

# FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

August 6, 2013

COUNCIL CHAMBERS

**PRESENT:** Monday, Murray, Nichols, Russel, 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:

Councilwoman Spence moved to accept the July 16, 2013 Regular Session City Council meeting minutes. Seconded by Councilman Ward. All were in favor. Motion carried. Filed.

## ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Ward made a motion to replace the following on the agenda. Councilman VanDyne seconded the motion. All were in favor. Motion carried.

### REPLACEMENT:

1. Resolution No. 029-013 (**LEGISLATION** section).
  - Changed "Auditor" to now be "Service-Safety Director".
2. Ordinance No. 2013-048 (**LEGISLATION** section).
  - Changed "Fifth Street" to now be "Leiser Avenue"

**PROCLAMATIONS** – none.

## RECOGNITION/RETIREMENT RESOLUTIONS:

**RESOLUTION NO. 027-2013** (*Carmen Bremer retirement*)

First reading

Adopted

A RESOLUTION COMMENDING CARMEN BREMER FOR THE EXCELLENCE OF HER SERVICES TO THE CITY OF FINDLAY, OHIO.

Councilman Monday moved to adopt the Resolution, seconded by Councilman Ward.

### Discussion:

Councilman Monday noted that Carmen was in the Computer Services Department when he worked as a Detective Lieutenant in the Police Department which was when they started to computerize their police records. She did a wonderful job training his department on a program that still works well today.

Ayes: Monday, Murray, Nichols, Russel, 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.

## ORAL COMMUNICATIONS:

### Cary Cox – south ½ of South West Street now one-way

Mr. Cox lives on Stadium Drive by the stadium. He provided an aerial map of the area. His house is by the southeastern corner of the stadium, the second house on the north side of Stadium Drive. When the school was built, they made Lime Street a one-way street, and made South West Street that runs along the eastern side of the stadium a one-way street. There is a sign at that corner that says DO NOT ENTER. He would like to make it bi-directional back to the alley so that those driving on the west side of town can access the alley from that side instead of having to go around. For residents in that area, it would be an access to the back of their properties. The egress from the school is not an issue. He referenced pg 35 of a Traffic Commission report stating the only concerns of that committee was that during stadium events, non-local participants would be confused where to go. He asked if he should go back to the Traffic Commission and propose replacing the current DO NOT ENTER sign with a NO OUTLET sign so drivers will know that is not a way to exit the stadium area. He would like to have access to the alley from Stadium Drive.

### Discussion:

Councilman Monday noted that he is on the Traffic Commission committee where he opposed this request. He went back out to that area today and also talked with some of our Police Officers. The issue he sees is if someone comes off of Stadium Drive going north, and then goes east in the alley to the back of the houses, there would be two lanes of traffic coming up to the alley, so two lanes would become one lane because there would be a dedicated lane going north, which would cause a traffic mess. He wonders if out of town drivers might not see where they have to stop at the alley and continue on north causing traffic congestion. He asked Mr. Cox why he couldn't go down the north-south alley, turn left and then be right behind his house instead of disrupting the traffic flow on South West Street. Mr. Cox replied that he does not feel it would disrupt traffic. He has never seen two cars coming abreast down the street, even when there in high traffic when school lets out, it is still single file getting onto Stadium Drive. There has never been more than a couple of cars waiting to turn. It is not a busy street, so drivers can get out of there very easily. Even coming down Lime Street, there are never two cars abreast. It is always single file traffic. Councilman Monday then asked why Mr. Cox could not go down six houses to the east and go into the alley which would be right behind his house. It would only take about 15-20 seconds to do so. Mr. Cox replied that many still use the access from the one-way street. Traffic Commissions only concern was for those not familiar with the area might get mid-blocked one way and have no recourse but to turn around or go down the alley. Alleys were not meant to be thoroughfares. Councilman Monday asked why Mr. Cox cannot go down six houses to the east and go into the alley as it is not that far out of the way. Mr. Cox replied that is what he does. He and his neighbors would like access to their garages and do not see the reason why it cannot be a NO OUTLET instead of a DO NOT ENTER. A NO OUTLET sign would be very visible at the mid-block. Right now, drivers cannot see the DO NOT ENTER sign because it is so close to the stadium, so they turn and miss the sign. He feels it would be better and clearer if it said NO OUTLET. That way, drivers would never go past the alley because they would see the sign at the block.

Councilman Schedel asked Mr. Cox if he has observed anyone going north on South West Street after the changes have occurred. Mr. Cox replied he has which is another issue as the property owner on the corner has a driveway that is just north of Stadium Drive and property owners are using that section of the street to get to their driveway, which is even more of a safety issue because it currently is a one-way street. Councilman Schedel then asked as Chairman of the Streets, Sidewalks, Streetlights & Parking Committee, if his committee can address this request in an upcoming committee meeting before Mr. Cox goes back to the Traffic Commission, as there are a couple of other agenda items for this committee to discuss. Councilman Monday asked for what purpose would the Streets, Sidewalks, Streetlights & Parking Committee need to discuss this as that committee has no authority to make any changes, but Traffic Commission does. Councilman Schedel replied that there is an alternative that has not been presented and he would like the opportunity to discuss it.

Councilman Ward feels this request going to the Streets, Sidewalks, Streetlights & Parking Committee is fine as they can see if there are any other alternatives, however, it will eventually go back to the Traffic Commission. He asked the Law Director if Council can overrule a decision that comes from the Traffic Commission. Law Director Rasmussen replied that Traffic Commission has the authority to designate the traffic control and signage. If they take an affirmative action, it goes into effect for ninety (90) days to see how traffic is flowing. Council has a ninety (90) day timeframe to define that it is or is not working. If not working, Council has the authority to then overrule the Traffic Commission's decision. In this case, Mr. Cox is making a new request, so he has the right to bring that new request to the Traffic Commission.

Councilman Nichols does not see a problem with the Streets, Sidewalks, Streetlights & Parking Committee reviewing this request to possibly come up with a better solution and make a recommendation to the Traffic Commission. Referred to the Streets, Sidewalks, Streetlights & Parking Committee, and also to the Traffic Commission.

#### **Jill Schroeder – status of Daizell Ditch**

Ms. Schroeder lives on Hollybrook Drive. She came before City Council at the last meeting on July 16, 2013 about the Daizell Ditch. She is before City Council tonight to find out where her request is at. She has provided a tour of the ditch to several of the Councilmembers and is offering the tour to anyone who wants to see it. It was an informative tour and an eye opener. According to the newspaper, progress is being made with the river. She just wants to make sure Council does not lose sight with what she has asked on the ditch.

#### **Discussion:**

Mayor Mihalik replied that estimates are being put together to take to their meeting with the County Commissioners. Land access will eventually be needed. This will not be a quick or easy project, but it can be done. Ms. Schroeder asked if the meeting she is referring to is the August 13, 2013 meeting. Mayor Mihalik replied that she is not sure which meeting it is. Ms. Schroeder replied that there is a county/city meeting that Brian Robertson encouraged her to attend. Mayor Mihalik replied that is a different meeting. Ms. Schroeder then asked if the upcoming County/City meeting on the ditch is open to the public. Mayor Mihalik replied it is and that she will let her know when it is once she knows when it is.

Councilman Schedel replied that he would like to know about the August 13, 2013 meeting. Mayor Mihalik replied that the County Commissioners are putting together a multi-jurisdictional meeting with Hardin and Putnam Counties to discuss the river cleaning project that they estimate to be approximately \$1,200,000.00. That just came out in the news today. They are looking into assess a number of parcels at about fifteen dollars (\$15.00) a parcel which would have to be used under the old Blanchard River Restoration Project from around 1994.

#### **Jim Heck – lease parking form City**

Mr. Heck wrote a letter to City Council requesting the opportunity to lease twenty (20) parking spaces from the City, but have scaled that request down to fifteen (15). He informed City Council on what they are doing with the buildings adjacent to the City Building that they acquired from the County. They are currently renovating 322 South Main St (center building) for RCM Architectural firm who will be moving into that space from their current location which they sold to Marathon. This move will create the need for parking. The rest of the properties they have acquired are in the process of demolition to get them ready for renovation. They are looking into providing some onsite parking with the strategic removal of a piece of a property they acquired. This is still in the planning stage, so he is unsure what exactly will happen, but they are moving forward with the RCM Architectural firm property. They have already started working in that building. They have done some demolition and are close to beginning the reconstruction phase. They will be starting the roof and a few other things within a week or so.

#### **Discussion:**

Councilman Schedel asked if the Streets, Sidewalks, Streetlights & Parking Committee could review this request and also the parking lot at the corner of Main Street and Hardin Street the County is interested in.

Councilman Slough was parked in the parking lot by the Municipal Building one day and noticed that several vehicles that park in that parking lot either go to the church across the street, or are downtown employees south of the City building. It appears that the City's parking lot is used by many not doing business at the Municipal Building. He asked Mr. Heck why he did not take parking into consideration when he purchased the properties. Lack of downtown parking has been an issue for years. By purchasing these properties and needing more parking contributes to the problem. He asked Mr. Heck if the parking spaces he is requesting are in the far west end of the parking lot so that those wishing to use the City's facility would be able to park near the building. Mr. Heck replied that parking is a nice problem to have. The fact that people want to use the downtown area want to live here and do business here is a wonderful problem to have. The City and County control most of the land around the buildings they purchased. He sees this as an opportunity for public and private to work together to solve a problem that has needed a solution for years. They do not want to displace anyone or create any problems, they just want to bring new business to an area that has been vacant and allowed to deteriorate over the last few years to create new vitality for downtown.

Councilman VanDyne thanked Mr. Heck for what he is doing. Bringing a private investment downtown is great. He encourages more investments downtown. The last thing he wants to do is see parking issues become a deterrent to development downtown. There are great things going on downtown (i.e. restaurants, DFID, etc.). He wants to look at downtown parking as a big picture perspective. The answer may not come as quickly as Mr. Heck would like because of it having to go to committees, but it has to be discussed and resolved. There is a need for apartments and condominiums downtown, but that cannot happen if there is no place to park.

Council President Slough asked if Councilman Schedel's request to have this request referred to the Parking Authority is approved by City Council. Councilman VanDyne asked who is on the Parking Authority Committee. Law Director Rasmussen replied that the Parking Commission would like to take a look at this request due to all the changes in parking and try to come up with a plan for all future use for the Municipal Building parking lot or any City-owned parking lot. Councilman VanDyne asked where this request is going to. Law Director suggested it go to the Parking Commission. Councilman Schedel added that a joint meeting should be held to discuss this request. Mayor Mihalik agrees that there are some issues with the makeup of the Parking Authority now that the FDAA has gone dormant and we have the new downtown organization, so we need to revisit the structure of the Parking Authority. She agrees that it would be a good idea to have both the Streets, Sidewalks, Streetlights & Parking Committee and also the Parking Authority meet together. By the next meeting, there could be new members appointed to the Parking Authority since the FDAA and some other groups are no longer with us. Referred to Streets, Sidewalks, Streetlights & Parking Committee and the Parking Authority.

## WRITTEN COMMUNICATIONS:

**Hancock County Board of Alcohol, Drug Addiction and Mental Health Services Executive Director Precia Stuby – waive water and sewer fees for special housing at 2627 Crystal Avenue**

The Hancock County Board of Alcohol, Drug Addiction and Mental Health Services Board in collaboration with Century Health is in the process of applying for a Federal Home Loan Grant to assist with the development of special needs housing for individuals struggling with substance abuse. They have a vacant property under contract (contingent on approval of the grant) located at 2627 Crystal Avenue in Findlay. The grant they are submitting is graded on a point system. They are eligible to receive one additional point if they can obtain a commitment from the City to waive fees associated with water and sewer for the project (i.e. impact fees, capacity fees, tapping fees, rotary fees, etc. as applicable to the project). Mayor Mihalik suggested this request be brought to City Council for consideration. In order for the grant to be considered, they must receive a written commitment by August 7, 2013. Resolution No. 029-2013 was created.

Discussion:

Councilman Schedel asked how much it would total if the City waives all the fees. Mayor Mihalik around two thousand dollars (\$2,000.00).

Councilman Nichols asked if there would be any tap fees. Mayor Mihalik replied that the tap fees should be in place. The only fees that would apply would be the zoning, City Planning Commission fees, water and sewer fees. These fees are for when a new occupancy of a building or any construction would take place.

Councilman Nichols asked if any other fees might be needed. Mayor Mihalik replied only if there are any rotary fees and those types of things that exist.

Councilman Slough drove around the area and could not find this address. He asked if the abutting property owners have been notified of how the zoning will change or how the use of the property will be. Mayor Mihalik replied that she does not know all the specifics, but the City is trying to be a good community partner with an organization that has a long track record of dealing with situations like this. The Basu Point is the last successful development they did. If and when this project comes to fruition, we will all get an opportunity to redo it, not only a site plan, but any other approvals that may be required at that time. Councilman Slough asked if the abutting properties across the street (i.e. Owens, etc.) are aware that there will be a change in the usage of that property from what it is to what it is going to be used for. Mayor Mihalik replied that this is not a blanket approval of this project, but that we are willing to partner with this board on the development of an additional property to house those who may need it.

Councilman VanDyne noted that his experience with running the proposal operation for the University of Findlay with grant applications, although one point may not sound like much, it can make a huge difference in terms of winning or not winning. Anything the City can do to support this effort is a positive thing for the community.

Councilman Monday does not think this request is without precedence. We have done the same thing on several occasions (i.e. Habitat for Humanity, etc.).

Councilman Schedel asked the Mayor if she would be writing the letter to give the one point to this organization. Mayor Mihalik replied that if and when City Council passes the legislation later during tonight's City Council meeting, then she will be glad to draft a letter for the organization. Filed.

## PETITIONS- none.

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENT:

**Findlay Shade Tree Commission – 2013 update.**

Discussion:

Councilwoman Spence informed Council that the Shade Tree Commission is accepting applications for the fall 2013 Adopt-A-Tree program. The deadline to turn applications in is September 6, 2013. Filed.

**Findlay City Board of Health minutes – June 19, 2013. Filed.**

**City Planning Commission agenda – August 8, 2013; minutes – July 11, 2013. Filed.**

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Defend Family LLC dba Thunderbird Drive Thru, located at 514 North Main Street, Findlay, Ohio for a C1 and C2 liquor permit. This requires a vote of Council.**

Gregory R. Home, Chief of Police – Defend Family LLC dba Thunderbird Drive Thru, located at 514 North Main Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Ann M. Defend

Councilman VanDyne moved for no objections be filed. Seconded by Councilman Nichols. 7 Council members in favor, 2 opposed. Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Shiv Baba Inc. dba 5K Carryout, located at 1790 East Melrose Avenue, Findlay, Ohio for a C1 and C2 liquor permit. This requires a vote of Council.**

Gregory R. Home, Chief of Police – Shiv Baba Inc. dba 5K Carryout, located at 1790 East Melrose Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

Ashish A. Patel

Councilman VanDyne moved for no objections be filed. Seconded by Councilman Nichols. 7 Council members in favor, 2 opposed. Filed.

**Service-Safety Director Paul Schmelzer – Wal-Mart Foundation grant**

The Findlay Police Department received a non-matching grant donation in the amount of one thousand dollars (\$1,000.00) from the Wal-Mart Foundation for the Crime Prevention Bureau. In the past, the appropriation of funds from these grants was not referred to the Appropriations Committee. Legislation to appropriate funds is requested. Ordinance No. 2013-045 was created.

FROM: General Fund \$ 1,000.00  
TO: Police Department #21012000-other \$ 1,000.00

Filed.

**Traffic Commission Minutes – July 15, 2013.**

Discussion:

Councilman Monday was informed by Councilman Ward that there may have been a misunderstanding with the first item under NEW BUSINESS from the July 15, 2013 Traffic Commission meeting. He asked if this can be put back on the agenda for the next Traffic Commission meeting so that the requestor can clarify what she is asking for. Either Traffic Commission did not understand what she was asking for or she did not understand the result. He would like to invite her back to the next Traffic Commission meeting on August 19, 2013 at 2:30pm. Law Director Rasmussen replied that as Council representative of the Traffic Commission, he has the right to ask her to come back and clarify if there are any misunderstandings and revisit it. Councilman Monday officially made this request and asked Councilman Ward if he would notify Ms. DePuy to ask her to attend the August 19, 2013 Traffic Commission meeting to clarify what she is wanting to do. Filed.

**Service-Safety Director Paul Schmelzer – Fire Department Appropriation**

The 2013 Capital Improvements Plan includes twenty-two thousand dollars (\$22,000.00) for Fire Department apparatus maintenance. Thirteen thousand dollars (\$13,000.00) was appropriated earlier in the year for replacing the transmission on Engine 1, and an additional nine thousand dollars (\$9,000.00) is now needed to complete the necessary maintenance on Engine 2. Legislation to appropriate funds is requested. Ordinance No. 2013-045 was created.

FROM: CIT – Capital Improvements \$ 9,000.00  
TO: Fire Department #21014000-other \$ 9,000.00

Filed.

**Mayor Lydia Mihalik – appointment to City Planning Commission**

Request for confirmation for appointment of Dan Clinger to the City Planning Commission to fill the unexpired term of Grant Russel through July 6, 2015. This appointment does not require Council confirmation.

Discussion:

Councilman Nichols feels Mr. Clinger is an excellent choice, but he will have some tough shoes to fill. Filed.

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

**Service-Safety Director Paul Schmelzer – swimming pool umbrellas**

In May of 2013, the Parks and Recreation Board met and reported to Council the decision to move forward with the purchase of two (2) umbrellas for the swimming pool. The umbrellas were chosen as a way to provide shade in lieu of relocating fencing to encompass a shelter house. The cost for fencing was originally included in the capital plan. Matt Stoffel collaborated on research with Will Welsh from the YMCA. These umbrellas are much more cost effective than the fence relocation. Cost of the umbrellas is three thousand four hundred five dollars (\$3,405.00) each. Due to the lower cost, the items do not meet the capital threshold of five thousand dollars (\$5,000.00), so they cannot be purchased with capital improvement funds. Legislation to appropriate funds is requested. Ordinance No. 2013-045 was created.

FROM: General Fund \$ 6,810.00  
TO: Swimming Pool #25076000-other \$ 6,810.00

Filed.

**Findlay Police Department Activities Report – July 2013. Filed.**

**Service-Safety Director Paul Schmelzer – lease of Municipal Building parking spaces**

Parking in the downtown area is a continuing discussion. The Service-Safety Director recently received a letter from FD Main Street, Ltd. requesting to lease twenty (20) parking spaces in the Municipal Building parking lot to be utilized by the properties at 320-326 South Main Street and 316 Dorney Plaza. Last year, the City moved reserved parking spaces in the Municipal Building lot to the Crawford Street parking lot to create more parking spaces for downtown businesses and their employee to utilize. This move has been well received. When examining the redevelopment momentum that the downtown area has, it seems obvious that the City should collaborate with the private sector and our economic development arm to further develop a strategy to address parking in the downtown area. Forwarding this request to the Parking Authority for an informal meeting is requested. Those requesting to lease parking spaces have been asked to attend the August 6, 2013 City Council meeting to provide more insight into the project.

Discussion:

Councilman Schedel noted that this request will be addressed at a Streets, Sidewalks, Streetlights & Parking Committee meeting, so as Chairman of that committee, he would like to involve the County in some way. He asked if Mayor Mihalik would invite a County Commissioner to attend the meeting, once it is scheduled. Referred to Streets, Sidewalks, Streetlights & Parking Committee and the Parking Authority. Filed.

**City Auditor Jim Staschiak – appropriation/transfer of funds as discussed during the mid-year review meeting**

As mentioned during the mid-year review, there are several appropriations/transfers to be addressed during the August 6, 2013 meeting. Due to the present need for the fund, legislation to appropriate and transfer funds is requested on an emergency basis. Ordinance No. 2013-045 was created. Filed.

## COMMITTEE REPORTS:

The **WATER AND SEWER COMMITTEE** to whom was referred a request from the Service-Safety Director to discuss the MS4 permit. *We recommend continued effort to improve the compliance and enforcement of the MS4 permit.*

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

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Philip Rooney to rezone 721 Rockwell Avenue in the Wyoming Place Addition from I1 Light Industrial to R3 Single Family.

*We recommend rezoning of 721 Rockwell Avenue to R3 Single Family and the P&Z Committee recommends that adjacent residences do the same. Ordinance No. 2013-046 was created.*

Councilman Nichols moved to adopt the committee report. Councilman Murray seconded the motion. All were in favor.

### Discussion:

Councilman Russel noted that after discussing with the City's Law Director about possibly rezoning all the properties on Rockwell Avenue, he contacted a resident on Rockwell Avenue and asked if they would be in favor of having their property rezoned. That resident replied they would be in favor of it. Councilman Russel feels Council should proactively look at rezoning the rest of the properties on Rockwell Avenue that are currently zoned I1 Light Industrial to R3 Single Family. They should do this now before they try to sell their house and have a bank tell them that they cannot complete a sale because of the zoning issue. He has asked the Law Director to prepare a letter to property owners in that area and he will go door to door and explain it. Filed.

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Philip Rooney to rezone 133 Hillcrest Avenue in the Brown Addition from R1 Single Family Low Density to O1 Institutions & Offices.

*We recommend acceptance of the request to rezone from R1 to O1 Institutions and Offices. Ordinance No. 2013-047 was created.*

Councilman Murray moved to adopt the committee report. Councilwoman Spence seconded the motion. Aye: Murray, Nichols, Russel, Schedel, Spence, VanDyne, Monday. Nay: Slough, Ward. Filed.

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Harrison Griffith to vacate part of north of Fifth Street and being adjacent to lots 5543, 5544, 5545, 5485, 5486, and 5487 in the Leiser Addition.

*We recommend vacation of said right-of-way. Ordinance No. 2013-048 was created.*

Councilman Murray moved to adopt the committee report. Councilman Nichols seconded the motion. All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom it was referred a request from Phil Rooney to annex the real property described in the Darway annexation petition, and that upon annexation to the City, that the property be zoned as C2 General Commercial District.

*We recommend annexation of said property into the city of Findlay.*

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

The **APPROPRIATIONS COMMITTEE** to whom it was referred a request from the Service-Safety Director to appropriate funds for Byal Avenue improvements (Phase II) CDBG FY2012 and OPWC project #32523000.

FROM: OPWC	\$ 250,000.00
FROM: CIT – Capital Improvements	\$ 1,000.00
TO: Byal Avenue Improvements (Phase II) project #32523000	\$ 251,000.00

*We recommend approval of above request. Ordinance No. 2013-045 was created.*

Councilman Ward moved to adopt the committee report. Councilman VanDyne seconded the motion. All were in favor. Filed.

The **APPROPRIATIONS COMMITTEE** to whom it was referred a request from the Service-Safety Director to discuss Health Care Plan Wellness.

*We recommend continued progress in obtaining a vendor. Ordinance No. 2013-049 was created.*

Councilman Ward moved to adopt the committee report. Councilman VanDyne seconded the motion. All were in favor. Filed.

The **APPROPRIATIONS COMMITTEE** to whom it was referred a request from the Service-Safety Director to appropriate funds from CIT Capital Improvements to Water Treatment Plant project #357111 for the repair of the 24" water line. Request for \$400,000.00 per the Capital Improvement Plan.

*We recommend approval of the above request. Ordinance No. 2013-045 was created.*

Councilman Nichols moved to adopt the committee report. Councilman Murray seconded the motion. All were in favor. Filed.

A **COMMITTEE OF THE WHOLE** to whom it was referred a request from the City Auditor for a mid-year budget review.

Councilman Ward moved to adopt the committee report. Councilman VanDyne seconded the motion. All were in favor. Filed.

## LEGISLATION:

### RESOLUTIONS

#### RESOLUTION NO. 026-2013

A RESOLUTION COMMENDING CYNTHIA KIMMET FOR THE EXCELLENCE OF HER SERVICES TO THE CITY OF FINDLAY, OHIO.

First reading

Adopted

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

RESOLUTION NO. 027-2013 - See page 1

#### RESOLUTION NO. 028-2013

A RESOLUTION COMMENDING SHERYL YODER FOR THE EXCELLENCE OF HER SERVICES TO THE CITY OF FINDLAY, OHIO.

First reading

Adopted

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

#### RESOLUTION NO. 029-2013 *(waiving fees -- special needs housing 2627 Crystal Ave)*

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE ZONING PERMIT FEES THROUGH THE CITY'S ENGINEERING DEPARTMENT, AS WELL AS WATER AND SEWER FEES FOR THE VACANT PROPERTY LOCATED AT 2627 CRYSTAL AVENUE DESIGNATED AS A SPECIAL NEEDS HOUSE, AND DECLARING AN EMERGENCY.

First reading

Adopted

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

### ORDINANCES

#### ORDINANCE NO. 2013-037 *(Read alley vacation)*

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

Third reading

Adopted

Councilman Ward moved to adopt the Ordinance, seconded by Councilman Murray. Ayes: Spence, VanDyne, Ward, Monday, Murray, Nichols, Russel, Schedel, Slough. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-037 and is hereby made a part of the record.

#### ORDINANCE NO. 2013-044 *(gas aggregation renewal)*

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH CONSTELLATION ENERGY GAS CHOICE, INC. TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND NOVEMBER 2013 WHEN THE CURRENT SUPPLY AGREEMENT ENDS, AND DECLARING AN EMERGENCY.

First reading

Adopted

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

#### Discussion:

Councilman Slough asked that since this is a different company, will Findlay citizens be informed of the change and will they be deluged by other companies trying to convince them to opt out. Mayor Mihalik replied that companies are trying to compete within the market with other aggregation programs. This program offers our citizens the best rate with no fee to opt out of the program. Councilman Slough then asked what the sign up times are. Mayor Mihalik replied that she does not know yet.

Ayes: Ward, Monday, Murray, Nichols, Russel, Schedel, Slough, Spence, VanDyne. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-044 and is hereby made a part of the record.

#### ORDINANCE NO. 2013-045

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading

Adopted

Councilman Ward moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Monday, Murray, Nichols, Russel, Schedel, Slough, Spence, VanDyne, Ward. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Murray, Nichols, Russel, Schedel, Slough, Spence, VanDyne, Ward, Monday. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-045 and is hereby made a part of the record.

**ORDINANCE NO. 2013-046** (Rockwell rezone)

**First reading**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS ROCKWELL REZONE) WHICH PREVIOUSLY WAS ZONED "I1 LIGHT INDUSTRIAL" TO "R3 SINGLE FAMILY".

First reading of the Ordinance.

**ORDINANCE NO. 2013-047** (Hillcrest rezone)

**First reading**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS HILLCREST REZONE) WHICH PREVIOUSLY WAS ZONED "R1 SINGLE FAMILY LOW DENSITY" TO "O1 INSTITUTIONS AND OFFICES".

First reading of the Ordinance.

**ORDINANCE NO. 2013-048** (Griffith ROW vacation)

**First reading**

AN ORDINANCE VACATING A PORTION OF LEISER AVENUE RIGHT-OF-WAY (HEREINAFTER REFERRED TO AS GRIFFITH RIGHT-OF-WAY VACATION) IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

**ORDINANCE NO. 2013-049** (Health Care Plan Wellness)

**First reading**

**Adopted**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT OR CONTRACTS WITH BRAVO WELLNESS, LLC FOR THE IMPLEMENTATION OF A HEALTH MANAGEMENT PLAN, AND DECLARING AN EMERGENCY.

Councilman VanDyne moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Schedel seconded the motion.

**Discussion:**

Councilman Murray asked why this Ordinance is an emergency. Auditor Staschiak replied that with the way things are progressing with the health plan, there are certain benchmarks we have to meet in order to get a new plan in place for our renewal process. We hope to get the wellness screening going by the end of August or first part of September. There are some critical timing involved. Corporate One has worked very hard to put pieces in place and have a lot of other parts going on including bidding other parts of our health plan behind the scenes. Law Director Rasmussen added that both the Sewer union and Police union contracts have this provision of the wellness program in their agreements to be effective next year. In order to meet those benchmarks and get this in place, our Service-Safety Director does have to move quickly to get this program developed and get it to Corporate One.

Ayes: Nichols, Russel, Schedel, Slough, Spence, VanDyne, Ward, Monday, Murray. The Ordinance received its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman VanDyne. Ayes: Russel, Schedel, Slough, Spence, VanDyne, Ward, Monday, Murray, Nichols. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-049 and is hereby made a part of the record.

**UNFINISHED BUSINESS:**

Mayor Mihalik noted that once she has more information on Constellation Energy Gas Choice, Inc., she will share that with City Council.

Mayor Mihalik is the Chairperson of the Parking Authority. A new City Councilmember representative is needed on the board. Councilman Ward replied that Councilman Murray is the City Council representative on that committee which is why Council is allowing the Streets, Sidewalks, Streetlights & Parking Committee that is chaired by Councilman Schedel to review the parking spaces request because of the possible conflict with the situation.

Councilman Murray: **COMMITTEE OF THE WHOLE** meeting on August 13, 2013 at 5:00pm, third floor conference room of the Municipal Building (CR1). agenda: 1. CRA expansion

**New Business:**

Councilman Schedel: **STREETS, SIDEWALKS, STREETLIGHTS & PARKING COMMITTEE** meeting on August 20, 2013 at 6:00pm, third floor conference room of the Municipal Building (CR1).

1. driving on the south ½ of South West Street now one-way, change to no outlet (Stadium Dr)
2. leasing 15 parking spaces from City

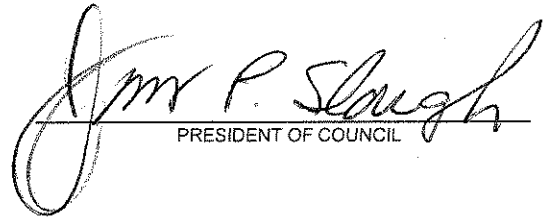
Councilman Schedel noted that a few years ago, he asked Ed Hartman who is in the audience tonight, to help develop a parking plan for the downtown area, so he would like to ask for Mr. Hartman's involvement in the August 20, 2013 meeting to inform the committee where parking is today and where it will be in the future with some of the County buildings coming down.

**Old Business:**

Councilman Slough noted that the July 2013 City Income Tax Report included in tonight's City Council packet shows collections are down again that month and were down the month before. He asked if this is a trend that they will continue to see. Auditor Staschiak replied that he cannot speak to the trend, but that with the quarter percent (.25%) going away, it was known that there was going to be some of that quarter percent (.25%) still coming in this year, but it is not known how much of that income tax is exceeding the projections. The \$1,100,000.00 that was discussed in the mid-year review is repeatable due to bonuses, stock options, or straight salaries. Last year at this time, there were three (3) pay periods in August 2012. This year, there are only two (2) in August 2013, so part of this drop in collections is contributable to that. He expects the income tax over the course of the year to reflect the loss of the quarter percent (.25%) to some extent. We cannot consider one month, one week, or one report and consider that the summary of income tax collections as a whole. It will have to be summarized over the complete twelve (12) months. His office will continue to update Council on unusual things in that tax.

President J. Slough adjourned Council at 8:42pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL