

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

MAY 21, 2019

COUNCIL CHAMBERS

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

ABSENT: Watson

President of Council Monday notified Council that Councilman Watson is not present tonight and that he contacted him, so he will be excused unless there is an objection from this Council. No objections given. Councilman Watson is excused.

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 May 7, 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 Russel moved to replace the following on tonight's agenda, seconded by Councilman Hellmann. All were in favor. Motion carried. Filed.

REPLACEMENTS:

1. Ordinance No. 2019-034 AS AMENDED (**LEGISLATION** section) – Capital Improvement appropriation for April 2019

Changed:

- FROM: CIT Fund – Capital Improvements Restricted Account \$-565,100 to now be \$ 365,100
- TO: Cemetery #21046000-other ~~\$209,500~~ to now be \$9,500
- FROM: CIT Fund – Capital Improvements Restricted Account ~~\$50,000~~ to now be \$250,000

Added:

- TO: Street Preventative Maintenance 2019 *Project No. 32885200* \$200,000

2. Ordinance No. 2019-040 (**LEGISLATION** section) – Olive St waterline replacement project

Changed:

- TO: Olive Street Waterline Replacement *Project #35793300* ~~\$ 140,000.00~~ to now be *Project #35793300*

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Zoning amendment request – 606 W Howard St

Barbara and Jim Dysinger would like to change the zoning of 606 West Howard Street to R4 Duplex/Triplex. It currently is zoned as Office Institutional. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

ORAL COMMUNICATIONS:

John Dryman – Ordinance No. 2019-031

Mr. Dryman thanked Council for being able to hear more about and speak about the proposed development project on the east end of his church campus. The church is concerned about parking on Sunday mornings for those attending the church. They take up a great deal of the City parking lot on Sunday mornings including the spaces during the week that are being used by County offices. They are concerned about sharing those parking spaces with County officials, Probate Court officials, probationers who might be coming in throughout the week and need those parking spaces. The total number of parking spaces will be reduced by about fifty percent (50%) when taking into an account those leased by the County, they foresee a potential difficulty in sharing that space. While they are very grateful for the suggestion from the developer's attorney that the church will be granted four (4) hours instead of two (2) hours of free parking on Sunday mornings, they would like to see that in the written proposal as it is presented to the City before selling to the Port Authority with the expectation that it then be sold to the developer and before the site planning process.

Discussion:

Councilman Russel asked Mr. Dryman if the church has discussed the potential of a two (2) minute walk to the church of one hundred plus (100+) units of potential parishioners. Mr. Dryman replied it has been discussed and is a possibility, but there is concern that the proposed development may not actually provide housing for a potential of one hundred plus (100+) parishioners given that there is only one (1) parking space allowed for each of those units. The Architect for the development suggested that millennials of that generation are usually happy not to have any cars, which would be the case in a larger city such as New York City or San Francisco, but he does not see how those here would be able to pull that off. They are also concerned about a possible one hundred (100) vacant apartments next to the church, but are hopeful for one hundred (100) parishioners.

Councilman Wobser asked Mr. Dryman how he calculated the number of parking spots as he is under the impression that the number of parking spots will remain the same including the number of leased spots by the County. Mr. Dryman replied that the number of private parking spaces including current public parking and those leased by the County would be reduced from fifty-eight (58) parking spaces to thirty-eight (38) parking spaces, and the number of open public spaces will be increased from twenty-eight (28) to thirty-eight (38). Councilman Wobser replied that the amount of parking spaces that the church can use is going to be increased by ten (10). Mr. Dryman replied that those spaces leased by the County are not leased by them on Sundays and are open to the public. They are open to the church as well as to Scrambler Marie's and others who might be shopping downtown. Filed.

Michelle Landis – Ordinance No. 2019-033

Ms. Landis is before City Council to discuss Ordinance No. 2019-033 regarding nuisance weeds and junk. While she commends the City for wanting to have such an ordinance, it might be a little precipitated. It does not allow for any exemptions for property owners that have alternative lawns. She owns two (2) lots in the 400 block of West Front Street (formerly known as the old Findlay co-lot and then Karhoff Brothers Excavating stored some things there). She has been improving the property for the last six (6) years turning it into a certified wildlife habitat, installing plants mostly for pollinators. She has had a beehive put in and extensive organic plants. The way the proposed ordinance is written, the future of what she has done is going to rest on what whether or not the Director feels what she has planted are weeds or wild plants. She has spent a lot of time and money on her property. With the way things are going in the environment and the consciousness people now have of the things she is doing and what harms nature around us, it would benefit Findlay to make some sort of adjustment, program, or exemption to allow property owners to have more lots like theirs to dedicate part of their lots. It could attract millennials that Reverend Dryman was speaking about who want to move into complexes in Findlay. It would be a very forward thinking concept. Until such time as the City figures out a way to allow exemptions and ensure properties such as hers are safeguarded, the ordinance should be tabled.

Discussion:

Councilman Wobser asked what type of certification Ms. Landis's lot is. Ms. Landis replied it is a certified wildlife habitat through the National Wildlife Federation. It is actually two (2) lots directly west of the railroad tracks on Front Street. Councilman Wobser asked Ms. Landis if she has documentation stating that her property is special. Ms. Landis replied she does have documentation stating it is special. She has registrations that list what she has planted and improvements that have been made. This year's improvement to be made is a small water feature. There have been numerous plants and time that has been applied to the property. The future of her property rests on the whim of one (1) person's opinion that what has been planted are weeds who will mow down all the years of effort and money that has been put into the property. It does not seem like something the City should be doing. Filed.

WRITTEN COMMUNICATIONS: - none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Police Department Activities Report – April 2019. Filed.

Findlay Fire Department Activities Report – April 2019.

Discussion:

Councilman Wobser asked what the status is for installing the new Police Department software that was paid for last year. Mayor Muryn replied it is going well. There have been numerous meetings outlining the process of it. Both Police Chief Dunbar, Fire Chief Eberle, and Sheriff Heldman have said that the Tyler system is going well. Target date for it to be fully functional is early December. Filed.

Findlay Municipal Court Activities Report – April 2019. Filed.

City Auditor Staschiak – summary financial reports

A set of summary financial reports for the prior month follows including:

- Summary of Year-To-Date Information as of April 30, 2019
- Financial Snapshot for General Fund as of April 30, 2019
- Open Projects Report as of April 30, 2019
- Cash & Investments as of April 30, 2019

Filed.

Service Director Thomas – 2019 TAP application

For this year's TAP application, the Engineering Department would like to submit an application to extend the existing multi-use path that ends at the intersection of Broad Avenue and Howard Street and extend it both along the abandoned railroad right-of-way west to Wal-Mart and north along Broad Avenue to Foulke Avenue. The grant would cover ninety-five percent (95%) of the construction cost with the City's share being the remaining five percent (5%) of construction cost and design fees. If the grant is awarded, construction on the project would be during ODOT's 2022 fiscal year. Legislation authorizing the Service Director to prepare and execute an application for Transportation Enhancement funds is requested. Resolution No. 016-2019 was created.

Discussion:

Councilman Russel noted that this TAP application is for a pathway underneath the highway moving towards the west side Wal-Mart. It is something that the Pathways Action Group has worked extensively on to promote the path. A lot of the I-75 work has enabled that to be a possibility. He has been contacted by a citizen about this. The University of Findlay is also interested in this project. It is his hope that Council will show their support on this and vote unanimously in favor of it. The City has been very successful in the past few years with TAP applications to build out the bicycle infrastructure. This looks like another great project. Filed.

Service Director Thomas – ODOT aviation grant beacon and windsock (35284600) and Runway 7/25 rehab – crack seal design/construction (35293200)

Funds are needed at this time for construction, inspection and contract administration for the Airport Beacon and Windsock project. This cost was not included with the funds that have already been appropriated, but the additional funds still keep the overall project below the cost that was estimated in the 2019 Capital Improvement Plan. Engineering also needs funds to be appropriated into the Runway 7/25 rehab project so that the project can be designed and the project can be bid. Bid results need to be in prior to submitting to the FAA for the grant funds that will pay for the majority of the construction costs for this project. Legislation to appropriate and transfer funds is requested. Ordinance No. 2019-038 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 7,681.00
TO:	ODOT Aviation Grant Airport Beacon and Windsock (35284600)	\$ 6,681.00
TO:	Runway 7/25 Rehab – Crack Seal Design/Construction (35293200)	\$ 1,000.00

Filed.

Service Director Thomas – Olive St waterline replacement (Main St to Fairmont Dr) Project No. 35793300

Within a twenty-four (24) hour timeframe, there has been multiple water main breaks in the waterline on Olive Street between Main Street and Fairmont Drive. The Water Department would like to replace the waterline in this area. This project was not included in the 2019 Capital Improvement Plan, but the Street Department is going to be paving this section of Olive Street this year and would like to replace the now before the paving work is done. The Water Department plans to do the actual work so only funds for materials are needed. The estimate is conservative since because there was not much time to do research before getting this submitted for review so it is assumed the waterline will be located under the pavement and there will need to be rock excavation. If the proposed water can be placed outside of the pavement or if rock is not encountered, the project cost will be less than the estimate. Due to scheduled vacations, a project number for this proposed project until Tuesday, May 21, 2019, so a replacement ordinance reflecting a project number will be added for the Tuesday, May 21, 2019 City Council meeting. He is submitting this letter to allow City Council time to review the request prior to the meeting. Legislation to appropriate funds is requested. Ordinance No. 2019-040 was created.

FROM: Water Fund \$ 140,000.00
TO: Olive Street Waterline Replacement Project #35793300 \$ 140,000.00

Discussion:

Councilwoman Frische asked if she is correct that there has already been a lot of waterline replacement work done on Olive Street last year, and if so, why this part was not done then. She asked what the sudden urgency for it is. Councilman Harrington replied that there was some paving work done from Fairmont to Washington, and that there has been at least two (2) recent water main breaks on Olive Street that now have to be replaced. Additional paving needs to be done, so this waterline replacement needs to be done prior to that.

Councilman Hellmann asked that the letter on this from Service Director Thomas be read into the record. The Council Clerk read the letter in its entirety. Filed.

Service Director Thomas – Capital Improvement Appropriation for April (Ordinance No. 2019-034)

In order for the Street Department to continue the work that they have started on street repairs, an amendment to Ordinance No. 2019-034 is needed. Instead of putting two hundred thousand dollars (\$200,000.00) into the Traffic Signal budget to replace their large bucket truck, the funds will need to be placed in the Street Preventative Maintenance 2019 project. An amendment to Ordinance No. 2019-034 is requested. Ordinance No. 2019-034 received its first reading during the May 7, 2019 City Council meeting. Ordinance No. 2019-034 AS AMENDED will be as an add-on to the May 21, 2019 City Council meeting as a replacement.

FROM: CIT Fund – Capital Improvements Restricted Account \$ 365,100.00
TO: Police #21012000-other \$240,600.00
TO: Rec Functions #21044400-other \$ 85,000.00
TO: Cemetery #2104600-other \$ 30,000.00
TO: Traffic Signals #22043200-other \$ 9,500.00

FROM: CIT Fund – Capital Improvements Restricted Account \$ 250,000.00
TO: 2019 CUBE Parking Lot Repairs #31993700 \$ 10,000.00
TO: 2019 Traffic Signal Upgrades #32890600 \$ 40,000.00
TO: Street Preventative Maintenance 2019 #32885200 \$ 200,000.00

Discussion:

Councilwoman Frische asked if the replacement of the Traffic Signals bucket is not a priority since the funds are being taken from it and moved to Street Preventative Maintenance. Mayor Muryn replied that the funds are needed in the Street Preventative Maintenance area. After talking with Department Heads, it was determined that this is an appropriate use of the funds. Councilwoman Frische asked if the replacement of the bucket truck will moved to 2020. Mayor Muryn replied it will depend on the wear and tear of it. Repairs will continue to be made on it until it can no longer be repaired. She has not been given a specific timeframe on when it will be replaced. Filed.

Traffic Commission minutes – March 18, 2019. Filed.

Parks and Recreation Board minutes – October 15, 2018, February 19, 2019, and April 15, 2019.

Discussion:

City Auditor Staschiak noted that he walks and jogs the City's skate park area regularly. The minutes indicate that there has been a lot of discussion about it. Unless it is raining, it is rare he does not see at least a handful of kids using the skate park. He has talked with some of them informing them of what Council is talking about doing. He does not foresee many political activists as most that go to that park are under the age of sixteen (16).

Councilman Wobser pointed out a group of them attended at the PARKS AND RECREATION BOARD meeting last night that were lobbying Council for checkerboards. The PARKS AND RECREATION BOARD has placed a survey out on the City website asking for input on that property. So, far there has been thirty-six (36) responses since it was posted yesterday. He invited anyone that has an interest in it to submit their ideas via the online survey. Mayor Muryn added that the survey is also posted on Facebook. The City will also be putting a sign up at the skateboard park. Those that have submitted their input have been asked if they would like to be involved in the conversations going forward in an effort to form a group that would meet and help the City determine how to spend the funds and determine if the park should remain where it is or go somewhere else. She encourages anyone interested in the project to become involved in the process. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Deric Luginbill to rezone 305 and 307 West Lincoln Street from C2 General Commercial to R4 Duplex/Triplex. The request was tabled during the April 11, 2019 PLANNING & ZONING COMMITTEE meeting due to the CITY PLANNING COMMISSION doing the same.

We recommend approval of the zoning change to R4 Duplex/Triplex from C2 General Commercial. Ordinance No. 2019-035 was created.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Robin Gardner to vacate the alley between Lots 88 and 89 in the Findlay Addition (aka The Original Plat of Findlay) from Main Street to the first alley east. The request was tabled during the April 11, 2019 PLANNING & ZONING COMMITTEE meeting due to the CITY PLANNING COMMISSION doing the same.

We recommend to vacate the alley as requested. Ordinance No. 2019-036 was created.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Levi Schlumbohm to rezone 533 Davis Street from R2 Single Family Medium Density to R4 Duplex/Triplex Residential.

We recommend approval of the zoning change to R4 Duplex/Triplex from R2 Single Family Medium Density. Ordinance No. 2019-037 was created.

Councilman Harrington moved to adopt the committee report, seconded by Councilman Slough.

Discussion:

Councilwoman Frische noted that only Councilman Russel indicated his vote as "aye" on the committee report.

All were in favor. Filed.

A **COMMITTEE OF THE WHOLE** meeting was held on Tuesday, May 14, 2019 to continue the April 22, 2019 discussions on 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 Wobser. All were in favor. Filed.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 016-2019 (*TAP - Interstate Trail & FHS Trail shared use paths*) requires three (3) readings **first reading** **adopted**
THE FOLLOWING IS RESOLUTION 016-2019 ENACTED BY THE CITY OF FINDLAY, HANCOCK COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT.

Councilman Russel moved to suspend the statutory rules and give the Resolution its second and third readings, seconded by Councilman Hellmann. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser. The Resolution received its second and third readings. Councilman Russel moved to adopt the Resolution, seconded by Councilman Hellmann.

Discussion:

Councilwoman Frische noted that the Resolution states "Service-Safety Director" and asked if it should be one or the other or if both have involvement with this. Law Director Rasmussen replied that it should just be Service Director.

Councilman Hellmann pointed out that Service Director/Acting City Engineer Thomas sent an email out to Councilmembers and the Administration this past Sunday asking that this Resolution be expedited. He asked that email be read, seconded by Councilman Slough. All were in favor. Due to the Council Clerk not having said email, Councilman Hellmann read it in its entirety:

typed verbatim:

Resolution No. 016-2019 (TAP – Interstate Trail & FHS Trail shared use paths)

As mentioned in my letter, this is the resolution that is needed so that I can submit the TAP application for this year.

Unfortunately, time got away from me and this really needs approved so that the grant can be submitted by the deadline.

Please approve or give it a reading.

Councilwoman Frische suggested amending the Resolution to have it state "Service Director" and not "Service-Safety Director". Law Director Rasmussen replied it is a clerical error that he will get that corrected.

Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, 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. 2019-028 (*City Prosecutor's Office 2019 telephone bills*) 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: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-028 and is hereby made a part of the record.

ORDINANCE NO. 2019-029 (731 W Sandusky St rezone) requires three (3) readings **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 731 WEST SANDUSKY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "R4 DUPLEX/TRIPLEX RESIDENTIAL".

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-029 and is hereby made a part of the record.

ORDINANCE NO. 2019-030 (Capital Improvement appropriation) requires three (3) readings **third reading adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Ostrander, Russel, Shindledecker, Slough, Wobser, Frische, Harrington, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-030 and is hereby made a part of the record.

ORDINANCE NO. 2019-031 (sale of City-owned parking lot) requires three (3) readings **second 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.

Second reading of the Ordinance.

ORDINANCE NO. 2019-032 (annual bids & contracts) requires three (3) readings **second reading adopted**
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.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Harrington. Ayes: Russel, Shindledecker, Slough, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Shindledecker, Slough, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-032 and is hereby made a part of the record.

ORDINANCE NO. 2019-033 (changes to zoning code) requires three (3) readings **second 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.

Second reading of the Ordinance.

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

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Harrington. Ayes: Slough, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker. The Ordinance received its third reading. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough.

Discussion:

Councilman Hellmann asked that Service Director/Acting City Engineer Thomas's email on this be read, seconded by Councilman Slough. All were in favor. Due to the Council Clerk not having said email, Councilman Hellmann read it in its entirety:

typed verbatim:

Ordinance No. 2019-034 (Capital Improvement appropriation (April 2019))

As stated in my letter, there is an amendment for this ordinance. The change is taking \$200,000 that was going to be put in traffic signals and instead placing it in the 2019 Street Preventative Maintenance Project. This change needed to be made so that the Street Department can continue making repairs to the streets and alleys and will not have to stop and wait a month for the May allocation to be made available. *Please approve or give it a reading.*

Ayes: Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-034 and is hereby made a part of the record.

ORDINANCE NO. 2019-035 (305 & 307 W Lincoln St rezone) requires three (3) readings **first reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 305 AND 307 WEST LINCOLN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "R4 DUPLEX/TRIPLEX RESIDENTIAL".

First reading of the Ordinance.

ORDINANCE NO. 2019-036 (Gardner alley vacation) requires three (3) readings **first reading**
AN ORDINANCE VACATING A CERTAIN PORTION OF A CERTAIN ALLEY (HEREINAFTER REFERED TO AS GARDNER ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2019-037 (533 Davis St rezone) requires three (3) readings **first reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 533 DAVIS STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX RESIDENTIAL".

First reading of the Ordinance.

ORDINANCE NO. 2019-038 (ODOT Aviation grant Airport beacon and windsock; Runway 7/25 rehab) requires three (3) readings **first reading adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Harrington.

Discussion:

Councilwoman Frische asked what the original budgeted amount was for this project and asked if there was a recent change order for this. Mayor Muryn replied it is all the same project and are doing the project in stages. They now have everything they need to move forward which is why they are trying to get this last portion paid. Councilwoman Frische replied that she thought this was an additional request, but that the project was still under budget and asked what the original budget amount was. Mayor Muryn replied that she does not know what the specific original total budget for this project was.

Councilman Hellmann asked that Service Director/Acting City Engineer Thomas's email on this be read, seconded by Councilman Wobser. All were in favor. Due to the Council Clerk not having said email, Councilman Hellmann read it in its entirety:

typed verbatim:

Ordinance No. 2019-038 (ODOT Aviation Grant Airport Beacon and Windsock; Runway 7/25 rehab)

The contractor will be starting the Beacon and Windsock project in the near future so the funds will be needed for the project inspection relatively soon. The Runway 7/25 rehab project needs to be bid so that we can have the actual cost numbers to submit to the FAA for funding. It would be beneficial if this could be approved so that we can have plenty of time to bid the project and get all of the data around to meet the timeframe that is established by FAA. *Please approve or give it a reading.*

Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser. Nays: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-038 and is hereby made a part of the record.

ORDINANCE NO. 2019-039 requires three (3) readings **first reading**
(MOU - Hancock County Commissioners and City of Findlay for continued flood mitigation efforts)
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE HANCOCK COUNTY COMMISSIONERS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2019-040 (Olive St waterline replacement (Main St to Fairmont Dr) requires three (3) readings **first reading adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Harrington. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser, Frische, Harrington. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough.

Councilman Hellmann asked that Service Director/Acting City Engineer Thomas's email on this be read, seconded by Councilman Slough. All were in favor. Due to the Council Clerk not having said email, Councilman Hellmann read it in its entirety:

typed verbatim:

Ordinance No. 2019-040 (Olive St. Waterline replacement)

As mentioned in my letter we had multiple water main breaks on this section between 8 am on Thursday and 8 am Friday last week. This project was not included in the 2019 Capital Improvement Plan but since the street department will be paving the roadway this year, I would like to get the waterline replaced prior to the road getting paved. Since I did not have much time to create an estimate and get a letter in the council packet, the estimate is conservative (assumes we will have to bore across main street to connect into the existing waterline, the entire waterline will be located under the pavement, that bedrock will be encountered, and a 10% contingency). The actual project cost should come in under the requested amount but I wanted to make sure that I requested enough to get the project completed. As normal any unused funds will be returned to the water fund at the completion of the project. Since Ginger is out of the office until Tuesday, we will not be able to get a project number until that time. There will be a replacement available Tuesday night that will have the project number included but I wanted to have something in your packet so that you could review it prior to the meeting. *Please approve or give it a reading.*

Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-040 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS

Councilman Wobser thanked Law Director Rasmussen for providing a copy of the revised agreement that Council received this afternoon on the sale of the City-owned parking lot. He requested a red-line copy of it so Council can see what changes were made. Law Director Rasmussen replied he will provide that. Councilman Wobser asked if outside legal counsel has been contacted to look at the agreement. Law Director Rasmussen replied he has not and does not plan on doing so. Councilman Wobser would like to have an outside third party look at it. He thanked Law Director Rasmussen for circulating the affidavit tonight that was signed by most. Law Director Rasmussen asked City Auditor Staschiak if he signed it. City Auditor Staschiak replied that he has not signed it. Council Clerk DeVore had asked him if he wanted to sign it now or wait. He would like to take a close look at as he has some questions about the longevity of the agreement and if it will be transferred to the Port Authority in five (5) years. While he has no issues with signing the affidavit, he wants to make sure it will be strong enough to cover the City out past five (5) years. Councilman Wobser noted that the longevity of it came up in discussions and also the concern if a current Councilmember signs the affidavit and goes off Council the end of this year how that will work out. Once they are off council, they are no longer an elected official. It was also asked what happens when a Councilmember comes on Council after the affidavit is signed if they will or will not be held accountable as they are not currently on Council yet and cannot sign the affidavit at this point in time. The affidavit does list the LLC who will take ownership of the property from the Port Authority at the end of the five (5) year period. He asked what happens if that changes and what is to stop someone from changing their LLC in order to get out from under the affidavit.

Councilwoman Frische noted that each elected official and the Administration are listed individually and asked if it would still cover an owner that is doing business with that LLC. Law Director Rasmussen replied that he would not know that unless it was indicated to him that an individual had a business. He can extend it to include everyone on City Council and their businesses. Councilwoman Frische replied that she would like to have any ownership that could be going towards this be listed.

Councilman Harrington noted that the Ad Hoc Committee had discussed this when they went over the new rules of Council. There is a section in the rules that states that if a Councilmember is doing business with the City in any capacity, it has to be identified. If someone is in violation of that, it is addressed under that document and reviewed.

Councilman Wobser pointed out that Councilman Harrington brings up a good point, and asked if that would cover the Administration. Councilman Harrington replied it is only for City Council. Law Director Rasmussen replied that will be presented at the time of the closing.

City Auditor Staschiak added that as an elected official, he has no concerns signing something at the end of the construction and transfer period that states he not only has no pecuniary interest in any of the entities listed, or any entities that it would touch. It can be made as strict as Council wants, and he would have no problems signing it. It currently seems a little loose to him. The stronger the better for transparency in the community.

NEW BUSINESS

Councilman Wobser asked if there is a letter for Ordinance No. 2019-039 explaining what is being done. Mayor Muryn replied that there is a document that will be circulated, if it hasn't already, stating that the County Commissioners will allow the transfer of the management of the project to go to the Maumee Conservancy District, so the City will be signing a Memorandum of Understanding which was included in tonight's packet. Law Director Rasmussen added that it is attached to Ordinance No. 2019-039. Councilman Wobser replied that is correct, but that Council does not have any other explanation to it. He asked if the Commissioners are in agreement, that the City will sign it. Mayor Muryn replied that is correct.

Councilman Hellmann noted that the third (3rd) reading of Ordinance No. 2019-031 (sale of the city-owned parking lot) will be during the next City Council meeting and asked if that means the City is either accepting or rejecting the proposal that is now in front of Council. Law Director Rasmussen replied that is correct. Council will vote to either pass or not pass the Ordinance. Councilman Hellmann then asked if any Councilmembers have any alternative recommendations or any another proposals requesting to amend what has been put in front of Council, if those will need to come up before the next City Council meeting. He asked if Council will accept it as is or amend it as he has not seen any modifications to it. Law Director Rasmussen replied that what Council has is the latest documents.

Councilwoman Wobser pointed out that he intends to go through the entire document and asked if a red-line document could be provided so that Council can see what the changes were. He suggested Council read through all twenty-six (26) pages of it and if there are any questions or changes to it, to get those to Law Director Rasmussen prior to the next City Council meeting so that he can review them. He asked Law Director Rasmussen if he would prefer to do an amendment to the current document for the next City Council meeting on June 4, 2019 or prior to that. Law Director Rasmussen replied he would want to make any changes before the next City Council meeting. This is on a time schedule.

Councilman Harrington asked what the time constraint is and what the deadline is for this and why it is so important. Mayor Muryn replied that it was stated during the first COMMITTEE OF THE WHOLE meeting that this is their desired timeline. If an extension is needed for Council to do their due diligence, that is up to Council. The deadline is for the closing of the other properties. An extension would cost them some extra money on those projects as they want to close on all the properties at once.

Pat Sadowski on behalf of the developer (from the audience) added that they have a closing scheduled in mid-June. The developer does not want to spend money at closing unless there is a signed agreement with the City. There is too much risk of spending the money to buy those three (3) properties and not have the City lot under contract. This is the reason for the timeline. Councilman Wobser noted that he was under the impression that the due date is May 31, 2019 and asked if has been pushed back past June 4th, 2019. Mr. Sadowski replied that is correct.

City Auditor Staschiak informed Council that when former President James Garfield was shot, he was shot by someone who he did not give a political appointment to because that person was not qualified for the job which resulted in the Civil Service Commission being formed down the road. City Auditor Staschiak has received notice that the school are no longer going to pay the City twenty-five thousand dollars (\$25,000) for Civil Service Commission costs. He has also heard that they may not participate with the Civil Service, but does not want to speak for them and does not have direct knowledge of that. Council needs to be aware that while the twenty-five thousand dollars (\$25,000) source of revenue that is received from the school is not a significant amount, it is not insignificant when calculating on a per employee basis. That revenue source is no longer going to come into the City from the school.

Councilman Harrington asked if the reason the school is not going to pay is because they no longer need those services. Mayor Muryn replied that the City received notification from the school district that they no longer needed to utilize Civil Service testing for their employees that they had been contracting with the City or working with the City to provide. When the City received that notice, the Administration had a lengthy discussion with them to which they came back with a legal opinion. So, the City is reallocating the time that the Civil Service Commission employee has been splitting between the City of Findlay Engineering Office and the Civil Service Commission Office as it may decrease the Civil Service Commission work load. The Administration will work to allocate her time to Engineering as they have substantial work for her, so her time will still be appropriately utilized.

Councilwoman Frische asked if the school is obligated to pay the amount that was budgeted for this year and if that is for the end of this school year or the end of this calendar year. She asked if they have already paid it. City Auditor Staschiak replied he was told that they were not paying it and does not have a receipt for 2019. Mayor Muryn added that they will be paying through the end of May and then will not be receiving any candidate names after that. They will not be testing or utilizing the Civil Service Commission services. They have agreed to pay through the end of May for the services they are utilizing from the Civil Service Commission. They will be paying 2018, as well as through May of this year. Councilwoman Frische asked if they will be paying in full or if they are prorated. Mayor Muryn replied they are prorated. Councilwoman Frische asked if there is a contract with them that has stated what services they will need each year. Law Director Rasmussen replied that is how the Civil Service Commission employee budgets it. He is speaking to the legal aspect of it as he does not know the budgeting aspect of it. There are two (2) Attorney General legal opinions of it stating that if there are two (2) school systems in one (1) city, then they have to split the cost, but if there is only one (1) school, they do not have to pay. In his research, he found that more recently, the Supreme Court held that we do not have to provide Civil Service to the school, so it meshes. If the school is not going to pay for Civil Service Commission services, then the Civil Service Commission is not going to do the work. The school can have the work done in Columbus. Councilwoman Frische asked if the school is still going to utilize Civil Service Commission services in Columbus instead of Findlay. Law Director Rasmussen replied that there is a possibility because the Supreme Court has stated that if the school does not do it through the City, then they can get their services through the State. It did not state any more than that. The school is not required to do it through the City and it is not our decision. Mayor Muryn added that the Civil Service Commission has asked that they review this again. Carolyn Chase in the City Auditor's Office does the calculations, so she can speak to it in more detail. It is based off of how many tests were administered throughout the year. It allocates a portion of the Civil Service Commission employee's time based on the number of tests administered.


Councilman Hellmann asked if a third (3rd) appraisal for the sale of the City-owned parking lot is being conducted. Mayor Muryn replied that Midwest Appraisal is to have their appraisal to the Administration by the end of this month. As soon as she receives it, it will be shared with Council. They were able to do the multi-faceted appraisal.


Councilman Niemeyer asked why there is no purchase price in the agreement. Law Director Rasmussen replied that there is only a placeholder for the price as there has been no agreement on price. He was under the impression that there was going to be an executive session tonight to discuss the price, but no suggestion of one has been made.

Councilman Harrington noted that it is his understanding that council is waiting on the results of the appraisal before discussing a price.

President of Council Monday asked if there is a need for an executive session tonight. Councilman Wobser replied that he is unsure what could be discussed in executive session without the additional information from the appraisal. He asked if the appraisal will be done by the next City Council meeting. Mayor Muryn replied that they have assured her that the appraisal will be done by the end of May. They understand the urgency. The Administration will continue to pressure them to get it done in a timely fashion. Councilman Wobser asked if the timeline was part of the agreement with them. Mayor Muryn replied that she has not seen the specifics of the agreement. Councilman Wobser replied that without that information, he is unsure that time would be well spent in an executive session until they have the last piece of data that they need to discuss this at length. There is a blank in the current draft document that needs to be filled in and will be done during the June 4, 2019 City Council meeting, possibly during an executive session then. Law Director Rasmussen added that blank space is just a placeholder. There is not an exact number for it yet.

President of Council Monday adjourned Council at 8:04pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL