

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

MAY 7, 2019

COUNCIL CHAMBERS

PRESENT: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Shindledecker, Slough, Watson, Wobser

ABSENT: Russel arrived during the LEGISLATION SECTION of the meeting.

President of Council Monday opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

- Councilman Slough moved to accept the April 16, 2019 Public Hearing meeting minutes to rezone Technology Drive via Ordinance No. 2019-019. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Slough moved to accept the April 16, 2019 Regular Session City Council meeting minutes. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Harrington moved to replace and remove the following on tonight's agenda, seconded by Councilman Slough. All were in favor. Motion carried. Filed.

REPLACEMENTS:

- Ordinance No. 2019-025 AS AMENDED (**LEGISLATION** section) – Capital Improvement appropriation for March 2019
- Changed 2019 Traffic Signals Upgrades *Project No. 32892700* to now be #32890600

REMOVALS:

- Executive Session request (**NEW BUSINESS** section)

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS:

Councilman Shindledecker requested that the Zoning/Floodplain Administrator Todd Richard's resignation letter, as well as his retirement resolution (Resolution No. 014-2019) be moved to this portion of tonight's agenda and read in its entirety, seconded by Councilman Harrington. The Council Clerk read the letter in its entirety.

typed verbatim:

As your outgoing Zoning/Floodplain Administrator, please allow me to express my sincere love and respect for a city that I have been very proud to call my home. I have taken every opportunity to brag about Findlay over the years in my travels or when I've met up with family or friends. I've been sure to let them know that Findlay is very special and I have truly been privileged to be a servant to her citizens. It has been fun to congratulate and welcome new residents to our city and I have assured them that they have made a very good choice by coming to Findlay.

Where do I begin? The school system here is top-notch; the fire department is a professional and well-trained as you will ever see; and our police department works under some of the most difficult circumstances. If you ever get the opportunity to ride with an officer, do it. You will realize what challenges they face every day. Each city department is filled with some of the most talented and dedicated workers you can find anywhere. They are understatement.

Our hospital is staffed with very skilled and caring medical professionals and works endlessly to meet the highest standards.

We have a very engaged religious community and Findlay is saturated with many kindhearted and giving individuals.

Yes, Findlay is an easy sell. There isn't much to complain about, however, there is nothing wrong with striving to do better.

Over the years, I have always admired the courage of the small business owners. They are the ones taking all of that risk and facing so many challenges. I know how hard they work. The large corporations I have dealt with have always been cooperative and professional. I've done my best to be an ally to the business community.

Over the years, I have worked with some extraordinary people. All of the mayors served honorably and did their best to serve this community well. I will always be thankful to Mayor Romick, who hired me initially. John Stozich was truly a great man who will always be missed and Mayor Mihalik has raised the performance standard to a level that will be difficult to match and will serve as a motivation to build on what she has started. She was really outstanding. City Engineer, Bob Morrison, was a man I respected greatly and John Anning served as my mentor and had a lot of influence on me. I have learned many things from some mighty fine public servants and I know I have failed to mention dozens of others.

When we talk about "debt reduction", there is on debt the City will never be able to settle, and that's when we lost John Seman. John was as fine a public servant as I have seen. His legacy represents the gold standard when it comes to character, integrity, dedication, and performance. He had wisdom way beyond his years and his memory should be an inspiration to all.

My successor will take his own path to manage many of the difficult challenges ahead. Give Erik the chance to celebrate his victories in helping others and learn from his mistakes. I know he will be devoted to this community and will treat the citizens with the respect and customer service they deserve.

I'm thankful for all of the support from my parents and the work ethic they instilled in me.

My wife, Bette, has been my anchor and my purpose. She means everything to me and I hope I will be worth the wait.

I have too many folks to thank, but I've been trying. Most importantly, than you, to the great citizens of Findlay, for letting me be your very humbled public servant. It has been an honor, to say the least. Findlay will always be in the deepest part of my hear.

Discussion:

Councilman Slough commended Mr. Richard for a job well done. He has had plenty of opportunities to work and talk with him. He is one of the finest individuals that anyone would want to meet. When he mentioned some of the City's prior employees such as City Engineer Bob Morrison and John Anning, Mr. Richard is also in the class that they were.

RESOLUTION NO. 014-2019 (*Todd Richard retirement*) requires one (1) reading **first reading** **adopted**
A RESOLUTION COMMENDING TODD RICHARD FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

Councilman Slough moved to adopt the Resolution, seconded by Councilman Hellmann. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Shindledecker, Slough, Watson, Wobser. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

PETITIONS: - none.

ORAL COMMUNICATIONS: - none.

WRITTEN COMMUNICATIONS: - none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Mayor Muryn - 1st qtr 2019 Key Performance Indicators (KPIs)

The first quarter Key Performance Indicators or "KPIs" have been compiled. These are the performance measurements we monitor for each department on a continuous basis. (The KPI document, "Findlay Performs," can also be found on the City website: <https://www.findlayohio.com/government/transparency-performance>).

Highlights:

- KPIs have been added for these departments in 2019: Zoning, Income Tax and Computer Services
- Fire – days of optimal manpower is showing improvement into the first quarter
- Recreation – Capacity utilization at the CUBE is good and participants in the City's skating programs have stayed steady or increased slightly
- Water – unaccounted for water is an issue that continues to be worked on

Filed.

City Income Tax Monthly Collection Report – April 2019. Filed.

Service Director Thomas – annual bids and contracts

Each year, the City formally bids a number of chemicals, materials, and services. The contracts for these items run for a calendar year with option(s) to renew the contracts in one-year increments. In July, a review and evaluation of the current contracts and contracted vendors will be conducted. For those contracts that will not be renewed, the City will advertise and receive bids in October. Items that are normally bid each year include several chemicals used by the Water Treatment Plant and Water Pollution Center, uniforms, services, and supplies. Legislation authorizing the Safety Director and the Service Director to contract these items is requested. Ordinance No. 2019-032 was created. Filed.

Service Director Thomas – Capital Improvement Appropriation for April

A transfer of the April Capital Improvement allocation to various departments so that they may order more equipment is requested. The manufacturer only made a certain number of 2019 police cruisers and the inventory has already been sold. The additional cost for a 2020 police cruiser is \$1,220 above what was in the 2019 Capital Plan. Legislation to appropriate and transfer funds for the following capital expenditures is requested. Ordinance No. 2019-034 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 565,100.00	
TO:	Police #21012000-other		\$ 240,600.00
TO:	Rec Functions #21044400-other		\$ 85,000.00
TO:	Cemetery #21046000-other		\$ 30,000.00
TO:	Traffic Signals #22043200-other		\$ 209,500.00
FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 50,000.00	
TO:	2019 CUBE Parking Lot Repairs #31993700		\$ 10,000.00
TO:	2019 Traffic Signals Upgrades #32890600		\$ 40,000.00

Filed.

City Planning Commission agenda – May 9 2019; minutes – April 11, 2019. Filed.

Law Director Rasmussen – sale of City-owned parking lot

Included in tonight's packet is Ordinance No. 2019-031 which is for the sale of a City-owned parking lot. Accompanied with that Ordinance is a proposed Development Agreement between the City of Findlay, the Blanchard Valley Port Authority, and 500 Block West, LLC. Please be advised that there are some changes that need to be made to the agreement including the City receiving a 99 year lease for 26-parking spaces, and perhaps some other very minor rewrites. Ordinance No. 2019-031 was created. Filed.

COMMITTEE REPORTS:

A COMMITTEE OF THE WHOLE meeting was held on Monday, April 22, 2019 to discuss the sale of City-owned property (parcel number 600001008730) for the development of apartments, retail space, offices and a parking garage.

Councilman Slough moved to adopt the committee report, seconded by Councilman Hellmann. All were in favor. Filed.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 014-2019 (*Todd Richard retirement*) requires one (1) reading
See page 1 (**RECOGNITION/RETIREMENT RESOLUTIONS** section).

RESOLUTION NO. 015-2019 (*no PO*) requires one (1) reading **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).

Councilman Harrington moved to adopt the Resolution, seconded by Councilman Slough.

Discussion:

Councilwoman Frische asked what the legal expenditures are for. Law Director Rasmussen replied that it is for the George Martens vs. City of Findlay case. Councilwoman Frische asked if that has been resolved. Law Director Rasmussen replied no, it has just started.

Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Shindledecker, Slough, Watson, Wobser, Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

ORDINANCES

ORDINANCE NO. 2019-025, AS AMENDED (*Capital Improvement appropriation for March 2019*) requires three (3) readings **third reading adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Harrington. **Ayes:** Hellmann, Niemeyer, Ostrander, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-025 and is hereby made a part of the record.

ORDINANCE NO. 2019-026 (*S Blanchard St waterline replacement*) requires three (3) readings **third reading adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. **Ayes:** Niemeyer, Ostrander, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-026 and is hereby made a part of the record.

ORDINANCE NO. 2019-028 (*City Prosecutor's Office 2019 telephone bills*) requires three (3) readings **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2019-029 (*731 W Sandusky St rezone*) requires three (3) readings **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 731 WEST SANDUSKY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "R4 DUPLEX/TRIPLEX RESIDENTIAL".

Second reading of the Ordinance.

Second reading of the Ordinance.

ORDINANCE NO. 2019-031 (*sale of City-owned parking lot*) requires three (3) readings **first reading**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH THE BLANCHARD VALLEY PORT AUTHORITY, AS WELL AS, THE 500 BLOCK WEST, LLC, FOR THE SALE OF A CITY-OWNED PARKING LOT LOCATED AT IMMEDIATELY WEST OF 524 SOUTH MAIN STREET, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Wobser asked if discussion on this can be done now. Council President Monday replied discussion cannot take place until a motion has been made to accept it. It can be discussed under NEW BUSINESS.

First reading of the Ordinance.

ORDINANCE NO. 2019-032 (*annual bids & contracts*) requires three (3) readings **first reading**
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, WITH OPTION YEARS, FOR THE PURCHASE OF THE MATERIALS, CHEMICALS, AND SERVICE AGREEMENTS NEEDED BY THE VARIOUS DEPARTMENTS OF THE CITY OF FINDLAY, OHIO COMMENCING JANUARY 1, 2020, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2019-033 (*changes to zoning code*) requires three (3) readings **first reading**
AN ORDINANCE REPLACING SECTION 521.01(u), 521.04(b) and 521.07(a) AND ADDING NEW SECTION 521.10 OF CHAPTER 521 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2019-034 (*Capital Improvement appropriation (April 2019)*) requires three (3) readings **first reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS: OLD BUSINESS

Safety Director Schmelzer wished Law Director Rasmussen a happy birthday.

Councilman Harrington asked for a status of the repairs to the crosswalk lights on South Main Street. Safety Director Schmelzer replied the lights have been are more inoperable than they have been operable. There have been three (3) different issues with them. The manufacturer is looking at the infrastructure of them. In summary, they are not working at this time. Councilman Harrington suggested putting something on the website about it. Motorists have finally started to take notice of them, but since they are not currently working, it would be a good idea to give some kind of notice that they are not working. Safety Director Schmelzer replied that the crosswalks are legally marked without any lights. The lights are an added measure. The only other option besides the lights is to just leave them painted or put up the HAWK beacons which are the huge overhead lights that he does not think anyone would want to see repeated down Main Street. He suggested a press release, or something to that affect. They were highly effective when they were working. Mayor Muryn added that the City has asked for a timeline on when they will be fixed. The City has had to go back a couple of times when they thought they were fixed, but discovered that there was something else going on. As soon as she has the timeline, she will publish it. One suggestion was to put some signs up for pedestrians to let them know what is going on, but that could cause some additional obstructions.

Councilman Wobser agreed that the lights were great when they were working, but now that they are not working, he agrees with Councilman Harrington that motorists are not slowing down or stopping for pedestrians because they expect the lights to come on when someone wants to cross. He suggested closing them down until the lights are fixed. Safety Director Schmelzer asked if he is suggesting to remove the paint. Councilman Wobser replied he understands that they have always been legal because the paint is in the right place, but that is not enough for Main Street. It is very dangerous. What is on West Main Cross Street works well. Motorists and pedestrians expect the ones on South Main Street to work, and since they are not working right now, motorists are not paying attention. The City has a serious problem. We have been lucky that no one has been hit. Safety Director Schmelzer asked if Councilman Wobser would like the City to block the mid-block crossings. Councilman Wobser replied that is his point. He has witnessed too many pedestrians come close to being hit from motorists not paying attention. He is unsure what is the best way to remedy this situation, but it is an issue that additional measures need to be taken.

NEW BUSINESS

Councilman Wobser noted that he has several comments and questions on the sale of the Argyle parking lot Ordinance No. 2019-031 and agreement. Council President Monday pointed out that he can address them all at once. Councilman Wobser has heard some comments and questions about the project in total. Most of Council are excited about this project and would like to see it happen, but want to see that they community and the taxpayers are taken care of in this process. There are a lot of moving parts to this project. Transparency tends to get lost when making these types of transactions. There are some details that the public should be informed about (i.e. cost to taxpayers in lost tax revenues to the City and the County, any utilities in the alley that need to be moved in this process, etc.). Safety Director Schmelzer replied that there are extensive utilities that need to be relocated. Councilman Wobser asked what the cost for it is. Safety Director Schmelzer replied the plan is to take those to the west of the alley that is being considered for dedication adjacent to the church. All the costs will be incurred by the developer. Councilman Wobser replied that the contract does not list that, but may have been talked about with the preparation of the lot. Safety Director Schmelzer replied that language can be added to the contract in whatever way, shape or form Council sees fit. All the development costs, including the recording fees, are going to be incurred by the developer.

Councilman Wobser asked if the church next door to this has been notified and asked where those that attend the church will park. Safety Director Schmelzer referred that question to the representatives of the project as he cannot answer that. Tim Mayle (from the audience) replied that the first floor of the parking lot will have approximately seventy (70) spots on Sunday to replace the parking spaces that are already there now.

Councilman Wobser asked what the Alliance stands to financially gain from this. Mr. Mayle replied that with all projects, they have assignment fees which is in the purchase agreement they have with them. That is a confidentiality clause to it, so he cannot disclose that.

Councilman Wobser asked what will be used for the laydown area. Safety Director Schmelzer replied that both the transitional parking plan in the laydown areas had to be articulated and spelled out as part of the site plan process which is one of the contingencies in the contract.

Councilman Wobser asked if the private parking spaces in front of the Wine Merchant will remain or will go away. Craig Gossman (from the audience) replied that the nose-in private parking spaces will go away, and will become a public plaza with outdoor dining space, and some public art, etc. which is a better use and a safer situation because nose-in parking with the additional traffic that the project will bring is not necessarily the safest situation. Councilman Wobser asked how many spaces are there now. Mr. Gossman replied he is unsure, but would guess maybe fifteen (15).

Councilman Wobser asked if there are any safety stipulations that could be looked at for the project for not only the workers, but also citizens because the sidewalk will probably be shut down for a portion of the project or the entire length of the project. Safety Director Schmelzer replied anything that they do within the public right-of-way and on their site plan that has to do with an area that would encroach on the operation of the right-of-way and/or impact the safety would go through the same site plan process. An event permit would also need to be filed. Even though they would have an approved site plan, they would still have to file an event permit form for safety considerations, fencing stipulations, any encroachments on parking, etc. and would be filed with that permit as well. Councilman Wobser does not want to have anything happen in Findlay like what happened a couple of weeks ago out in Seattle, Washington with the falling crane incident that took out a couple of cars and killed four (4) people.

Councilman Wobser asked if the selling price is \$130,000 and if it is listed in the contract. Law Director Rasmussen nodded in agreement. Councilman Wobser noted that price has never been discussed nor has it come to an agreement through Council. Safety Director Schmelzer replied that is correct. Councilman Wobser replied that Council needs to come to an agreement on that. The ordinance for this received its first reading tonight and there is a contract that is still being drafted. A price has not been agreed upon, so it appears that the cart is being put before the horse by having the legislation moving through Council when the contract is not completed yet to a satisfactory degree. He asked what price was offered to the County for this same parcel of property in 2013. Safety Director Schmelzer replied he does not recall offering the County anything for it. There needs to be a starting point and/or a draft document and then can pick through the document to make sure that every item, including price, has been discussed and addressed. He does not agree that it is the cart before the horse. There has to be a good place to start. Councilman Wobser replied he is concerned about not having a finished contract. He would like to have a finished document before it starts its way through the process. City Auditor Staschiak added that he had some unexpected conversations with some County officials whose understanding was that the City offered them the property in excess of two hundred thousand dollars (\$200,000). Councilman Wobser noted that the original price that was given to Council was a maximum of one hundred fifty thousand dollars (\$150,000). In 2013, the price was in excess of two hundred thousand dollars (\$200,000) which was during a bad economy. Now that we are in a good economy, he expects that the property would be worth more, so he suggested Council take a good look at what that number is going to be.

Councilman Wobser would like to have each elected official and the Administration personnel sign an affidavit stating that they have no financial interest in this project before the City sells this property.

Councilman Hellmann responded to the question about if the adjoining church had any conversation with anyone. By accident, he sat next to the pastor of that adjoining church who asked him what was going on there. Councilman Hellmann briefly explained it to him and told him that he did not know anything about it, so Councilman Hellmann suggested he contact Tim Mayle with the Economic Development Office or with someone at the City.

Councilman Russel asked City Auditor Staschiak if he has any documentation of the negotiations with the County of the two hundred thousand dollar (\$200,000) offer. City Auditor Staschiak replied that in respect to collaboration between the City and the County, he encouraged Councilmembers to speak to their County officials and talk with them directly and get it from them. Councilman Russel replied that City Auditor Staschiak brought it up, so he would like to know where he has the information. City Auditor Staschiak replied that he had a conversation with a couple of County Officials.

Councilwoman Frische would like to see the utilization of the CRA be written into the agreement with a portion coming back to the City to reinvest because that CRA is also going to have a calculation impact on our schools. It is important for Council to know all of the purchase prices for all the properties that are contingent on the sale of this parking lot to know what those purchase price orders are for. Safety Director Schmelzer replied by asking if she is asking what impact it will have on the schools. Councilwoman Frische replied that when you are affecting property taxes, that affects the schools, so there is an impact on the schools. Safety Director Schmelzer replied that they are inside a village, so it is minimal. There is an abatement on the property tax that would actually impact the County more than the schools. Councilwoman Frische asked if the last businesses that utilized a CRA had reinvested into our community because it is very important that happens. Safety Director Schmelzer replied that there have been approximately three (3) that have put development agreements together.

The impact of the schools, if that is what Councilwoman Frische is looking at to tie in the schools to a CRA contribution or a development agreement together with, it would be meaningless. Councilwoman Frische pointed out that Councilman Wobser brought up that there is an impact with the County, and that there is an impact with the schools which is important for us to know as a community on how all pots are affected. There needs to be discussion on what the results will be written into the legislation if the CRA is going to be utilized, what percentage is going to be coming back into the community to reinvest. Safety Director Schmelzer asked for clarity on what Councilwoman Frische is looking for. He asked if there is a number she is looking for in the development agreement. Councilwoman Frische replied that she wants to know what the impact number is. Safety Director Schmelzer replied by asking if she wants the number of impact to the schools. Councilwoman Frische replied that Council needs to know what savings the CRA is going to be to them. Council did not receive a clear answer on that at the last discussion. That information will take them to the next questions down the road.

Councilman Niemeyer noted that this is in the sixth ward and that John Drymon, Director of Trinity Episcopal Church, called him with his concerns. The church is very concerned about their parking. He met with him about ten (10) days ago and walked around to see where the building will be which is about two inches (2") from the lot line. It was mentioned tonight that there will be seventy (70) open parking spots. With the rental units above it, there will never be seventy (70) open parking spots on a Sunday unless signs are put up stating no Sunday parking. He would like Council to look into the developer. He was in town back in the 1980s when some things went sour, along with the fact that he was in Bankruptcy Court in Toledo in 1991 or 1992. He is unsure if the developer made some amends with anyone in Findlay or if maybe he should still be doing so. He would like to see Council look into the developer and/or the attorneys that helped the developer back then as they are most likely due money.

Councilman Harrington asked if the CRA money is legally due back to the community or if it is an option. Safety Director Schmelzer replied that it has been used as a way to match infrastructure dollars from the State (i.e. McLane, Campbells, Marathon). In each of those cases, the City took a portion of their real estate tax abatement and used it for matching funds from ODOT and/or DSA. There is no legal obligation to do it, but the City has used it as a development mechanism so that we did not have to use our own capital dollars. Councilman Harrington asked if that amount can be estimated. Safety Director Schmelzer replied that the CRA legislation is designed to take into account the investment value which determines the number of years for the abatement, but the actual abatement amount is always determined by what the final evaluation on the property is. If the evaluation of the property in theory didn't change, there would be no real abatement. Since we know it is going to, we may be able to get some estimates from the County as to what that may be appraised at later. In this case, he believes this will run between six to eight (6-8) years, depending on what the investment value is. City Auditor Staschiak added that CRAs include an Officer (he believes the Officer is Safety Director Schmelzer) who has full authority to negotiate an agreement with any applicant. Council has the ability. There is no legal requirement that Council provide or negotiate.

Safety Director Schmelzer pointed out that the Housing Officer is Service Director Thomas. It used to be himself. City Auditor Staschiak is correct that the City can negotiate, or try to negotiate, with anybody and see if they will sign onto it. It can be part of a CRA Development Agreement that is tied to their actual abatement or the City can state what they want for the property. If Council wants what was offered to the County, they have the right to change the asking price. He asked Council what they want to sell the property for. He was somewhat involved with the discussions with the County. The County was not going to build a thirty-one million dollar (\$31,000,000.00) apartment complex as part of the deal. He does not feel it is a bad idea for Council to decide they want more money, nor is it a bad idea to state that we want our contract that was put together with the developer to be iron-clad and satisfied by all of our requirements regardless of whether or not we think the developer is trustworthy or not. The contract needs to be sustainable and stand on its own regardless of being for the protection of the taxpayer. He relies on the City Law Director, the Developer's counsel, and City Council to help put the proper contingencies in place to satisfy that agreement.

Councilman Wobser asked if an unbiased outside counsel should assist with what should be in Ordinance and/or contract. Law Director Rasmussen replied that can be done, but it is actually their project and their proposed agreement. The one hundred thirty thousand dollars (\$130,000.00) was a number that Pat had in the contract. It's actually an agreement with the Port Authority and 500 Block West, LLC to do a development.

Councilwoman Frische noted that both she and Councilman Wobser talked about this on that level. It would be in the best interest of City Council and the City as a whole to utilize outside Counsel who specialize in this. It has been discussed in the past whether to sell a lot or provide a 99-year lease like what was done with the Findlay Inn. It has been discussed whether it is in the City's best interest in protecting the City and its citizens when selling City property and putting it through the Port Authority, which has not been done before, so she feels it would be best to have outside legal counsel involved in this. Law Director Rasmussen replied that it is not the first time that the Port Authority has been involved in a purchase. This agreement has the 99-year lease in it. Councilwoman Frische asked what will have the 99-year lease. Law Director Rasmussen replied that it is the City's parking lot that we are leasing to them. They are going to give the City a 99-year lease for those parking spaces.

Safety Director Schmelzer pointed out that since there is at least another four (4) weeks for discussion on this, that there is enough time for Law Director Rasmussen to get outside counsel to make sure that the bullet points Council is looking for are there and the concerns are addressed in the form of an agreement. He asked for confirmation of what he has as Council's concerns are correct:

- If the City is going to lose any type of revenue (i.e. property tax for both City and County) both short-term (CRA)
- Relocation of utilities and costs involved addressed in the contract
- Church parking
- Phasing of parking as part of the site plan and is reviewed
- Filing of event permits for right-of-way encroachments for temporary use during construction
- Purchase price

Safety Director Schmelzer asked Law Director Rasmussen if he can take care of the elected officials affidavit to be signed stating that they have no vested interest in this. Law Director Rasmussen replied that if anyone feels an elected official has a vested interest to disclose it to him and he will review the conflict. He believes he knows who the current owner is which is who they have the agreement with. Councilman Wobser replied that he does not have any preconceived notions on this, but thinks it is something that should be done as a transparency to the taxpayers and does not foresee any problems with it. Law Director Rasmussen replied he can draft an affidavit and have all Councilmembers sign it.

Safety Director Schmelzer asked that in pursuit of seeking outside legal counsel, if it can start with this draft agreement to include any of the changes that have been talked about. Law Director Rasmussen can make the requested changes and have City Council review it and distribute it to outside counsel. He asked Council how they want to move forward with this. If by discussing the draft agreement at another meeting or just have it at the next City Council meeting.

City Auditor Staschiak pointed out that there usually is an appraisal done and that Council may want to hire an outside appraisal firm on behalf of the City of Findlay to appraise this property. There is a lot of development happening around the state, so there are a lot of experts in commercial real estate who could give a strong feel instead of guessing and would allow a strong base on a document that was acquired on behalf of the City of Findlay and its citizens.

Councilman Russel asked if Pat Sadowski from the audience could answer some questions. Mr. Sadowski (Eastman & Smith) added that there already has been a qualified appraisal that came in at one hundred twenty-four thousand (\$124,000) just for that parcel which should give some context for the price discussion. It was not done on behalf of the City, but done on behalf of the developer. Councilman Russel asked if Council could have a copy of the appraisal. Mr. Sadowski replied yes.

Councilwoman Frische asked Mr. Sadowski what the appraisal was for on the Argyle lot. Mr. Sadowski replied that they have not done an appraisal for the Argyle lot. The purchase price is for those three (3) particular lots are confidential and are subject to a confidentiality clause within the purchase agreement. Once the properties transfer, they will be subject to public record. They will be on the Auditor's website. Transfers are public record including the amount purchased.

Safety Director Schmelzer asked if Council wants to follow through with an outside appraisal that is hired by the City. Councilman Watson replied that he would like an appraisal done on the City's behalf.

Councilwoman Frische asked if the timeline of May 31, 2019 is the end deal or if there is time to extend it. She feels it is important to talk with the other downtown businesses that will have some impact from this. Mr. Sadowski replied that the May 31, 2019 timeline is pretty close to a hard timeline. It is not drop dead, but have a mid-June closing for all three (3) of the other parcels and do not want to close on those parcels and give those landowners money until they know they have a binding contract with the City. Alternatively, they would have to ask for extensions and would prefer not to do so as it will cost money out of their pocket to compensate them for the extensions. It is not a hard deadline, but would like to have something in place before the mid-June closing date. They do not want to pay out money until they know they have this under contract. Councilwoman Frische would like to engage the downtown businesses to get their input. The church has not had much communication on it. There are also some businesses in that immediate area. She would like to get their feedback. Safety Director Schmelzer replied that would be fine. It may be best to have another COMMITTEE OF THE WHOLE meeting and invite them.

Councilman Hellmann agreed since this is up against a timeline. He suggested scheduling a COMMITTEE OF THE WHOLE meeting next week, or as soon as it can be scheduled, to get some of the concerns and questions answered. He asked how long it would take to get an appraisal. Safety Director Schmelzer replied that it shouldn't take more than a couple of weeks to get an appraisal. Council already has one (1) appraisal and if there is a baseline conversation with the County, it would be more than what would be seen in an appraisal. He is unsure if those that Council is looking to have the conversation would be coming to make sure that we are negotiating the right price. That is not what the conversation is about with them. With the items that are on the list on what has been discussed tonight, if something is scheduled by the middle of next week, all of these types of answers outside of that appraisal could be included and had before then.

Councilman Shindledecker noted that if Council follows their normal protocol, the third meeting/reading of the ordinance would be June 4th which would be the earliest time it can be passed unless Council calls a special meeting. He is enthusiastic about this project, at least as it is now, but would not favor suspending any rules. If it becomes an issue to have this approved before the closing date, then he would be in favor of a special meeting to give a third (3rd) reading. He would not approve suspending any readings of a project of this nature. Safety Director Schmelzer replied that the developer is aware of that. It has been made clear from the beginning that this will go through its normal process.

Council President Monday pointed out that a COMMITTEE OF THE WHOLE meeting has been suggested and if someone has a date and time that they want to do that, he would entertain that motion, or discussions can continue at the next City Council meeting on May 21, 2019.

Councilman Harrington: **COMMITTEE OF THE WHOLE** meeting on May 14, 2019 at 6:00pm in the first floor Council Chambers (CC) to discuss this with public input, seconded by Councilman Russel. All were in favor.
agenda: sale of City-owned parking lot via Ordinance No. 2019-031

Council President Monday pointed out that COMMITTEE OF THE WHOLE meetings are Council meetings and not a public forum, but assumes Council would like the public to have the opportunity to ask questions. He asked Council if there is a consensus if that is what they want. Council nodded in agreement. Councilman Hellmann asked if there will be answers to a lot of the questions about the offer that was made to the County to answer Councilwoman Frische's questions about CRA taxes. Safety Director Schmelzer replied there should be answers by then. Answers will be based on input of their construction costs weighed into the CRA for the number of years, and then he will reach out to the County Auditor to see if she has any idea of what property value will be put on it. Mayor Muryn added that may be a challenge because the County Auditor is currently out of the country. Mayor Muryn will confirm if she is able to get that from her before the COMMITTEE OF THE WHOLE meeting next week.

Councilman Watson asked if the City Auditor is willing to share his County official sources so that they could be a collaboration on who best to talk to. City Auditor Staschiak replied that he encourages Council to have those conversations themselves. Collaboration and cooperation is talked about, along with needs and interest, so it is important that Council has conversations with the other officials on the other side of the plaza. He is willing to share some things, but everyone has to be able to talk with officials and trust in each other and have conversations whether they are on the record or off the record. He encouraged Council to reach out on this. It is a big decision for the City. It is important to keep moving forward on economic development. The public is looking at this, so Council should get as much information as they can.

Councilwoman Frische would like to be sure the County is invited to this.

Councilman Niemeyer noted that the city-owned property (former Hochstettler building) by the railroad looks very nice after its spring clean up.

Councilman Watson asked if there are any other options besides closing the mid-block crossings on Main Street until the lights are fixed. Safety Director Schmelzer replied that his approach is to have additional enforcement. Councilman Watson replied that he would not like to see the mid-block crossings closed entirely especially since there is no timeline right now on repairing the lights. Mayor Muryr replied that the City may go old school and laminate some pieces of paper and tape them over the buttons so that as citizens are crossing, they are aware. There is a very limited scope of individuals that would see it simply by placing notice on social media.

Councilman Hellmann noted that it is good to have Councilman Russel in attendance tonight as he was hit by a car and taken to the hospital.

President of Council Monday adjourned Council at 8:00pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL