

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

JULY 2, 2019

COUNCIL CHAMBERS

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

ABSENT: none

President of Council Pro-Tem Russel introduced Boy Scout Jason Alford in the audience to lead the Pledge of Allegiance tonight. He is with Troop 327 that is sponsored by the Church of Jesus Christ of Latter Day Saints. He is working on his Communications badge. A moment of silence followed.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

- Councilman Harrington moved to accept the June 18, 2019 Public Hearing meeting minutes to rezone 305 and 307 West Lincoln Street via Ordinance No. 2019-035, Councilman Slough seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the June 18, 2019 Public Hearing meeting minutes to rezone 533 Davis Street via Ordinance No. 2019-037, Councilman Slough seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the June 18, 2019 Regular Session City Council meeting minutes, Councilman Wobser seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA: none

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS: none

ORAL COMMUNICATIONS: none

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for S&G Stores LLC, dba S&G 64, located at 800 Trenton Avenue, Findlay, Ohio for a C1 and C2 liquor permit. This requires a vote of Council. John E. Dunbar, Chief of Police - S&G Stores LLC, dba S&G 64, located at 800 Trenton Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following: Dergham Ridi. Councilman Slough moved for no objections be filed, seconded by Councilman Harrington. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for S&G Stores LLC, dba S&G 65, located at 1831 Fostoria Avenue & Gas Pumps Findlay, Ohio for a C1, C2, and D6 liquor permit. This requires a vote of Council. John E. Dunbar, Chief of Police - S&G Stores LLC, dba S&G 65, located at 1831 Fostoria Avenue & Gas Pumps, Findlay, Ohio. A check of the records shows no criminal record on the following: Dergham Ridi. Councilman Harrington moved for no objections be filed, seconded by Councilman Slough. Filed.

Traffic Commission minutes – June 17, 2019.

Discussion:

Councilman Harrington moved to approve the minutes, seconded by Councilman Hellmann. All were in favor. Filed.

Service Director/Acting City Engineer Thomas – Septic Systems located in the City of Findlay

Septic systems on some streets within the City limits or on the outskirts of town were discussed at a Water and Sewer Committee meeting earlier this year where the committee requested additional information. Hancock Public Health has indicated that there are nineteen (19) properties on Bittersweet Drive and twenty-two (22) properties on Blue Bonnet Road whose septic systems are most likely not up to today's standards. Those residents are aware of drainage issues in those areas from past calls on tree roots, lack of maintenance, as well as, an undersized common tile. Those residents are in favor of extending the sanitary sewer and connecting their homes as it would be beneficial in cleaning up the water quality in those areas. In an attempt to locate other possible septic systems, Utility Billing has provided a list of accounts that are water only. Engineering is in the process of verifying that the properties do not have sewer taps and will be creating a map that shows the locations of the properties so they can determine if they are easy projects that can be done in the future to get these properties connected to the sanitary sewer system. That map should be completed by July 8th and can be discussed at a WATER AND SEWER Committee meeting for anytime after that.

Discussion:

Councilwoman Frische asked that the letter be read into the record, seconded by Councilman Wobser. All were in favor. The Council Clerk read the letter in its entirety. Filed.

Service Director/Acting City Engineer Thomas – ODOT FY20 Resurfacing/HAN-CR-236-0.00, Project #32884500

This project is included in the 2019 Capital Improvements Plan. The project will not be constructed until next year, but an appropriation for design, permitting and startup is needed now so that the project may begin and meet the schedule set by ODOT. Legislation to appropriate and transfer funds is requested. Ordinance No. 2019-048 was created.

FROM: CIT Fund – Capital Improvements Restricted Account	\$ 75,000.00
TO: ODOT FY20 Resurfacing/HAN-CR236-0.00 Project #32884500	\$ 75,000.00

Filed.

Service Director/Acting City Engineer Thomas – annual street resurfacing/curb repairs 2019, Project #32890300

One street in the 2018 street resurfacing/curb repair project was not able to be completed last year due to weather. This street has now been completed. There was seventy-six thousand five hundred seventy-two dollars (\$76,572.00) in project contingency that was not used. The project has been closed and the funds have been returned to the Capital Improvements Restricted Account. Engineering is requesting that the unused funds, as part of last year’s project, be appropriated into this year’s project for completion of additional paving. Legislation to appropriate and transfer funds is requested. Ordinance No. 2019-049 was created.

FROM: CIT Fund – Capital Improvements Restricted Account	\$ 76,500.00
TO: Annual Street Resurfacing/Curb Repairs 2019 <i>Project #32890300</i>	\$ 76,500.00

Filed.

Service Director/Acting City Engineer Thomas – WPC UV replacement project #35681200

By authorization of Ordinance No. 2019-013, a bid opening was held for this project on June 19, 2019. Bids were received from two (2) potential contractors with bid amounts ranging from two million ninety-five thousand dollars to two million two hundred thirteen thousand dollars (\$2,095,000 - \$2,213,000). The lowest and best bid was received from Peterson Construction Company of Wapakoneta, Ohio. This project is included in the 2019 Capital Improvements Plan. The total project cost is less than the estimate that was included in the Capital Improvement Plan. Twenty thousand dollars (\$20,000) was previously appropriated to the project. At this time, an appropriation of funds for construction, inspection and contingency is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2019-050 was created.

FROM: Sewer Fund	\$ 2,590,000.00
TO: WPC UV Replacement <i>Project #35681200</i>	\$ 2,590,000.00

Discussion:

Councilwoman Frische asked that the letter be read into the record, seconded by Councilman Watson. All were in favor. The Council Clerk read the letter in its entirety.

Councilwoman Frische noted that this did not go through the WATER AND SEWER COMMITTEE. It was part of the capital budget planning, but no bids were reviewed nor were there any discussions on it. Councilman Harrington asked if this should go through the APPROPRIATIONS COMMITTEE or WATER AND SEWER COMMITTEE since it is part of the Capital Improvement Plan. When something is part of the Capital Improvement Plan, it does not need to go to committee. Councilwoman Frische replied that the WATER AND SEWER COMMITTEE is separate from the APPROPRIATIONS COMMITTEE. Large projects over two million dollars (\$2,000,000) should be vetted by Council even when they are being planned for as a capital project. She asked that the record state that this did not go through committee. Filed.

Service Director/Acting City Engineer Thomas – Utility Billing software

The City of Findlay’s Utility Billing Department has been having issues with their current billing software. There have been multiple conversations with the software vendor, but the issues have not been resolved. They would now like to switch to a different software package. This request is not part of the meter project and the software change would need to take place either before or after the meter project. If the software is changed after the meter project, there will be an additional cost because the consultant will have to make sure that the new transmitters are working for the old software and then come back to make sure that it will work with the new software. The desired software is a subscription service where there is a one-time fee for data import, implementation and training (less than thirty thousand dollars \$30,000) and a monthly fee (four thousand sixty dollars \$4,060 per month). The monthly fee covers all software updates. The monthly fee could increase or decrease in the future if the number of users on the system changes by more than fifty (50). Council’s authorization is needed to allow the Utility Billing Department to change the billing software, and an appropriation and transfer of funds are needed for data import, implementation, training, and six (6) months of monthly fees. Legislation authorizing the change of billing software and to appropriate and transfer funds is requested. Ordinance No. 2019-051 was created.

FROM:	Water Fund	\$ 27,180.00
FROM:	Sewer Fund	\$ 27,180.00
TO:	Utility Billing #25072000-other	\$ 54,360.00

Discussion:

Councilwoman Frische asked that the letter be read into the record, seconded by Councilman Wobser. All were in favor. The Council Clerk read the letter in its entirety.

Councilman Wobser asked if the City is entering into a contract for this. Service Director/Acting City Engineer Thomas replied that he would like to enter into a contract. He has no issues with it going to any committee for discussion. Councilman Wobser pointed out that his concern is that it is a software system that has to flange up with the meters. There has been a lot of information floating around about the meter issues that still needs to be discussed. He would like to see this be referred to the WATER AND SEWER COMMITTEE to be vetted. While it is only a fifty-four thousand (\$54,000) request that could easily just go through, he has questions on how long the subscription is for, what the term is on it, how often can they change it, etc. There are some things that need to be vetted on this prior to Council agreeing to it and need to see how it fits into the plan, if there is a plan for the meter system. Service Director/Acting City Engineer Thomas replied that is not a problem.

Councilwoman Frische pointed out that it was known at the end of last year that software and meters were becoming obsolete. She is aware that there are two (2) separate systems for water and sewer and that this request is for the billing software that needs to be vetted through the WATER AND SEWER COMMITTEE. She has been asking for this since January and has been told that they have it, but have not had any meetings and have held things off. Back in 2017, new software was put in place when the head of the billing department retired. It was not a very smooth transition, so before jumping into another system, Council needs to fully understand it, vet it to compare things, and work together with the WATER AND SEWER COMMITTEE to get that part figured out and address the meter software because it could potentially end up being a fifteen million dollar (\$15,000,000) project with meter upgrades on top of that.

Everything needs to come together seamlessly with no issues. She will schedule a WATER AND SEWER COMMITTEE meeting at the end of today's meeting.

City Auditor Staschiak noted that the Utility Billing's software has been an issue going back to the 1990s. It has always been an issue with the vendors and upgrades. It has gone from having vendors to having software, to having in-house programmers to having out-of-house programmers, to this upgrade. Even though it is only a fifty-four thousand dollar (\$54,000) request, it is how the City brings in eighteen million dollars (\$18,000,000) a year. It affects a huge amount of revenue and is much more complex than some might think. There have been a couple of situations when the software was upgraded that Council has had to look at their rules, sometimes having to change them so that they could work with the vendor on the way the software worked. There are a lot of moving parts. The City Auditor's Office has been shown the demo site, but they have not been involved with any of the strategic implementation components. It is his hope that before legislation is passed, that the City Auditor's Office would be a part of the strategic implementation plan to make sure that they are comfortable with everything that they are going to need to sync up with it, which may be accomplished within the next couple of weeks, or may take a little longer than that. When it was upgraded a couple of years ago, there was no way to validate the data report that the City Auditor's Office received. There was no way to validate that those reports were the same because the systems were not running parallel. The City Auditor's Office has concerns on how it is ran, what it does, if the rules will change, and how it affects revenue. Council's rules require a long-term five (5) year pro forma for the enterprise funds in which this request are those funds. This is Council's opportunity to put that together. Councilwoman Frische is very reasonable in her request for the data she is looking for.

Service Director/Acting City Engineer Thomas replied that all of those are good reasons why they want to change the software. He has no issues with meeting with the WATER AND SEWER COMMITTEE to discuss it.

Councilman Harrington asked if this is for billing software and not for meters. Service Director/Acting City Engineer Thomas replied that is what the request is for.

Councilman Wobser asked if a motion to have this referred to a committee is needed. Council President Pro-Tem Russel replied that it can be referred after all discussions on it are done.

Councilwoman Frische believes that it would be in Council and the Administration's best interest to put a performance audit together with the State for water and sewer as it has not been done. It will help to determine when to take out capital debt. Whether the meters are just for billing or for the entire project that they are trying to get addressed, Council needs the full picture before moving forward. She asked if legislation is needed or if it is something that she can ask as Chair of the WATER AND SEWER COMMITTEE to go to committee. Law Director Rasmussen replied it would be a request and approval whether Council wants to do it or not. Legislation is not needed.

Safety Director Schmelzer asked if the committee or Council wants to know how much it will cost. Councilwoman Frische replied she does not feel the cost is out of line when talking about a fifteen million dollar (\$15,000,000) project. She asked what the cost was for the performance audit that was done in 2012. City Auditor Staschiak replied it was initially between eleven to thirteen thousand dollars (\$11,000-\$13,000). He is unsure what the amount of the final bill was. They changed the scope. The State can give a quote on it with an appropriation tied to it.

Legislation would be needed to pay for it if it is more than fifty thousand dollars (\$50,000). Councilwoman Frische feels it would be prudent for Council to have the State do a performance audit. She asked if a motion is needed to ask for this to be supported by the rest of Council.

Law Director Rasmussen replied that if Council wants to move forward, they can make that request to support it. Councilwoman Frische replied that her request is to get a quote from the State to do a performance audit on water and sewer before moving forward on taking capital debt in putting this project together. The billing software implementation is at least six (6) months out. She does not want to slow the process down, but wants to vet all the things the Water Treatment Superintendent wants to look at. Law Director Rasmussen replied that the WATER AND SEWER COMMITTEE can recommend to do so. Councilwoman Frische replied that Law Director Rasmussen just stated that is not needed. Law Director Rasmussen replied that the committee's recommendation is all that is needed. No legislation is needed.

Council President Pro-Tem Russel pointed out that there is a motion on the table. Councilwoman Frische moved to rescind her motion.

Councilman Harrington noted that Councilwoman Frische is talking about two (2) different things. The discussion taking place has to do with billing software. Meters are also be talked about, but is a different subject matter. The meters are a lot of money and need to be discussed and should be vetted, but if there is a billing software problem, it is something that can be corrected and does not need to go through studies. A committee report is fine, but needs be resolved as soon as possible.

Councilwoman Frische pointed out that the full picture needs to be looked at. She is not asking to table the Ordinance and wants to let it continue to go through its readings. She would also like it to go to committee. She is looking at having that committee meeting the week of the 22nd. She will schedule it after she coordinates everyone's schedules. Council needs to have a full understanding to know what they are looking at with the software vendor for the larger part of the project. Council needs to look at the entire project. Originally, it was water, meter and software that had been reviewed in January. She openly invited everyone to attend the upcoming committee meeting so that there is a full understanding.

Councilman Harrington does not believe the entire project needs to be reviewed now. They are two (2) different subjects that need to be addressed separately. To lump them both into one is not being fair to the City's Engineer who has indicated that the Utility Billing software problem needs to be corrected and needs to be corrected now. While he has no issues with this going to the WATER AND SEWER COMMITTEE, both subjects do not need to be combined into one which would just delay the action the City Engineer has requested.

Councilman Wobser does not believe that anyone is asking for anything to be delayed, but are asking for confirmation that the subscription that is being looking at to purchase needs to flange up with what reads the meters. It is not two (2) separate subjects and is actually just one (1) because they all work in the same system. It is very prudent to do this.

City Auditor Staschiak feels it is very important for Council to take a look at this. The way performance audits work is that they consider the system as a whole and benchmark it against other areas. He has had conversations with the Service Director on this. There have been problems with the billing software for decades. This is not a crisis problem, but is an important issue to fix. While it is an issue that should be fixed as soon as possible, it is not a crisis issue and does not need fixed immediately. It would not be proper to fix it immediately. Referred to the WATER AND SEWER COMMITTEE.

COMMITTEE REPORTS: none

LEGISLATION:

RESOLUTIONS: none

ORDINANCES:

ORDINANCE NO. 2019-031 (*sale of City-owned parking lot*) **requires three (3) readings**
tabled after third reading on 6/4/19
removed from the agenda during OLD BUSINESS.

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.

ORDINANCE NO. 2019-044 (*606 Howard 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 606 HOWARD STREET REZONE) WHICH PREVIOUSLY WAS ZONED "O1 INSTITUTIONS AND OFFICES" TO R4 DUPLEX/TRIPLEX RESIDENTIAL.

Second reading of the Ordinance.

ORDINANCE NO. 2019-045 (*Capital Improvement appropriation – May 2019*) **requires three (3) readings**
second reading
adopted during OLD BUSINESS.

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2019-047 (*Court Special Projects de-appropriation*) **requires three (3) readings**
first reading - adopted

AN ORDINANCE DE-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 Councilwoman Frische. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser. The Ordinance received its second and third readings. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-047 and is hereby made a part of the record.

ORDINANCE NO. 2019-048 (*ODOT FY20 Resurfacing/HAN-CR-236-0.00*) **requires three (3) readings**
first reading

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2019-049 (*annual street resurfacing/curb repairs 2019*) **requires three (3) readings**
first reading

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2019-050 (*WPC UV replacement*) **requires three (3) reading**
first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2019-051 (*Utility Billing software*) **requires three (3) readings**
first reading

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT OR CONTRACTS WITH MUNI-LINK FOR THE UPDATING OF THE CITY OF FINDLAY'S UTILITY BILLING DEPARTMENT'S SOFTWARE, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS

Councilman Wobser moved to lift Ordinance No. 2019-031 from the table, seconded by Councilwoman Frische. Ayes: Hellmann, Niemeyer, Ostrander, Shindledecker, Slough, Watson, Wobser, Frische. Nays: Russel, Harrington. The Ordinance is lifted from the table.

Discussion:

Councilman Wobser voiced his concern with this Ordinance in that there has been no movement by the developer on the offer that was made to them. It has been extended for an additional month with still nothing from them. The newspaper states that they have found an alternative solution to their issue that no longer requires the City's piece of property. Council has not heard that directly from the developer. If the developer has indeed found a different solution than what the City is offering them, then there is no reason to let this sit and have to continue to look at it for the rest of the year and then dies at the end of the year. It would be prudent to vote the Ordinance down and remove it from the agenda, or just make a motion to remove it from the agenda. He asked Law Director Rasmussen if that is possible. He would like to see it removed from the agenda. Councilman Russel replied that he had discussed this with Law Director Rasmussen prior to tonight's meeting and was informed that the Ordinance can be removed from the agenda which is why he voted against tabling it.

Councilwoman Frische pointed out that Council received an email from Safety Director Schmelzer that was forwarded from the development group stating that they no longer have a need for the City's property at this time, so Council needs to either remove it from the agenda or leave it tabled and let it die out at the end of the year.

Councilman Wobser is disappointed that after all the time and effort that Council had put into getting to a point in time where an offer could be made to them, that there was no response from the developer. There was a lot of time and effort put into this where a valid offer was made by the City. If they did not like it, all they had to do was let the City know they did not like it and the City could have potentially made a counter offer. The developer had said that he was very much in favor of doing something for his hometown.

Councilman Harrington does not believe the developer is discontinuing the project, but is discontinuing it with the City-owned parking lot, which is still a plus for the City in that the project is still going to be developed on the corner. Whether or not it still works with the City's parking lot or not, the project is still going to happen.

Councilman Wobser asked if this project does still happen if it will still have to go through the City's process. Safety Director Schmelzer replied that is correct.

Councilman Hellmann asked if Safety Director Schmelzer has had any contact or conversations with the developer or any of his representatives. Safety Director Schmelzer replied that the last contact he had was forwarded to Council. He echoed what Councilman Wobser stated in that it is disappointing to take a look at a project like this, but does not think the effort put forth in the conversation was a waste of time. Those types of conversations are always going to be cumbersome that will take time for an entity like a Council to decide the terms by which they are willing to sell real estate.

By going through that exercise of conversations, it is now known by the City, the developer, and the economic development group the framework by which a deal could be put together for that piece of property. It is his hope that it will not just simply be a parking lot. Whether it ends up being the same developer or another one, the conversations that have taken place have been constructive. Councilman Hellmann concurred but feels that if the developer had a genuine interest, he would have countered the proposal that the City offered to him. The City responded to what the developer had offered which was part of the negotiating process and would have liked at least a response one way or the other or a counter offer. Safety Director Schmelzer agreed. He has gone through this process with developers as a consultant and with the City where it has always been an emergency for them. For the City to have worked so hard putting those conversations together to try to get things done only to get no response other than they are going in a different direction is a little bit disingenuous. From the beginning, some of Council was skeptical on this particular developer, but it was still important that the conversations took place for anyone that is going to develop it.

Councilman Harrington asked that with the Ordinance being lifted from the table if it needs to be tabled again in order to remove it from the agenda. Law Director Rasmussen replied that the current motion was to lift it from the table, so it either has to be approved or defeated, or a motion needs to be made to table it again. Councilman Harrington noted that the reason he voted nay was to keep it tabled and then remove it as an agenda item. He asked if that would accomplish the same thing. Law Director Rasmussen replied that is correct. It would accomplish the same thing.

Councilman Wobser moved to table the Ordinance, seconded by Councilman Hellmann. Council President Pro-Tem Russel noted that there still is discussion happening. Councilman Wobser withdrew his motion to table the Ordinance until discussions are over.

Councilwoman Frische noted that Safety Director Schmelzer's email suggested letting the Ordinance run out and asked if Council can just get rid of it all together. She asked what is the benefit of keeping it tabled when the developer is no longer interested. Safety Director Schmelzer replied that if Council votes the Ordinance down and if this individual is still going through his vetting process where he is posturing and/or decides to come back, Council will then have to decide if they want to pass something with suspended readings or go through three (3) readings again. He has passed on to Council all the information he has. If Council votes the Ordinance down and another developer is amenable to the same terms, Council would have to start over again or continue with one (1) or suspended readings. As long as it is clear in the record that Council was interested in development under these terms but vote the Ordinance down, that message could still resonate with someone else. The agreement cannot pass as it is because that development LLC is mentioned in the agreement, so there has to be an amendment. It was simply affording the opportunity for leaving the conversation somewhat alive. How Council wants to proceed with it is up to them.

Councilman Shindlecker agrees with Safety Director Schmelzer. Many Councilmembers from the very beginning were of the opinion that this should go through three (3) readings. If the Ordinance is eliminated entirely, he foresees nothing but a delay and starting all over again. He would prefer to see it tabled and leave it as it is for the same reasons.

Councilman Wobser thanked Safety Director Schmelzer and agrees with him in that Council has done the heaving lifting on this project. If this is their posturing in the negotiating of the process, then his posturing is to pull it out. With that said, he is in total agreement that the City does want to see something done with that piece of property. He is very disappointed that there weren't any more communication with the developer. If another developer comes along, Council should be able to get the deal done quickly because it has gone through the vetting process and knows what it is worth, so it could be done in very short order. To pull this from the agenda would be just fine because it can be recovered quickly if necessary.

Councilman Niemeyer thinks the City needs to keep the parking lot and get it off the agenda. The City should never have sold the parking garage. The City sold it and now look at it. A private individual made a lot of money on it.

Councilwoman Frische agrees with everything that is being said tonight by Safety Director Schmelzer and Councilman Wobser in that the City has done the process, put in a lot of effort in working with the community to improve that area, and should just get rid of the property. If someone wants to develop it, it can be rewritten with the new names in it and make any term changes that need to be made by editing the same document. There are good records of what has already been done (i.e. two appraisals). She would like to just get rid of it, but is fine with whatever Council wants to do. It would be cleanest just to get rid of it.

Councilman Russel emphasized a point that Safety Director Schmelzer had made in that it was an opportunity to take a City-owned parking lot, improve its value, and sell it to a private individual generating tax revenue, both property tax and revenue of those living on that property. If the parking does not end up getting developed and stays as a fifty plus (50+) parking lot, it will be a lost opportunity. Based on the appraisal that Council reviewed and the market rates mentioned for parking spaces, it is his hopes that the City will re-evaluate the leases for the parking spaces that are there and looks at raising the rates as they are currently being leased at below market rates, which does not seem appropriate.

Councilman Wobser moved to table the Ordinance, seconded by Councilman Harrington. Ayes: Ostrander, Russel, Shindlecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann. Nays: Niemeyer. The Ordinance is tabled.

Councilman Harrington moved to remove the Ordinance from the agenda, seconded by Councilman Wobser. All were in favor. The Ordinance is removed from the agenda.

City Auditor Staschiak informed Council that he received a petition to do an assessment, along with the evaluations that were done by their counsel and that Council requested a legal opinion from the City Law Director. He and Law Director Rasmussen sat down in 2013 and went through the process and clarified that they need to request it through petition, Council needs to pass an ordinance, and there has to be a special notice to the people. That is based on what he and Law Director Rasmussen drew up in 2013. There is a timeframe when those in the district can protest and will need to form an Equalization Board to address those issues. He does not believe anything has changed, nor have the last couple of steps been accomplished yet.

He has a request out to them and their counsel, Mr. Rooney, to dot I's and cross T's. He wanted Council to be aware that it is not done and that he is in a pause state until he received the information. Before he can move forward, those things have to happen. He looks forward to getting that done for the downtown. He knows it is important to them. Law Director Rasmussen replied that Mr. Rooney promised him that last week, but has not received it. Mr. Rooney was to email both the City Auditor and the City Law Director.

Councilman Wobser asked for an update on the mid-block crossing signal systems. Service Director/Acting City Engineer Thomas replied that the manufacturer was here a couple of weeks ago to look over everything. He just received the report that states there are some issues with installation. He is trying to get the contractor to come back to remedy the situation. It is still warranty work, so there will be nothing out of the City's pocket. Councilman Wobser noted that the mid-block crossing just north of the bridge is not signaled, but is properly signed and labeled so it is legally a crosswalk, but was not included in the signaling system. He asked if it should be left that way, if a signal should be installed, or if the lines should go away. Although he has never seen anyone standing there, it is a legal crosswalk. Safety Director Schmelzer replied that it is a more prudent conversation from a cost perspective relative to the number of pedestrians. When that area north of the bridge was developed, the same level of infrastructure on signalization at that crossing is not the same as it is at the others. Ultimately, something outstanding needs to be done north of the river. After flood mitigation, some cost association will be planned for the crossing there. Right now, the number of pedestrians that use it relative to the ones that are downtown is non-existent.

Service Director/Acting City Engineer Thomas informed Council that he has been appropriating funds for capital projects differently this year. They have been monthly appropriations instead of quarterly. It seems to be going okay so far. Ordinance No. 2019-045 is the allocation for May 2019. A couple of items (i.e. bucket truck for the traffic signal) have a long lead time. There is some extra funding for the Street Department. Now that the weather is starting to dry out, the City is able to do some alley repairs and pavement on streets, so expediting the Ordinance through would be appreciated. Councilwoman Frische replied that she will make that motion because the City Street Department has been working on the alleys and have been working hard for our citizens.

Councilwoman Frische moved to suspend the statutory rules of Council and give the Ordinance its third reading, seconded by Councilman Slough. Ayes: Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded Councilman Niemeyer. Ayes: Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-045 and is hereby made a part of the record.

Councilman Harrington reminded Council of the flooding issues in West Park approximately thirty (30) days ago. Some of those citizens were impacted by it dramatically generating questions if that was an existing issue or if it was caused by ODOT's construction on I-75. He asked if there are any updates on it. Service Director/Acting City Engineer Thomas replied that some of the issue might be that ODOT is upsizing some of the pipes on that project. There are some areas that have been upsized and some that have not. They are looking to see if that is an issue or not. Some have been upsized already. They have been asked to verify that they have not changed any drainage areas. Everything eventually ends up in Oil Ditch and is going in a different direction now. They have been asked to confirm that it will not cause any issues. He has not heard back from them on it. Safety Director Schmelzer added that the consultant has been contacted to make sure that the City's concerns on the water sub distribution is examined. They did change the pipe size on the west side of Harrison. The City Engineering's Project Manager went out and documented the pipe sizes that they had relative to what was in the plan. They upsized the one pipe on the west side. After the first rain when water ponded significantly in West Park, the modification that was made to double that pipe size had a significant impact because the water did not pond as much in the second event compared to the first one. It will probably be months before the consultant is done looking at the watershed going back through those plans.

NEW BUSINESS

Councilman Russel noted that City Auditor Staschiak has suggested July 31, 2019 for a mid-year budget review. City Auditor Staschiak added that July 24, 2019 was the best date for the Mayor.

MID YEAR BUDGET REVIEW meeting on July 24, 2019 at 5:00pm in the third floor conference room beside the Mayor's Office (CR1).

Councilwoman Frische: **WATER AND SEWER COMMITTEE** meeting on July 25, 2019 at 5:00pm in the first floor Council Office (CO).

agenda: meter and sewer billing software

Councilman Harrington: *tentative* **PLANNING AND ZONING COMMITTEE** meeting on July 11, 2019 at 12:00pm.

agenda: there currently are no agenda items in front of the CITY PLANNING COMMISSION, but may bring up issues that were cancelled the last time. He will make an announcement if there will be a meeting.

Councilman Watson asked what bike path projects are being worked on, what their timelines are, and where they are. Service Director/Acting City Engineer Thomas replied that the Blanchard and Lincoln Street project is currently being worked on. Notification letters to citizens in that area will be mailed out in the next couple of weeks. A notice will also be posted on the City's website where citizens can comment if they wish. Construction on that should start next year. Plans have been finalized for the East Main Cross Street project where the old Kodak Building is out to Bright Road. Notice will also be posted on the City's website for public comments. Construction is to begin in 2020. Also in 2020, County Road 236 will be widened from County Road 236 from 568 to Tiffin Avenue to include a multi-use trail on the east side. That project will start in 2020. 2020 will be a busy construction year. Qualifications for the projects have been received. The selected consultants for the multi-use trail going from Bright Road (where it ends) at State Route 568 out to County Road 236. After 2021, there should be bike paths out from County Road 236 to Tiffin Avenue, as well as Blanchard and Lincoln Streets.

Councilwoman Frische asked if anything has changed with the Blanchard Street project and if there will still be two (2) sharrow lanes or if it will be two (2) separate bike lanes. She has been asked what has changed, but she is not aware of anything that has changed. She asked if any notifications have been made on it yet. Service Director/Acting City Engineer Thomas replied that letters were sent out. It is the same as what was submitted for the ODOT extra safety funds. It will be a bike lane on each edge, one lane each way, and a center left turn lane. At each intersection, a left turn lane will be put in. A turn lane will be able to be put in on Sandusky Street and also on Lincoln Street without needing an extra right-of-way. It will go from four (4) lanes to three (3) lanes.

Councilman Hellmann pointed out that Councilmember have a letter from Mr. Jaffey regarding an Air B&B issue. He has spoken with Dr. and Mrs. Popp's whose house is going to be put on the market as an Air B&B. He has also spoke with the City's Zoning Department. Since it is not a permitted use in an R1 district, they will most likely be receiving a cease and assist order. They did not do it to offend anyone. They did not know what the code was. The issue is being resolved.

Council President Pro-Tem Russel adjourned City Council at 7:57pm.

CLERK OF COUNCIL

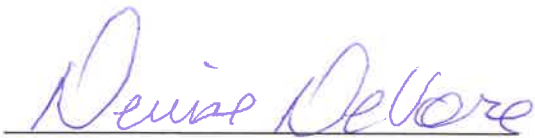
COUNCIL PRESIDENT PRO-TEM

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