

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

September 17, 2013

COUNCIL CHAMBERS

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

ABSENT: VanDyne, Ward

President Pro-Tem Monday opened the meeting with the Pledge of Allegiance and a moment of silent prayer. He asked that while everyone is standing for the silent prayer that they be mindful of the lives that were lost at the Navy Yard in Washington DC.

MINUTES:

Councilman Nichols moved to accept the September 3, 2013 Public Hearing meeting minutes for the rezoning of 721 Rockwell Avenue. Seconded by Councilman Murray. All were in favor. Motion carried. Filed.

Councilman Murray moved to accept the September 3, 2013 Public Hearing meeting minutes for the rezoning of 133 Hillcrest Avenue. Seconded by Councilman Nichols. All were in favor. Motion carried. Filed.

Councilman Slough moved to accept the September 3, 2013 Regular Session City Council meeting minutes. Seconded by Councilwoman Spence. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Nichols made a motion to add the following to tonight's agenda. Councilman Russel seconded the motion. All were in favor. Motion carried.

ADD-ONS:

- Letter from Jim Heck (Heck Rentals) – historical restoration work on 320 South Main St and 316 Dorney Plaza (**WRITTEN COMMUNICATIONS** section).
- Resolution No. 038-2013 (Heck Rentals request) (**LEGISLATION** section)
- Letter from Mayor – fund transfer from Human Resources budget to Law Director budget (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
- Resolution No. 039-2013 (HR budget to Law Director budget fund transfer) (**LEGISLATION** section)
- Letter from Service-Safety Director – Airport Improvements (AIP-24) Airfield Electrical and drainage improvements project no. 35233000 (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
- Ordinance No. 2013-066 (Airport improvements AIP-24) (**LEGISLATION** section)

PROCLAMATIONS – none.

RECOGNITION/RETIREMENT RESOLUTIONS – none.

WRITTEN COMMUNICATIONS:

Jim Heck (Heck Rentals) – historical restoration work at 320 South Main Street and 316 Dorney Plaza

The FD Main Street, Ltd is in the process of submitting an application with The Ohio Historic Preservation for historical restoration work that will be done to the properties located at 320 South Main Street and 316 Dorney Plaza in downtown Findlay. The application is due Monday, September 30, 2013. The application is graded on a point system. They are eligible to receive three (3) additional points if they can obtain a letter of support from Findlay City Council.

Preliminary plans for 320 South Main Street:

- 2 commercial office units (first floor)
- 3 high quality residential apartments (second and third floor)

Preliminary plans for 316 Dorney Plaza:

- 3 high quality residential town homes (first and second floor)

Resolution No. 038-2013 was created. Filed.

ORAL COMMUNICATIONS:

Anita Kiene – roaming cats

Ms. Kiene asked if Council could pass an Ordinance to stop roaming cats from going everywhere. For the last two (2) years, she has tried to improve her property, but cats continue to come onto her property. Her neighbor continues to keep cats and bring on more cats. Last year, she asked them to stop allowing the cats to come onto her property making a mess and destroying her plants, but they have not done so. Bowling Green has an Ordinance against roaming cats, so she'd like to see Findlay have one.

Discussion:

Councilman Slough noted that last year, a gentleman complained of cats from three (3) houses away were coming onto his yard and destroying trees and plant life. After investigating if Findlay has an Ordinance for cats, it was found that there is no Ordinance in Findlay. There are Ordinances pertaining to dogs and other wildlife, but nothing on cats, so there isn't much that can be done except that citizens protect their property. There have been several cats in his neighborhood that are wild and roam freely. He asked the Service-Safety Director if there is anything that can be done. Service-Safety Director Schmelzer replied that it is up to Council to decide if they want to pass an Ordinance, but how to enforce the Ordinance will need to be considered.

Councilman Schedel thanked Ms. Kiene for coming forward. He asked the Law Director to research the Bowling Green Ordinance and provide it to Council so they can review it and decide if it is something Findlay wants to do.

Councilman Nichols noted that he was going to say the same thing as Councilman Schedel did. He too would like to look at Bowling Green's Ordinance to see if it is something Findlay can support because he feels there is a problem.

Nikki Bonomo – Children's museum

Ms. Bonomo is the President of a premier non-profit organization that has just been confirmed to support a children's museum in Findlay. She came before Council to explain. She compared the children's museum to Imagination Station in Toledo or COSI in Columbus. Her organization will be bringing the same type of business on a small scale (8,000-12,000 ft) to Findlay, preferably downtown to compliment the projects that are going on as well as the existing establishments (i.e. Historical Museum and the Performing Arts Center). The focus will be on a core-curriculum of Science Technology Entering Mathematics (STEM). There will be a room for each element of that core-curriculum with about twenty percent (20%) of the exhibits rotating every three (3) to six (6) months. These will include: a great outdoors room with a dinosaur dig, an air and space room with a cockpit and space experiments relevant for early space programs, and an infant area with soft padding and a high contrast area for stimulation. The age range of activities will be from 0-10 years old where no one will be turned away. It will be a place for everyone. Around the infant area there will be a book nook of donated books. The look of the room will be a scene from the book as if you just walked into the book. They have already partnered with the Mazza Museum on this. They are looking to open the new children's museum by 2016. They also looking to open another prototype for this concept called Little Main Street in a highly utilized retail area such as a mall, targeting to open by June of 2014. It will have the same objectives as the large museum. It will be a temporary site as a tester to allow others to see what they are working on. It will be shut down once the large museum opens up because everything will be transferred into the large museum. This is another piece of the puzzle for Findlay to bring in families and young talent from other regions. It will be a nice compliment to other things that are going on. Some of the fun programs and exhibits this will have will hopefully be a discussion point for people in the city. There are many other benefits that this museum will bring. If anyone is interested in joining their team, helping them, or has any ideas for the museum, they should feel free to contact Ms. Bonomo. To learn more about the program, a Facebook page has been created which also includes her email address.

Discussion:

Councilwoman Spence thinks this is a wonderful idea. Findlay is lucky to have this project here. She told Ms. Bonomo to let her know if there is anything the City can do to help.

Councilman Russel asked where the permanent location will be. Ms. Bonomo replied that the ideal area would be a side street along the downtown area off of South Main (i.e. Main Cross) because there has to be a parking lot next to the building for parents to take children to and from the building. Councilman Russel then asked if they would considering building. Ms. Bonomo replied they are considering everything. They are looking at all of their options and will consider everything. They have assistance from Economic Development group (Tony Iriti and Tim Miller) who are helping them with their location. Councilman Russel then asked if there is a model from a similar size town that they are basing this from. Ms. Bonomo replied they are modeling it off the Cleveland Children's Museum which is an eleven thousand square foot (11,000 sq ft) facility, which is a lot smaller than Cleveland actually needs. They could almost pick it up and put it in Findlay and it would work great. She is posting a lot more information (3D sketches showing what the exhibits will look like, etc.) on this project on Facebook. They will consider renting, leasing, building, or buying.

Councilman Murray noted that he will most likely not be on City Council when this project comes to fruition. He pointed out that the Hochstettler property on Main Cross Street is a wonderful property to possibly use. The City owns that property and it is right next to Dietsch Bros. which would make a great opportunity for everyone to have a great time. If that building does not have any use in the future, he recommends doing something cooperative with it. Ms. Bonomo replied that property is one of twenty (20) properties on her personal list. Being next door to Dietsch Bros. is a positive. Service-Safety Director Rasmussen added that the Hochstettler property is still on the agenda as the City Health Department building in the event they want to move there.

Council President Pro-Tem Monday explained why he is Pro-Tem tonight. The Mayor is not here tonight, so Council President J Slough becomes Acting Mayor, therefore the Council President chair would belong to Council-At-Large Ward as Council President Pro-Tem, but since he is not here, it is up to Council to decide who would be Council President Pro-Tem. By consent of the majority of City Council, he was elected to become the Council President Pro-Tem tonight.

PETITIONS – none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

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

Findlay Police Department Activities Report – August 2013. Filed.

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

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Wine Merchant LLC & Patio, located at 540 South Main Street, Unit A, Findlay, Ohio for a D2, D2X, D3, and D3A liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Wine Merchant LLC & Patio, located at 540 South Main Street, Unit A, Findlay, Ohio. A check of the records shows no criminal record on the following:

Daniel J. Matheny
Douglas W. Huffman

Councilwoman Spence moved for no objections be filed. Seconded by Councilman Nichols. 6 Council members in favor, 1 opposed. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Parkins Enterprises LLC, dba Olers Drive Thru, located at 700 Lima Avenue Gas Pump, Findlay, Ohio for a C1, C2, and D6 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – Parkins Enterprises LLC, dba Olers Drive Thru, located at 700 Lima Avenue Gas Pump, Findlay, Ohio. A check of the records shows no criminal record on the following:
Virginia L. Parkins

Councilman Nichols moved for no objections be filed. Seconded by Councilwoman Spence. 6 Council members in favor, 1 opposed. Filed.

City Planning Commission agenda – September 12, 2013. Filed.

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

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

Service-Safety Director Paul Schmelzer – HAN-330/568.0.20/0.23;ODOT PID #76823, Project No. 3283110

The Ohio Department of Transportation (ODOT) is finalizing details for this project. The preliminary legislation from ODOT (Ordinance No. 2013-015) was adopted by Council on March 19, 2013. Based on ODOT's original estimate, an amount of ninety thousand dollars (\$90,000.00) is included in the 2013 Capital Improvements Plan; however, ODOT has revised the City's estimated share of construction to one hundred twenty-two thousand eighty-two dollars (\$122,082.00). At this time, adoption of the final resolution prepared by ODOT is needed. ODOT will then bid and contract the project for construction. After construction, any unused funds will be reimbursed to the City. Resolution No. 037-2013 was created by ODOT. Filed.

Service-Safety Director Paul Schmelzer – OPWC application Logan Avenue improvements (Phase II) project #32532600

The City is preparing to submit a grant application for funding from the Ohio Public Works Commission (OPWC). The application will pay for a portion of the costs to make improvements to Logan Avenue between Greenwood Avenue and Lima Avenue. This project is a continuation of the West Park improvements. Legislation authorizing City representatives to sign the grant application and agreement for funding if the grant is awarded is requested. Ordinance No. 2013-064 was created. Filed.

Service-Safety Director Paul Schmelzer – Fostoria Avenue Drainage (Phase I) Project #32584300

In order to continue working on this project, funds are needed for miscellaneous preliminary expenses such as easements, legal advertisements, etc. This project is included in the 2013 Capital Improvements Plan. After the project is bid, an appropriation of construction funds will be asked of Council. Legislation to appropriate funds is requested. Ordinance No. 2013-065 was created.

FROM: Stormwater Fund	\$ 10,000.00
TO: Fostoria Ave Drainage (Phase I) Project No.32584300	\$ 10,000.00

Discussion:

Councilman Russel asked where exactly on Fostoria Avenue does this project affect. Service-Safety Director Schmelzer replied that the drainage project itself impacts the area between Route 12 and 224, mostly the residential area going through Woodworth. Phase I runs about half way to Plaza. We are looking to complete Phase II next year. The biggest hold up with this project has been some vertical alignment issues with utilities on 224, but those issues have been resolved. We have received the final easement that was needed along 224 to get the project done. We are in a good position to get this project out to bid soon. Filed.

Traffic Commission Minutes – August 21, 2013. Filed.

Service-Safety Director Paul Schmelzer – donations from Bridgestone APM and also from Boy Scouts of America

The Parks Department received donations in the amount of eight hundred dollars (\$800.00) from Bridgestone APM and nine hundred dollars \$900.00) from Boy Scouts of America, Troop 335, to be used toward purchasing trees that will be planted at the CUBE and in City parks as part of an Eagle Scout project.

FROM: General Fund	\$ 1,700.00
TO: Parks Department #21034000-other	\$ 1,700.00

Ordinance No. 2013-065 was created.

Discussion:

Councilman Russel asked what individual from the Boy Scout Troup will be doing this. Service-Safety Director Schmelzer replied that he does not know the individual's name. Councilman Russel replied that Troop 335 is out of McComb. Service-Safety Director Schmelzer replied he does not know the specific individual from that Troop that donated. This is just another example of what the Scouts do. The City runs across Eagle Scouts routinely in the office. Some of the projects that they are working on or trying to get done are significant projects. He wished all the Troops the best of luck.

Councilman Slough asked what type of trees will be planted since the Ash tree episode is probably not a good option. Service-Safety Director Schmelzer replied that there is a list of trees that the Shade Tree Commission prefers, depending on how much of a tree lawn there is, and what type of shade there will be. Councilwoman Spence is on the Shade Tree Commission.

Councilman Murray asked if the two Boy Scouts in the audience are part of this project. They replied they are not. Filed.

Hancock Regional Planning Commission Director Matt Cordonnier – amendment to the Findlay Zoning Code

Hancock Regional Planning Commission is submitting several changes to the City of Findlay Zoning Code. There are a total of six (6) proposed changes to the code:

1. **Downtown Parking Buffer**
Currently downtown is undergoing some very significant changes. The removal of buildings has left some "holes" in the fabric of downtown. In order to help preserve the aesthetic character of downtown, HRPC has crafted parking regulations that would apply to parcels zoned C3 Downtown Business.

The proposed amendment would require new C3 zoned parking lots with frontage on Main Street to install a masonry wall or masonry wall/fence combination. The purpose of the required wall is to preserve the aesthetic quality of downtown and to minimize the visual impact of surface parking lots directly on Main Street. A new parking lot that has frontage on both Main Street and the secondary street. The secondary street wall would only be required to be installed to the nearest public right-of-way or two hundred feet (200'), whichever is less.

C3 parking amendment would require all other new parking lots without frontage on Main Street to install the same perimeter landscaping screening that is required in the O1, C1, C2, I1 and I2 districts.

2. **R3 Setback Changes**
The R3 residential zoning classification is designed to accommodate the smallest residential lots in the City. Very often the R3 zoned lots are very small and the current setbacks cause significant barriers and limit the property owners' options. The first proposed change is to modify the rear setback from a static thirty feet (30') to a variable standard. The proposal reads "*Rear Yard Setback: Fifteen percent (15%) of the lot depth or thirty feet (30), whichever is less*". This standard was used in the old code and after some practical usage in the field it has been determined that the flexibility that it allows is better than a static thirty foot (30') setback.

The second proposed change is to the front setback requirement. Currently, the front yard setback allows for a variable distance depending on the setback of the neighboring houses. This works very well, but we propose to add a statement that limits the variable setback to a minimum of five feet (5') to provide at least a minimal standard of setback.

The final proposed change to the R3 setback is to state that "*Overhands may not encroach into any setback by more than two (2) feet*." Todd Richard deals with this question very often and the code does not address it. The allowance of a 2 foot (2') overhand is one foot (1') less than the smallest setback ensuring that overhands do not encroach into a neighboring property.

3. **Non-Conformity Replacement**
This is a proposed addition to the non-conforming section of the Zoning Code. It allows for the replacement of porches, attached garages, and other portions of a non-conforming structure provided that the replacement is the same or smaller in size.
4. **C1 Residential**
Sometime in 2005 or 2006, residential uses were removed from commercial zoning districts. Currently the code allows residential in the O1 (Office Institution) which is intended. The proposed change is in the C1 district which allows all uses from the O1 district (pyramidal structure). The proposed change is to add the phrase, "*except residential uses*" to the list of permitted uses in the C1 district.
5. **Electronic Message Center**
Electric Message Centers area allowed to make up twenty-five percent (25%) of a sign. The current wording of the code is somewhat vague. The proposed new wording will make it clear that the message center may only be twenty-five percent (25%) of the actual sign that is constructed, not twenty-five percent (25%) of the theoretical maximum sign allowed.
6. **Accessory Building Allowances**
The first change to accessory buildings in residential areas is to increase the allowable square footage of accessory structures from 800 SF to 900 SF.

The second change is to exclude detached garages from the permitted accessory use calculation of 900 SF. The change is an attempt to create a level playing field for those houses with a detached garage versus those with an attached garage. Essentially, the code as written today allows less accessory building square footage to those houses with detached garages.

Discussion:

Councilwoman Spence would like to hear more from Mr. Cordonnier about why he thinks some of these changes are necessary. Councilman Murray recommended that the Planning & Zoning Committee discuss this and if time allows, it will be discussed during the next meeting on September 24, 2013. It is doubtful everything can be explained in one meeting. Filed.

Referred to the Planning & Zoning Committee.

Mayor Lydia L. Mihalik – fund transfer from Human Resources budget to Law Director budget

The Law Director would like to attend a 2-day seminar on labor negotiations and employment law sponsored by the Ohio State Bar Association (OSBA) on October 3 & 4, 2013. This cost was not budgeted in 2013. In addition, the Law Director budget will also need funds to pay for 4th quarter telephone services. Legislation to transfer funds is requested. Resolution No. 039-2013 was created.

FROM:	Human Resources #21018000-personal services	\$ 1,000.00
TO:	Law Director Department #21005000-other	\$ 1,000.00

Filed.

Service-Safety Director Paul Schmelzer – Airport Improvements (AIP-24), Airfield Electrical and Drainage Improvements Project No. 35233000

Again this year, the City has the opportunity to apply for grant funds from the Federal Aviation Administration (FAA). The grant funds will be used for installing runway end identifier lights (REILs) on Runway 7-25 and drainage improvements. The estimated grant amount available for 2013 is \$55,953 with the City's matching share of \$6,217.00. The project is included in the 2013 Capital Improvements Plan. Legislation authorizing the Service-Safety Director to sign the grant application and agreement is requested. Ordinance No. 2013-066 was created.

Discussion:

Service-Safety Director Schmelzer informed Council that he just received the letter from the FAA today and they would like it returned by September 18, 2013. It is the same project that we have been talking about for multiple years. This is the last phase of it where drainage will be installed and work will be done on the runway to the end of 7-25. This is the tail end of the project. He did not have any forewarning that this was going to be arriving to him today with only two (2) days to return it. If Council prefers, he can go back to the FAA and tell them that it cannot be done in a two (2) day timeframe. Filed.

COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service-Safety Director to amend the payroll ordinance language to reflect the health care plan language developed for the City through the Health Care Committee. *We recommend the changes to the salary ordinance reflect policy developed for the City through the Health Care Committee as outlined in the attached reference sheet. Ordinance No. 2013-062 was created.*

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

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 037-2013

(ODOT – resurfacing, curb ramps on SR 568 from Beech Ave to Bright Rd)

A FINAL RESOLUTION COOPERATING WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE REHABILITATION OF ROADWAY BY PAVEMENT PLANING, RESURFACING, CONSTRUCTING CURB RAMPS, AND PLACING PAVEMENT MARKINGS ON STATE ROUTE 568, LOCATED WITHIN THE CORPORATE LIMITS OF CITY OF FINDLAY, AND DECLARING AN EMERGENCY.

First reading

Adopted

Councilman Schedel moved to suspend the statutory rules and give the Resolution its second and third readings. Seconded by Councilman Nichols. Ayes: Monday, Murray, Nichols, Russel, Schedel, Slough, Spence. The resolution received its second and third readings. Councilman Nichols moved to adopt the Resolution, seconded by Councilman Schedel. Ayes: Murray, Nichols, Russel, Schedel, Slough, Spence, Monday. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

RESOLUTION NO. 038-2013

(historical restoration work to 320 S Main St & 316 Dorney Plaza)

A RESOLUTION SUPPORTING THE ACTIVITIES OF FD MAIN STREET, LTD.

Councilman Russel moved to adopt the Resolution, seconded by Councilwoman Spence.

First reading

Adopted

Discussion:

Councilman Russel commended FD Main Street, Ltd. for their continued work on the buildings they are working on. The buildings in Dorney Plaza that RCM Architects is working on will be spectacular. He thanked them for their commitment to improving the downtown area.

Ayes: Nichols, Russel, Schedel, Slough, Spence, Monday. Abstain: Murray. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

RESOLUTION NO. 039-2013 *(seminar expenses & 4th qtr telephone)*

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS AND DECLARING AN EMERGENCY.

First reading

Adopted

Councilwoman Spence moved to suspend the statutory rules of Council and give the Resolution its second and third readings. Councilman Nichols seconded the motion. Ayes: Russel, Schedel, Slough, Spence, Monday, Murray, Nichols. The Resolution received its second and third readings. Councilman Nichols moved to adopt the Resolution, seconded by Councilman Russel.

Discussion:

Councilman Slough noted that when the letter from the Mayor asking to transfer funds from the Human Resources budget to the Law Director budget was read, it mentioned seminar expenses, but this Resolution for that also asks for funds for 4th quarter 2013 telephone services. Law Director Rasmussen replied that this Resolution is for both. Law Director budget needs money in the telephone services for the Prosecutor’s Office and also his office.

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

ORDINANCES

ORDINANCE NO. 2013-053 *(Darway annexation – accepting annexation)*

AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF LIBERTY, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF SECTION 11, T1N, R10E, A TRACT OF LAND CONTAINING 3.833 ACRES OF LAND, MORE OR LESS AND FURTHER DESCRIBED HEREIN, AND TO PETITION THE COUNTY COMMISSIONERS TO ALTER THE BOUNDARIES IN ACCORDANCE WITH SECTION 503.07 (HEREINAFTER REFERED TO AS THE DARWAY ANNEXATION).

Third reading

Adopted

Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Murray. Ayes: Spence, Monday, Murray, Nichols, Russel, Schedel, Slough. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-053 and is hereby made a part of the record.

ORDINANCE NO. 2013-054 (*Darway annexation – rezone*)

Third reading

Adopted

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY AS C2 GENERAL COMMERCIAL DISTRICT (HEREINAFTER REFERRED TO AS THE DARWAY ANNEXATION).

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilwoman Spence. Seconded by Councilman Murray. Ayes: Monday, Murray, Nichols, Russel, Schedel, Slough, Spence. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-054 and is hereby made a part of the record.

ORDINANCE NO. 2013-062 (*amend salary ordinance to change health care plan language*)

First reading

Adopted

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS, PAY RANGES AND A SALARY SCHEDULE FOR ALL NON-ELECTED OFFICERS AND EMPLOYEES OF THE CITY OF FINDLAY, OHIO, AND REPEALING ORDINANCE NO. 2012-004, ORDINANCE NO. 2012-097, ORDINANCE NO. 2012-046, AND ORDINANCE NO. 2012-094 ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Murray, Nichols, Russel, Schedel, Slough, Spence, Monday. The Ordinance received its second and third readings. Councilman Murray moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Nichols, Russel, Schedel, Slough, Spence, Monday, Murray. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-062 and is hereby made a part of the record.

ORDINANCE NO. 2013-063 (*I-75 widening project – transfer land to ODOT*)

First reading

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE DEEDS TRANSFERRING 1.527 ACRES OF LAND TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE FINDLAY I-75 CORRIDOR WIDENING PROJECT AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Murray asked if the denial of the motion to suspend the Statutory Rules for the emergency will affect negotiations with the I-75 people. Service-Safety Director Schmelzer replied it does not.

First reading of the Ordinance.

ORDINANCE NO. 2013-064

First reading

Adopted

(*OPWC application – improvements to Logan Ave between Greenwood Ave & Lima Ave – continuation of West Park improvements*)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO FILE AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION (OPWC) GRANT PROGRAM, AND AUTHORIZING THE MAYOR, AND/OR SERVICE-SAFETY DIRECTOR, AND/OR AUDITOR OF THE CITY OF FINDLAY, OHIO TO SIGN THE GRANT AGREEMENT WITH THE OPWC FOR THE LOGAN AVENUE IMPROVEMENTS (PHASE II) BETWEEN GREENWOOD AVENUE AND LIMA AVENUE, PROJECT NO. 32532600, AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Russel, Schedel, Slough, Spence, Monday, Murray, Nichols. The Ordinance received its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Schedel, Slough, Spence, Monday, Murray, Nichols, Russel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-064 and is hereby made a part of the record.

ORDINANCE NO. 2013-065

First reading

Adopted

(*Fostoria Ave drainage (Phase I) project #32584300*)

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Slough, Spence, Monday, Murray, Nichols, Russel, Schedel. The Ordinance received its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Spence, Monday, Murray, Nichols, Russel, Schedel, Slough. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-065 and is hereby made a part of the record.

ORDINANCE NO. 2013-066 (*Airport AIP-24 grant*)

First reading

Adopted

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO EXECUTE THE NECESSARY GRANT APPLICATION(S) AND/OR AGREEMENT(S) FOR THE AIP-24, AIRFIELD ELECTRICAL AND DRAINAGE IMPROVEMENTS GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA), AND DECLARING AN EMERGENCY.

Councilman Murray 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. The Ordinance received its second and third readings. Councilman Murray moved to adopt the Ordinance, seconded by Councilman Schedel.

Discussion:

Councilman Slough asked if this is the final Airport improvements project as there have been improvement projects for the last five to seven (5-7) years. Service-Safety Director Schmelzer replied that we will be applying for more. This will wrap up the project. He is unsure how many projects for the Airport was going on before 2012, but 2012 was a pavement rehabilitation and now we are taking a look at the lighting. We apply for FAA funds on an annual basis. Some years they have combined the funds for larger projects which is what is being done here. The remainder of this amount will be rolled over for a future project. Councilman Slough asked if the Airport is lacking hangar space. Service-Safety Director Schmelzer replied that is a discussion point in which we will have to take a look at what that demand looks like. We do have the capability with these funds to take a look at additional hangar space in the future.

Ayes: Murray, Nichols, Russel, Schedel, Slough, Spence, Monday. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-066 and is hereby made a part of the record.

UNFINISHED BUSINESS:

Old Business:

Councilman Russel noted that a constituent contacted him about their neighbor's property in which he referred them to the N.E.A.T. Department. Within a day or two, the problem was resolved. The caller was amazed that his local government could work so fast. He thanked the N.E.A.T. Department for resolving this matter.

Councilman Russel noted that Councilman Monday arranged a meeting with the Lye Creek neighborhood concerning the riparian corridor that the Blanchard River Watershed group put an EPA grant together to develop a riparian corridor at Lye Creek where it empties into the Blanchard River. The neighborhood raised some concerns about what a riparian corridor is and how it will affect their property. About twenty to twenty-five (20-25) neighbors attended that meeting. Councilman Monday, the Mayor, the Service-Safety Director and Councilman Russel also attended the meeting. There was a lot of good discussion. Once we have more detailed plans, we will schedule another meeting. This is a very engaged neighborhood that wants to know how this will affect them. He thanked Councilman Monday for organizing the meeting.

Councilman Nichols appreciates the N.E.A.T. Department's detailed list of properties that was included in Council's packet as an FYI. It provides an update on the projects. He asked what the highlighted ones mean. Service-Safety Director Schmelzer replied that they are all gray-scaled. He will ask the N.E.A.T. Department to follow-up with a key.

Councilman Murray: **PLANNING & ZONING COMMITTEE** meeting on September 24, 2013 at 4:30pm, Council Chambers, first floor of the Municipal Building (CO).

- Agenda: 1. CRA recommendations
2. 124 & 124 ½ Center Street rezone
3. 1806, 1810, 1822, 1849 Payne Avenue rezone
4. amendments to the Findlay Zoning Code

Councilman Nichols received a couple comments this week on some of the things on zoning. Their properties received a zone change without their knowledge. Their property might have been zoned a duplex or triplex, and now it is zoned single-family. They are concerned that they have to pay to have it changed back to the original purpose of the property. Councilman Nichols feels that they should take a harder look at some of those and not make them pay to have it put back. Just because we arbitrarily changed some of the zoning on different streets without their knowledge, he feels this is a problem. Councilman Russel added that was the case with Ordinance No. 2013-046 (721 Rockwell Avenue) rezone. He discussed the Rockwell neighborhood with Matt Cordonnier and Don Rasmussen in which there are twenty (20) properties involved that would be moved from industrial to R3. Matt Cordonnier did a quick survey of how many residential properties were in an industrial neighborhood in the City. He came up with five hundred (500). Law Director Rasmussen added that there is a number that are designated R3 or R2. Those changes have been made and now those property owners in that area cannot meet any of the setback requirements. We are looking into changing that. Some of these are changes to that. Property owners there are prevented from putting decks on the back of their properties because of the setbacks and density. Councilman Russel then asked how that change will be implemented on such a large scale. Service-Safety Director Schmelzer replied that there was a lot of discussion about that during a Planning & Zoning meeting. There is a lot of work yet to be done with the zoning map. The zoning changes presented tonight are only a partial package of what needs addressed with the new code. When a new code is enacted, there will be some issues that need to be worked through.

New Business:

Councilman Murray made a motion to excuse the absence of Councilman VanDyne and Councilman Ward. Seconded by Councilwoman Spence. All were in favor.

President Pro-Tem Monday adjourned Council at 8:29pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL PRO-TEM