

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

November 5, 2013

COUNCIL CHAMBERS

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

ABSENT: Monday, VanDyne

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

MINUTES:

Councilwoman Spence moved to accept the October 15, 2013 Regular Session City Council meeting minutes. Seconded by Councilman Murray. All were in favor. Motion carried. Filed.

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

PROCLAMATIONS – none.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 045-2013 (*Mike Kelley*)

First reading

Adopted

A RESOLUTION COMMENDING ROBERT KELLEY FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

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

WRITTEN COMMUNICATIONS:

Hancock County Solid Waste Management District Interim Coordinator Melissa Edson – ratification of draft amended Solid Waste Management Plan

On October 1, 2013, the Hancock County Solid Waste Management District Policy Committee formally adopted the draft amended Solid Waste Management Plan. The draft plan was submitted for public notice on August 26, 2013 and was adopted without modifications, based on comments received during the 30-day public comment period and the public hearing that was held on October 1, 2013. The adopted draft plan is in accordance with Ohio Revised Code (ORC) 3734.55 and is to be approved or disapproved by City Council. As specified in ORC 3734.55, each legislative authority within the District is required to either approve or disapprove the draft plan and issue a resolution or an ordinance stating the decision with a copy of that resolution or ordinance delivered to the District Policy Committee. Issuance and delivery of the resolution or ordinance must both occur within 90 days of receiving the adopted draft plan. The 90-day ratification period will expire on December 29, 2013. Ordinance No. 2013-075 was created. Filed.

ORAL COMMUNICATIONS – none.

PETITIONS – none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay City Board of Health minutes – September 18, 2013. Filed.

City Planning Commission agenda – November 14, 2013. Filed.

Treasurer's Reconciliation report – September 30, 2013. Filed.

Traffic Commission minutes – October 21, 2013. Filed.

Service-Safety Director Paul Schmelzer – HAN-330/568.0.20/0.23; ODOT PID #76823 Project No. 32831100

In September, \$122,082.00 was appropriated to this based on an estimate from ODOT. After receiving bids for the project, ODOT anticipates the City owing an additional \$2,254.00. If there are any unused funds after construction, ODOT will refund any overpayment to the City. An appropriation of funds is requested.

FROM:	Capital Improvements – CIT	\$ 2,254.00
TO:	ODOT Resurfacing 568 <i>project #32831100</i>	\$ 2,254.00

Discussion:

Councilman Ward noted that as Chairman of the Appropriations Committee, he does not see the need for this to go to the Appropriations Committee as it is something that has to be done for this project, so if the rest of the Appropriations Committee agrees, it can go right to legislation. No objections from the rest of the Appropriations Committee. Motion seconded by Councilman Murray. All were in favor. Referred the Law Director for legislation. Filed.

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

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

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 C-3 Downtown Business. Please note that the C-3 Downtown Zoning District is the only non-residential district that does not have parking lot screening requirements. The O-1, C-1, C-2, I-1, and I-2 all have parking lot screening requirements.

The proposed amendment would require new or expanded C-3 zoned parking lots with frontage on Main Street or Main Cross 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/Main Cross and a secondary street would be required to install the wall on Main Street/ Main Cross 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.

Finally, the C-3 parking amendment would require all other new parking lots without frontage on Main Street to install the similar perimeter landscaping screening that is required in the O-1, C-2, C-2, I-1, and I-2 Districts.

2. R-3 Setback Changes

The R-3 residential zoning classification is designed to accommodate the smallest residential lots in the City. Very often the R-3 zoned lots are very small and the current setbacks cause significant barriers and limit property owner 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 R-3 setbacks is to state that “Overhangs may not encroach into any setback by more than two feet (2’)”. Todd Richard deals with this question very often and the code does not address it. The allowance of a two foot (2’) overhand is one foot (1’) less than the smallest setback ensuring that overhangs 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. C-1 Residential

Sometime in 2005 or 2006, residential uses were removed from commercial zoning district. Currently, the code allows residential in the O-1 (Office Institution) which is intended. The proposed change is in the C-1 district which allows all uses from the O-1 district (pyramidal structure). The proposed change is to add the phrase, “except residential uses” to the list of permitted uses in the C-1 District.

5. Electronic Message Center

Electric Message Centers are 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 eight hundred square feet (800 sq ft) to nine hundred square feet (900 sq ft).

The second change is to exclude detached garages from the permitted accessory use calculation of nine hundred square feet (900 sq ft). 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 asked if all the lots that are part of O-1, C-1, C-2, I-1, and I-2 require the masonry wall/fence combination. Matt Cordonnier from the audience replied they do not. The C-3 proposed ordinance is similar for parking lots without frontage on Main Street. They are required to put in shrubs every five feet (5’) to screen the parking lot. It is different from all the other districts in that it requires a masonry wall. Councilwoman Spence then replied that because of that reasoning and the fact that she does not see it as being necessary or aesthetically all that different, she will not support that portion of the proposed zoning code changes.

Councilman Murray noted that the goal of these zoning code changes is to provide some flexibility in the zoning code. The minimum is a three foot (3’) masonry wall that could be interspersed with some plants, and the maximum is six foot (6’). There are a lot of variances between these two (2) distances. He likes the idea that some plantings can be done so that it is not just a hard wall against the sidewalk. It has some opportunity for some softness which gives variety. He appreciates the flexibility. Matt Cordonnier replied that some flexibility was incorporated so that the owner would have the right to place the landscaping on whichever side of the wall they want with the ability to either clump or disperse the landscaping allowing them to install it the best way that works for them.

Councilman Nichols asked if there is a provision for maintenance once the wall is in place. He asked if there is any follow up to make sure they are kept up to standards. Matt Cordonnier replied there is no provision for maintenance.

Ordinance No. 2013-076 was created. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss downtown parking screening.
We recommend adoption of revised zoning 1161.06.4 landscaping standards – parking lots C-3.
Councilman Murray moved to adopt the committee report. Councilman Nichols seconded the motion. All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss Community Reinvestment Areas #1 and #2.
We recommend that the CRA proposal with incentives as presented by HRPC be developed into legislation.
Councilman Nichols moved to adopt the committee report. Councilman Russel seconded the motion. All were in favor. Filed.

A **COMMITTEE OF THE WHOLE** to whom was referred a request from the Mayor to discuss a communications plan.
Councilman Ward moved to adopt the committee report. Councilwoman Spence seconded the motion. All were in favor. Filed.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 045-2013 - See page 1

RESOLUTION NO. 046-2013

First reading

Adopted

A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

Councilwoman Spence moved to adopt the Resolution. Councilman Slough seconded the motion. Ayes: Nichols, Russel, Schedel, Slough, Spence, Ward, 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. 2013-067 (124 & 124 ½ Center Street)

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 REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS CENTER STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "M2 MULTIPLE FAMILY HIGH DENSITY.

Councilman Murray moved to adopt the Ordinance Councilman Schedel seconded the motion. Ayes: Russel, Schedel, Slough, Spence, Ward, Murray, Nichols. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-067 and is hereby made a part of the record.

ORDINANCE NO. 2013-068 (1806, 1810, 1822, and 1849 Payne Avenue)

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 REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS PAYNE AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY MEDIUM DENSITY" TO "R3 SINGLE FAMILY.

Councilman Murray moved to adopt the Ordinance. Councilman Schedel seconded the motion. Ayes: Schedel, Slough, Spence, Ward, Murray, Nichols, Russel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-068 and is hereby made a part of the record.

ORDINANCE NO. 2013-074 (Arts Partnership)

Second reading

AN ORDINANCE DESIGNATING TEN PERCENT (10%) OF THE HOTEL/MOTEL TRANSIENT TAX TO BE DISTRIBUTED TO THE ARTS PARTNERSHIP ON A QUARTERLY BASIS DURING CALENDAR YEARS 2014, 2015 AND 2016 AND APPROPRIATING SAID SUMS AS NECESSARY.

Second reading of the Ordinance.

ORDINANCE NO. 2013-075 (Solid Waste Management renewal)

First reading

Adopted

AN ORDINANCE APPROVING THE 2012 REVISED SOLID WASTE MANAGEMENT PLAN OF THE HANCOCK COUNTY SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY.

Councilman Ward moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilwoman Spence seconded the motion. Ayes: Slough, Spence, Ward, Murray, Nichols, Russel, Schedel. The Ordinance received its second and third readings. Councilman Ward moved to adopt the Ordinance, seconded by Councilwoman Spence. Ayes: Spence, Ward, Murray, Nichols, Russel, Schedel, Slough. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2013-075 and is hereby made a part of the record.

ORDINANCE NO. 2013-076 (*zoning code additions*)**First reading**

AN ORDINANCE AMENDING SECTIONS 1123.05, 1133.02, 1161.01.1(C)(2), 1161.12.13(B) AND 1162.05(C) OF CHAPTER 1100 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE OF THE CITY OF FINDLAY, OHIO, AS AMENDED.

First reading of the Ordinance.

ORDINANCE NO. 2013-077 (*zoning code amendments*)**First reading**

AN ORDINANCE ENACTING SECTIONS 1161.06.4 AND 1161.11.5.1 OF CHAPTER 1100 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE OF THE CITY OF FINDLAY, OHIO, AS AMENDED, PROVIDING FOR LANDSCAPING STANDARDS AND PARKING STANDARDS FOR CERTAIN PARKING LOTS WITHIN THE C-3 DOWNTOWN COMMERCIAL DISTRICT.

First reading of the Ordinance.

UNFINISHED BUSINESS:**Old Business:****New Business:**

Councilman Ward requested a pay ordinance for the 2014-2015 term of Councilmembers and a pay ordinance for the 2014-2017 term of Treasurer. Council President Slough asked how this was handled two (2) years ago. Councilman Ward replied that in the past, a committee was selected to review the salaries and make a recommendation to Council. Council President Slough recommended that since Councilman Ward has done this process a number of years that he chair the committee. Councilman Ward replied that normally he would say no, but since this will not affect him since he will not be on City Council at the time it becomes effective, he will be the chairman. He would like to request others to serve on the committee. Councilman Murray volunteered to serve on the committee. Councilman Slough also volunteered to serve on the committee.

Councilman Murray made a motion to excuse the absence of Councilman Monday and Councilman VanDyne. Seconded by Councilman Nichols. All were in favor. He asked for a special prayer for Councilman Monday as he recovers from his neck injuries. Councilman Nichols seconded the motion. All were in favor.

Councilman Nichols brought to Council's attention that he received a phone call from a gentleman asking about the City's gas aggregation program. If you are already in the City's program with First Energy, you are automatically enrolled in the renewal program with Constellation. The caller kept questioning Councilman Nichols to which he asked the caller what gas company he is with. The caller was not with First Energy, he was with another aggregation company and was trying to get Councilman Nichols to switch over. The caller was misrepresenting himself as being the City's agent. Councilman Nichols warned the public about this.

Councilman Russel updated Council on the City's logo since the Mayor's Interns Sarah Totodo and Genna Newman brought the three (3) options to Council to vote on. This turned into a logo design contest that was opened to the general public. From the twenty-three (23) entries they received, they put together a panel of individuals with more skill and graphic design experience than he, Sarah and Genna. That panel will consist of University of Findlay's Assistant Professor of Graphic Design Anne Beekman, Marathon's Senior Graphic Designer Greg Neat, The Courier's Graphic Designer Jason Smith, and the Director of Revitalization from Heritage Ohio Jeff Sigeler. They will look at the entries and pick a logo. The Mayor's Interns from the University of Findlay have done a fantastic job, but with the large interest from Findlay's citizens, it was decided to pick this panel to take it from here.

Councilman Slough noticed that many of the names on the FYI list for the monthly N.E.A.T. Department have reoccurring citations and never leave the list. He asked if there are any recourse or fines that can be imposed – something to encourage them to clean up their properties. Law Director Rasmussen replied that our ordinances carry a small fine, but do not accelerate the fines. There was a requirement that was put in the ordinance several years ago that the Judge would have to order all the nuisances be abated within seven (7) days. This is nothing different than the other criminal cases the City deals with in that there are some people that continue to violate the ordinance and continue pay fines. Councilman Slough replied that neighbors have to continue to put up with them. Law Director Rasmussen replied that all the City can do is continue to stay on them. Becky Greeno in our N.E.A.T. Department does a good job, but it is difficult for only one person to handle. Councilman Slough feels Ms. Greeno's job would be easier if the word got out to the offenders that the City will not put up with it. Law Director Rasmussen replied that they will continue to be cited and will continue to take them to court, but that does not always alter their behavior.

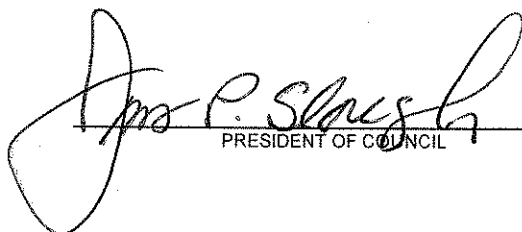
Councilman Ward appointed Councilman Monday as the Chair for the committee to review Council's Rules and Procedures for the 2014-2015 City Council term. Councilman VanDyne and Councilman Nichols will also be on the committee. They will review the current rules and procedures and make any changes, additions or deletions necessary. The final will be available for the first City Council meeting in 2014.

Councilman Slough noted that Councilmembers received the email from the Law Director about legislation for the CRAs not being available for this meeting. Councilman Slough asked if legislation could be ready for the next City Council meeting so that it can be adopted yet this year. Law Director Rasmussen replied he plans to have it for Council's review before the next City Council meeting and have legislation at the next City Council meeting. He spoke with Matt Sutherland from Columbus today and also with the Economic Development individual who is in charge of CRAs in Cincinnati who sent him a copy of their legislation, and he received copies of legislation from the City of Hamilton. A lot of these issues deal with post 1994 CRAs, but more questions need to be answered. He will be meeting with the Service-Safety Director later this week to try to get the economic development people involved as well to come up with classifications that will most likely be different than what was proposed in the illustration that was at the Planning & Zoning Committee. It will still be presented in the same format. Residential areas incentivized by age and commercial and industrial properties incentivized based upon investment.

Councilman Murray asked when the final budget hearing will be. Auditor Staschiak replied that it was originally scheduled for December 18, 2013, but was changed to December 12, 2013 so that it would be held before the last City Council meeting on December 17, 2013. His office is working through the process and has locked departmental budgets. The Administration has done their first pass through them and are starting to overlay the information so that they can merge them together. Mayor Mihalik added that the Administration is trying to make the budget hearings go faster this year. She asked what time the meeting will start. Auditor Staschiak replied that it is up to Council how thorough a review they want of the budgets. Budget hearings allow for each department head to meet with Council to discuss what they do, how they do it, and why they do it. Mayor Mihalik added that she and the Service-Safety Director are wanting to have a meaningful discussion about budgets instead of discussing line item by line item because Council already has the detail for each line item prior to the budget hearings. It is her hopes that Council will see a correlation between what they said they will do with the strategic plan, what they said they could accomplish through a performance audit, and what exactly the key process is for each individual department.

President J. Slough adjourned Council at 8:10pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL