 2013-034 (**LEGISLATION** section)
 - Replaced 2nd line item:
was:
FROM: General Fund
TO: General Funds (GovDeals proceeds)
 - now:
FROM: General Fund (GovDeals proceeds)
TO: N.E.A.T. #21016000-other

ADD-ONS:

- Letter from Project Manager Steven Wilson – demolition of buildings on North Main Street (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
- Ordinance No. 2013-035 – authorization for Mayor to sign demolition of buildings on North Main Street contract (**LEGISLATION** section)

RECOGNITION/RETIREMENT RESOLUTIONS – none.

WRITTEN COMMUNICATIONS – none.

ORAL COMMUNICATIONS – none.

PROCLAMATIONS – none.

PETITIONS:

Jim Heck (Heck Rentals) – second floor balconies at 612 South Main Street

Mr. Heck is remodeling 612 South Main Street to add three (3) loft-style apartments on the second floor. He would like to add three (3) balconies facing south on the second floor to enhance the value to prospective tenants. He is also the owner of 618 South Main Street which is across the alley from this property (612 South Main Street) on the south side. These balconies will have at least eighteen feet (18') clearance above the alley. Pictures of what these balconies will look like and blueprints are attached. These balconies are a start of developing more upscale downtown living in Findlay.

Discussion:

Law Director Rasmussen noted that he compared this request to a couple of other properties that have second floor balconies (i.e. Gathering Restaurant) to see what was done in those cases. No petitions were on file for any of those locations, but the Zoning Office recalled that those requests were referred to Council for approval. These requests are treated like an awning. He suggested referring this to PLANNING & ZONING COMMITTEE. Councilman Murray noted that this can be referred to the PLANNING & ZONING COMMITTEE but that it does not relate to zoning other than balconies as it is building in a right-of-way in the air. He asked if this is more of a legal issue. This will be reviewed at the June 25, 2012 PLANNING & ZONING COMMITTEE meeting. Referred to Planning & Zoning Committee. Filed.

Zoning amendment request – 721 Rockwell Avenue

Philip Rooney has requested a zoning change for 721 Rockwell Avenue from I1 Light Industrial to R3 Single Family. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

Zoning amendment request – 113 Hillcrest Avenue

Philip Rooney has requested a zoning change for 113 Hillcrest Avenue from R1 Single Family Low Density to O1 Institutions & Offices. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

Street vacation request – Leiser Avenue

Harrison Griffith has requested a street vacation for the unimproved right-of-way of Leiser Avenue north of 5th Street between the properties at 734 and 800 5th Street. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

Findlay W.O.R.C. Program Charge Statistics – 01/1/2013 through 5/31/2013; Findlay Work Release Program Monthly Payment Statistics Summary – 01/01/2013 through 5/31/2013; Findlay W.O.R.C. Program Monthly Tally Sheet – 01/01/2013 through 5/31/2013; Findlay W.O.R.C. Financial Analysis – 01/1/2013 through 5/31/2013. Filed.

Findlay Police Department Activities Report – May 2013. Filed.

Service-Safety Director Paul Schmelzer – grant from Wal-Mart for smoke detectors

The Findlay Fire Department received a non-matching grant donation of one thousand dollars (\$1,000.00) from the Wal-Mart Foundation for the purchase of smoke detectors. Depending on the final price, the department anticipates supplying between two to three hundred (200-300) smoke detectors to the public at no cost. They will be given away at various public safety events and will supplement the department's depleted stock. In the past, appropriations of funds from these grants were not referred to the Appropriations Committee.

FROM: General Fund	\$ 1,000.00
TO: Fire Department #21014000-other	\$ 1,000.00

Ordinance No. 2013-034 was created.

Discussion:

Councilwoman Spence feels this is a great program and a wonderful asset to have in our community. Filed.

City Income Tax Monthly Collection Report – May 2013. Filed.

Budget Summary of Year-To-Date Information Report/Cash & Investments Report as of May 31, 2013. Filed.

City Planning Commission minutes – May 9, 2013; staff report – June 13, 2013; agenda – June 13, 2013. Filed.

Treasurer's Reconciliation Report – May 31, 2013. Filed.

City of Findlay Board of Zoning Appeals minutes – April 18, 2013. Filed.

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

The N.E.A.T. Department recently sold its vehicle on GovDeals.com. An appropriation of three thousand dollars (\$3,000.00) was authorized for property cleanups. The N.E.A.T. Department would like the remaining three hundred five dollars (\$305.00) appropriated into its budget for advertising costs.

FROM: General Fund	\$ 305.00
TO: N.E.A.T. Department #21016000-other	\$ 305.00

Ordinance No. 2013-034 was created. Filed.

Parks and Recreation Board Minutes – April 15, 2013 (already presented at June 4, 2013 City Council meeting where Council requested verbiage change regarding the new pool facility start up); May 20, 2013; Agenda – June 17, 2013. Filed.

Traffic Commission Minutes – May 20, 2013. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Michael J Gardner, located at 319 South Main Street, Findlay, Ohio for a D5 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Michael J Gardner, located at 319 South Main Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Michael J. Gardner

Councilman VanDyne moved for no objections be filed. Seconded by Councilman Nichols. 7 Council members in favor, 1 opposed. Filed.

Hancock Regional Planning Commission Aleta Foust – CDBG city of Findlay Fair Housing

The Hancock Regional Planning Commission is preparing the annual Fair Housing contract for the Hope House. The Fair Housing program services is a requirement under the Ohio Department of Developments CDBG program. HRPC will be preparing the yearly contract and submitting it to Mayor Lydia Mihalik for approval. Hope House will be compensated three thousand dollars (\$3,000.00) for fiscal year 2013-2104 for implementing the Fair Housing program within the City of Findlay. Resolution No. 020-2013 was created. Filed.

Project Manager Steve Wilson – demolition of 115, 117, 119, 120, 121, 123, 125 and 131 N Main Street

For several years, Hancock County has been working on a Memorandum of Agreement (MOA) with the Ohio Historical Preservation Office (OHPO) that would permit the County to demolish the buildings at 115, 117, 119, 120, 121, 123, 125 and 131 North Main Street. Last Friday, a concurrence with OHPO was reached on the final wording of the MOA. These buildings were originally purchased by the Northwest Ohio Flood Mitigation Partnership (NWOFMP) following the August 2007 flood. The NWOFMP attempted to have them demolished shortly thereafter, but OHPO would not.

give the go ahead. At that time, it appeared there may be flood walls or levees constructed in this area. The buildings are located within the Downtown Historic District. OHPO would not allow "anticipatory demolition", they wanted to see the plan for flood mitigation more fully developed before giving approval. Their primary concern was the loss of potential historic artifacts that may become buried beneath a permanent structure such as a levee or flood wall.

It has become more apparent that levees and flood walls would not become part of the tentative plan for flood mitigation, OHPO became more amendable to demolition with the following stipulations:

1. The County and/or City must consult with OHPO before pursuing any additional demolitions of publicly owned properties within the Historic District.
2. Any proposed rehabilitation or re-development of publicly or privately owned properties that have been vacant since August 2007 will require consultation with OHPO to ensure the work meets the requirements of the Federal Standards for the Treatment of Historic Properties. This stipulation attempts to ensure any proposed projects are constructed in a manner that is not out of character with the other buildings within the Historic District.
3. Consultation with OHPO will be required for any properties within the Historic District that may be impacted by projects proposed by the Army Corps of Engineers for flood mitigation.

The City of Findlay must also sign and acknowledge the MOA due to their ownership of property that could be subject to demolition and their authority to review any proposed rehabilitation projects through the City Planning Commission. Legislation to authorize the Mayor to sign the MOA on behalf of the City is requested. Ordinance No. 2013-035 was created.

COMMITTEE REPORTS – none.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 020-2013 (CDBG City of Findlay Fair Housing)

First reading

Adopted

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, HANCOCK COUNTY, STATE OF OHIO TO EXECUTE AN AGREEMENT WITH FINDLAY HOPE HOUSE FOR THE HOMELESS, INC. TO PROVIDE FAIR HOUSING SERVICES FOR RESIDENTS OF THE CITY OF FINDLAY BEGINNING SEPTEMBER 1, 2013.

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

ORDINANCES

ORDINANCE NO. 2013-030 (Wagner alley vacation)

Second reading

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

Second reading of the Ordinance.

ORDINANCE NO. 2013-031 (Reichenbach rezone)

Second reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS REICHENBACH REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL DISTRICT" TO "C3 DOWNTOWN COMMERCIAL".

Second reading of the Ordinance.

ORDINANCE NO. 2013-032, AS AMENDED (Houtz ROW vacation)

Second reading

Law Director Rasmussen noted that a motion to amend this Ordinance will need to be made. Councilman Monday moved to amend the Ordinance to change all references made to vacating this alley to vacate the right-of-way. Seconded by Councilman Nichols. Ayes: Murray, Nichols, Russel, Schedel, Slough, Spence, VanDyne, Monday.

AN ORDINANCE VACATING A PORTION OF THE MORRICAL BOULEVARD RIGHT-OF-WAY BETWEEN OLNEY AVENUE AND LIMA AVENUE IN THE CITY OF FINDLAY, OHIO.

Second reading of the Ordinance.

ORDINANCE NO. 2013-034 (appropriation of funds)

First reading

Adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Nichols moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Monday seconded the motion. Ayes: Nichols, Russel, Schedel, Slough, Spence, VanDyne, Monday, Murray. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Russel, Schedel, Slough, Spence, VanDyne, Monday, Murray, Nichols. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-034 and is hereby made a part of the record.

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE OHIO HISTORICAL PRESERVATION OFFICE (OHPO) TO ALLOW THE HANCOCK COUNTY COMMISSIONERS TO DEMOLISH THE BUILDINGS LOCATED AT 115, 117, 119, 120, 121, 123, 125 AND 131 NORTH MAIN STREET, FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Murray is not opposed to removing structures from downtown North Main Street as it is something that Council has been waiting on for a long time, but with legislation on this just arriving before tonight's meeting. When reading the letter from Mr. Wilson, the three (3) conditions that the OHPO has given concerns him as it states the County and City must consult with OHPO before pursuing any additional demolitions of publicly owned properties within the Historic District. The Historic District is a large area in downtown Findlay which includes Central Auditorium. He asked if this legislation gives the OHPO rights that they did not previously have. Steve Wilson replied it does not. This is just for City and County owned buildings, not schools. Schools are treated as privately owned and does not fall under City of Findlay or Hancock County property.

Councilman Nichols would agree with Councilman Murray to not pass this Ordinance tonight on an emergency, but we have been waiting so long on these buildings to come down that he does not want to do anything to slow up the process of their removal, so he feels Council should pass this Ordinance to get the project moving along.

Councilman Russel asked what consultation requires, what are the costs involved, and what the process is for Item 2, where it states consultation with OHPO is required for any publicly or privately owned properties within the Historical District as we are putting something on the private land owners in this district. Steve Wilson replied that it is only for properties that have been vacant since the 2007 flood. It only applies to the Taurus buildings on the east side of Main Street (222 and 223 South Main Street), and one of the buildings just north of Clinton Court. It is a very limited number of buildings that this applies to. This would only come to fruition if those owners decide to redevelop the property. The consultation is just to insure that the redevelopment is in character with the existing district. He read through the standards and determined that they are pretty nebulous. They want to make sure that the view of the new building is similar to the surrounding buildings and that it is not out of character with the other structures. It is possible that we will not reach concurrence on what is acceptable with OHPO and with the developer. There is no hammer on the OHPO side to require that allows them to say no you cannot continue to develop. It is more of a consensus to try to make this property look as much in character with the rest of District as we can. Initially OHPO wanted it to apply to all properties, but we told them we cannot do that as it is too broad and that we are just trying to get permission to demolish only the buildings that have been damaged by the flood. We were able to negotiate and limit it to only properties that have remained vacant since the August 2007 flood. Councilman Russel then asked if one of those properties is the one on the north Main Street on the south side of the alley. Steve Wilson replied it is and the other property is the Taurus building across the alley from Rossilli's on South Main Street.

Councilman VanDyne asked what the timing is on when these buildings might be coming down. Steve Wilson replied that the Memorandum Agreement will need to be completely enacted which hopefully will only take a couple of weeks. Both the City and County will need to sign it, then the Historical Preservation will sign it within a week or two. After that, it will have to go out for bid for demolition. He is working on the bid packet now and hope it goes to bid by mid-July early August. Aye: Slough, Spence, VanDyne, Monday, Murray, Nichols, Russel, Schedel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-035 and is hereby made a part of the record.

UNFINISHED BUSINESS:

Old Business – none.

New Business:

Councilman Murray: **PLANNING & ZONING COMMITTEE** meeting on June 25, 2013 at 5:00pm, Council Office, first floor of the Municipal Building (CO).
agenda: 1. Alley vacation between Ash Avenue and Prospect Avenue
2. Heck Rentals – second floor balconies at 612 S Main St

Councilman Nichols made a motion to excuse the absence of Councilmen Ward. All were in favor.

Councilman Murray asked if Councilman Russel will be taking former Councilman Collette's place on the PLANNING & ZONING Committee. President J. Slough replied that Councilman Ward would be the decision maker. Councilman Murray then asked if he can serve on the PLANNING & ZONING Committee if he is on the City Planning Commission Committee or does he have to resign from CPC in order to serve on the PLANNING & ZONING Committee. He then asked if Councilman Ward will need to announce the substitution by the next City Council meeting. Law Director Rasmussen replied that Councilman Ward does not have to announce at a meeting. All that all he needs to do is assign Councilman Russel to that committee and move forward.

Councilman Nichols receives many calls on both his home and cell phone every day from salespeople. He put his number on a do not call list, but still gets the calls. He recommends that if other Findlay residents are getting these unsolicited calls to contact their elected state and national representatives.

Auditor Staschiak noted that his office is narrowing down the mid-year review and will have it available for either July 17th 23rd, or 24th. He asked for confirmation of which date Council wants by the next City Council meeting.

Steve Wilson thanked Council for the endorsement of Ordinance No. 2013-035 and apologized for it taking so long to get to this point, but will expedite the demolition.

Councilman Slough noticed that in tonight's packet are a large number of plats and developments being organized and planned. He asked Steve Wilson if he, the Service-Safety Director and the Zoning Department will be able to handle all the requests that are coming in as there have not been very many requests come in in the last several years. Steve Wilson replied that they had to re-teach themselves how to handle them, but they are ready for them.

Councilwoman Spence asked Auditor Staschiak for clarification on what he said about the mid-year review. Auditor Staschiak replied that he is asking Council to go over the mid-year review either on July 17th, 23rd, or 24th. In the past, mid-year review is held as a COMMITTEE OF THE WHOLE meeting.

President J. Slough adjourned Council at 7:57pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL