

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**MARCH 4, 2014**

**COUNCIL CHAMBERS**

**PRESENT:** Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, VanDyne

**ABSENT:** Spence

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

## **MINUTES:**

Councilwoman Frische moved to accept the February 18, 2014 Regular Session City Council meeting minutes as written. Councilman Nichols seconded the motion. All were in favor. Motion carried. Filed.

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

**PROCLAMATIONS** - none.

**RECOGNITION/RETIREMENT RESOLUTIONS** – none.

**WRITTEN COMMUNICATIONS** - none.

## **ORAL COMMUNICATIONS:**

### **Jerry Murray – Marathon Center for the Performing Arts**

Mr. Murray came before City Council to discuss the reimbursement of waterlines for the Marathon Performing Arts Center. The Ohio basic building code requires a fire suppression system in the new performing arts center. When a thousand individuals are assembled in that building for performances, in the case of a disaster, they need to be protected so that they can exit properly and safely. In order for fire suppression system to work, there must be sufficient water volume. The existing four inch (4") waterline along Cory Street is old and inadequate for the required volumes and needs to be replaced. The City normally requires the developer complete this improvement. Although only the line from Main Cross Street to the building needs to be replaced, the City Planning Commission is also requiring the Cory Street line be extended eight inches (8") north to Front Street to make it a loop. Dead end waterlines do not flow and become stagnate and deteriorate rapidly. The water in the lines becomes stale which affects the overall water quality within the City. If there is a waterline break in the dead end line, the water goes to that building. If a show is scheduled and the Cory Street line breaks, the show would have to be cancelled. In addition, City Planning Commission also requested the line along Front Street be replaced. CPC recognized that the Front Street project was over and above the scope of their project, so they recommended the City of Findlay reimburse the Marathon Center for the performing Arts for those costs. He is asking City Council to agree to the reimbursement, and also ask that the Cory Street waterline be considered a public improvement that benefits the City of Findlay as much as the performing arts center. They are also asking for reimbursement of the Cory Street waterline project. If the Marathon Center for the Performing Arts were a profit making business, they would add those costs to their budget and move on, but instead it is a unique opportunity for public and private partnership to further enhance the quality of life in this community. The City of Findlay has long been a supporter of similar quality of life issues (i.e. Field of Dreams, Riverside Pool, Emory Adams Park, etc.) that are all possible today because the City of Findlay, private citizens and corporations did their part. This project is no different. The performing arts center has done a great job of raising funds for the arts in this community, but needs the City's help. The City's three hundred thousand dollar (\$300,000.00) contribution in relation to the scope of this project is small, but the subtle support for this project is huge. For his company's part of the partnership, they agreed to bid the waterline projects separately. If there are any costs savings below the estimate of the bidding process, the City of Findlay would benefit. The City will not be asked to transfer funds until his company bids the work and provide final costs to the City. In addition to the benefit of not dealing with prevailing wages, it is the most economical way for the City of Findlay to get new waterlines in that area of the city and for the performing arts center to get adequate water pressure.

### **Discussion:**

Councilman Russel asked if the waterline on Cory Street is looped. Mr. Murray replied it is not. It is a dead end and is currently a four inch (4") waterline.

Councilwoman Frische noted that she is on the WATER & SEWER COMMITTEE. She asked if the WATER & SEWER COMMITTEE's recommendation to cover the costs of the original Cory Street project was in the budget to begin with, as well as the Front Street project, would all be at the City's cost, and nothing would be at the cost of the performing arts center. Mr. Murray replied all is correct. Councilwoman Frische then asked if the original project for just doing Front Street off of Main Cross Street is adequate enough to cover other than having a dead end line that has not been addressed yet which would put them out of commission if a waterline broke. Mr. Murray replied that is correct except that it is not Front Street, but Cory Street.

Councilman Klein asked why the waterline on Cory Street is four hundred eighty feet (480') for roughly one hundred sixty-five thousand dollars (\$165,000.00) when the one on Front Street is four hundred fifty feet (450') for eighty-one thousand dollars (\$80,000.00). Service-Safety Director Schmelzer replied because of the granular backfill. One is in the road and one is in the right-of-way out of the road, so there are a lot of pavement replacement and compaction costs on the Cory Street waterline that are not needed on the Front Street waterline.

### **Edward Reading – Marathon Center for the Performing Arts**

Mr. Reading is the Chairman of the Board of Directors for the new performing arts center. He is very passionate about the project. For just over a year, the Board of Directors and the Campaign Steering Committee have been hard at work developing the construction plans, plans for future growth, and establishing a campaign to make this project come to life. Before they developed a single plan, after they had the first spark of imagination that kicked off the project, they commissioned numerous economic feasibility of economic impact studies. These studies universally showed that not only is Findlay an ideal location for a community arts space, but the economic impact cannot be ignored. In the first year of operation, according to the America for the Arts Economic prosperity calculator, the performing and visual arts culture provided by this new venue will bring in over one million dollars (\$1,000,000.00) in household income through job creation and business, and create over sixty-eight thousand dollars (\$68,000.00) in revenue for the local government entities. In November 2013, it was announced that Marathon Petroleum stepped up to be the lead donor of this project. Their significant leadership contribution has shown their trust in this project and what it can mean for the region. Marathon's CEO Gary Heminger said this performing arts center is critical to the growth and prosperity of this community. Having Marathon's headquarters located in a vibrant and energetic city helps them attract and retain employees. In addition to Marathon's support, other corporations, financial institutions, and special individuals have made leadership gifts proving something that was already known - that this is an amazing community. It is important to recognize their project partners. Findlay City Schools donated the site and secured the building. Findlay Hancock County Community Foundation is the fiscal sponsor prior to them securing a 501C3 status who is providing a long term view on their funding programs. The University of Findlay in exchange for administrative and maintenance services and activities, the board will be providing an active space for student performances. The Arts Partnership will continue their leadership in arts education programming allowing the board to focus on something they feel is a cornerstone of the project, youth education. They still have work to do. While they are planning to begin construction in late spring, they are still fundraising. In May, they will host a public kick-off event to open up support opportunities for the entire community. A project like this directly benefits everyone who calls Hancock County their home. To make it a visionary reality, it takes tangible support from the community as a whole. He requests Council's support.

#### **Discussion:**

Councilman VanDyne noted that this project has been in the works for fifteen (15) years. Mr. Murray has been working on it the entire time. He feels this project is a perfect example of how the stars are aligning in this community. It behooves the City of Findlay to line up as one of the stars and enthusiastically support this type of an effort and the downtown development efforts of Marathon and the other downtown developments efforts that are going on. He feels this project is exactly the kind of project the City needs to be looking at. The City benefits from doing some things that have to be done anyway and participate in a great project. He feels it is a win-win situation. It is important for Council and the City to keep focused on the big issues. The last thing he wants to see is Findlay become a stumbling block to the things that are going on in this community. He feels the City and Council needs to participate whenever possible. This is a great opportunity.

Service-Safety Director noted that a couple of years ago, the process of how the Planning Commission reviews items was being revised. He appreciates Water Distribution Supervisor Jeff Betts efforts and knowledge of the City's water distribution system and the interaction between the departments allowing him to identify underground issues that might need to be addressed before aboveground projects (i.e. paving, performing arts center, etc.) are done.

Mayor Mihalik added that she has been participating on the Celebrate Central Committee from the beginning five (5) or six (6) years ago and is in full support of this project. It is a great opportunity for Findlay to lend a hand. It will enhance the performing arts center and will help Findlay continue to put emphasis on infrastructure which has been a focus for the last couple of years. She thinks Findlay should participate and be a partner.

### **Sondra Bixby – Lye Creek riparian buffer**

Ms. Bixby came before City Council to discuss the Lye Creek riparian buffer. While reading The Courier this morning, she was not only disappointed, but also astounded at how things can become so distorted either by word of mouth or spiraling through cyberspace. The Courier reported that Ms. Bixby canvased forty-two (42) homes for the survey she took on the Lye Creek riparian buffer in January 2014. She broke that number down. The Courier reported that two (2) of those homes are to be torn down, but the County Auditor's webpage did not reveal that, nor was she aware of it. To be accurate, she is changing the total home number to forty (40) instead of forty-two (42) since those two (2) homes are empty. Of those forty (40), twenty-two (22) homeowners said upfront that they were not in favor of the riparian buffer. Only one (1) was in favor of it. Of the remaining seventeen (17), two (2) more individuals verbally told her that they would have voted against it had they been home before the survey was submitted to Council. This leaves fifteen (15) that either declined, on vacation, chose not to participate, wouldn't answer their door to someone they didn't know, didn't read the leave behind notes, or various other reasons. When tabulating the results, she can correctly say that twenty-four (24) individuals were opposed, one (1) was in favor, and the other fifteen (15) fall in the other/miscellaneous category.

The second discrepancy is Phil Martin of the Blanchard River Watershed Partnership claimed that controlled burning wasn't valid. The Hancock Park District Commissioners 5/14/13 meeting minutes state that they decided to make the grant available to the City of Findlay. It mentions controlled burning as an urban inter urban area. Her neighborhood is concerned with this and also the consequences of their actions concerning the whole project. She did not make this up and does like being accused of throwing out false information since her name appears in the preceding paragraph. Mr. Martin also suggests that much of the opposition has become political. She assured Council that her own opposition is not political unless her wanting to preserve her home of forty (40) years and being able to live out her remaining years in that same home has a political connotation which would be quite a stretch. Many of her neighbors are of the same vintage and have the same interests. They believe that hundreds of trees, bushes and grass will increase flooding particularly when maintenance is not something the City of Findlay or Phil Martin deems necessary on a regular basis. Mr. Martin suggested volunteers clean it up which she took to mean residents in their neighborhood. If water quality is what the BRWP is all about as Mr. Martin had told someone at the recent home show, then she sees no reason why it wouldn't be just as affective along another part of Lye Creek such as the Hancock County Fairgrounds or the land just south of the fairgrounds. Her neighborhood has expressed their opinions as clearly as they know how to Council, their elected representatives. If governing against the will of the people is Council's modus operandi, then she and her neighborhood are powerless. I told you so's would be too little too late.

#### **Discussion:**

Councilman Monday asked Ms. Bixby if her objection is to the riparian corridor or to the City receiving grants. Ms. Bixby replied her objection is mainly to the corridor because she believes it will increase flooding and will welcome wild animals. Councilman Monday then asked if Ms. Bixby is opposed to the City receiving grants. Ms. Bixby replied that she does not like to see unnecessary grants, unnecessary money being spent on something frivolous or something that was not necessary until the City found a grant that was available. She asked Councilman Monday if before the grant was available, if he felt this project was necessary. Councilman Monday replied that before the grant was available, he was not aware of this project, so he cannot answer if the project was necessary or not necessary. Ms. Bixby then asked Councilman Monday if he felt it makes as much sense to have the riparian adjoin the fairgrounds or as a part of the fairgrounds. Councilman Monday received five (5) phone calls who live in that area who want the riparian corridor on both sides of the Lye Creek, not just the west side. Ms. Bixby added that in looking at the Hancock Park

District minutes, it says it was only meant to be on the west side. Councilman Monday replied that he understands that, but wanted it known that those individuals contacted him also want it on the east side. Ms. Bixby then added she had made another trip around the block asking those who signed that they were against the riparian if they were still against it or if they had changed their mind. None of them said they changed their mind. There were only two (2) individuals she could not find. Councilman Monday asked the Service-Safety Director and/or the Law Director for clarification on the controlled burning. He asked if according to the City's ordinance, it would be illegal to have open fire out in that area. Service-Safety Director Schmezier replied that when the Fire Chief read it and discussed it with him, he shook his head no. Ms. Bixby added that she is only stating what she read in the minutes which says controlled burning.

Councilwoman Frische noted that she attended the first Lye Creek meeting that was held in the Council Chambers. Residents in that area were in attendance. Both the east and the west side were discussed and a vote was taken. From that, she was under the impression that everyone was in support of the west side which is how they determined to proceed. She then asked Ms. Bixby what happened to the individuals who were in attendance that voted for the west side. Ms. Bixby replied that two of the individuals who voted in favor for it that night have since changed their mind. She sat in the front row that night and did not see who behind her and/or who voted for it. There were nine (9) individuals in attendance that night. There were three (3) couples, so six (6) votes. There were three (3) single individual owners who voted against it, so it was six to three (6-3). Had the couples only been allowed one (1) vote per home, it would have been three (3) and three (3). Councilwoman Frische then asked if since a vote was taken that day, do they keep going back and forth on the issue or accept the vote that was taken that day on the issue. She then asked Ms. Bixby if she had been in favor of the west side that night and it was still being pondered today, how she would feel. Ms. Bixby replied that she still would not vote for it because it takes several years for trees to mature. The first year they are in shock. It was the premise that evening to only do the west side, see if the residents liked it, then she assumed a year or so later do the other side as the EPA is not going to hold onto the grant money forever. A year or so is not long enough to see if it is going to work. Councilwoman Frische noted that those in attendance at that meeting were open to the idea and voted that night. She then asked Ms. Bixby if she would have been on that side of the debate wanting the west, but since Council is still debating it, if she would feel her vote didn't count then either. She was under the impression a decision had been made by those in attendance, but now Ms. Bixby is telling Council they no longer want it. Ms. Bixby replied that in January, it was an impromptu meeting. Many did not know there was a meeting, so it was not very well represented. She noted that Councilwoman Frische had told her that no decision would be made and that the meeting was strictly a presentation, but then during the meeting, a show of hands was asked during the meeting by Mr. Martin. Councilwoman Frische clarified that she had said there would not be a vote at Council. Ms. Bixby asked if there would be emergency legislation passing this to which Councilwoman Frische replied no there was not.

Service-Safety Director Schmelzer noted that the east side is no longer a matter of consideration.

#### **Emerson Focht –Lye Creek riparian**

Mr. Focht and his neighbors feels that the article that he read in today's newspaper was not political, but a matter of common sense. There has been burning in that area recently and when they cut some trees down, there were some logs lying back there. It only takes one time for burning to get out of hand. Forests will rebuild themselves when given the chance. His main concern for the Lye Creek riparian is the possibility of attracting coyotes. About two (2) days after he came before City Council last time, there were an article in the newspaper about the Boy Scout camp having a coyote snare seminar where the first fifty (50) individuals get a free snare to trap coyotes. The coyote population in this area has exploded over the last several years. They are devastating to the bird population. One of his clients is a deer hunter who told him coyotes will go after the young deers and will not go after the older deer because the older ones run too fast which will cause the deer population to dwindle. He is concerned that if coyotes start coming in the area, they will attack children, dogs and other pets. He does not want to come face to face with a coyote that is upset because it feels he disrupted his dinner. Someone could be taking a walk in the woods and come into contact with a coyote. Nature can play a dirty trick on you in a situation like that. He quoted "not in my back yard" and asked Council to think about that saying when they vote for this if they would want that in their back yard. It will not bother those who do not live in the area, but it does bother those who do live there. He would like his concerns to be considered.

#### **PETITIONS – none.**

### **REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS**

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for 7 Eleven Incorporated, dba 7 Eleven 19783, located at 825 North Main Street, Findlay, Ohio for a C1 and C2 liquor permit. This requires a vote of Council.**

Gregory R. Home, Chief of Police – 7 Eleven Incorporated, dba 7 Eleven 19783, located at 825 North Main Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Joseph M. DePinto  
Darren M. Rebelez  
Rankin L. Gasaway  
Stanley W. Reynolds  
Ryoji Sakai  
Yoshitake Taniguchi  
Hisataka Noguchi  
Akihiko Shimizu

Councilman VanDyne moved for no objections be filed. Seconded by Councilman Nichols.

#### **Discussion:**

Councilman Shindledecker noted that a copy of the application accompanied the criminal record check letter from the Chief of Police, but did not state what their intentions for this liquor license is. He asked if they are asking for it for future use or transferring the license. Law Director Rasmussen replied it's a renewal. Councilman Shindledecker then asked if they plan to reopen as a 7Eleven or some other business. Law Director Rasmussen replied that liquor permits always go with the premises.

7 Council members in favor, 2 opposed. Filed.

Treasurer's Reconciliation Report – January 31, 2014. Filed.

City Planning Commission agenda – February 13, 2014 and March 13, 2014; minutes – January 9, 2014 and February 13, 2014. Filed.

Traffic Commission minutes – February 18, 2014. Filed.

Parks and Recreation Board minutes – February 18, 2014. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for M&J Enterprises of Findlay Inc, dba Waldo Peppers, located at 411 South Main Street, Findlay, Ohio for a D2 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – M&J Enterprises of Findlay Inc, dba Waldo Peppers, located at 411 South Main Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

- Todd Garlock
- Michael Miller
- Jameson Botimer

Councilman Nichols moved for no objections be filed. Seconded by Councilman Harrington. 7 Council members in favor, 2 opposed. Filed.

**City Auditor Jim Staschiak – 2003 and 2004 debt issue refunds**

As reported to Council on July 2, 2013, market conditions have favored refunding a 2003 (approximately \$1,700,000) and a 2004 (approximately \$2,800,000) debt issue. The targeted savings was 3% over the remaining bond issues. The new bond issue was purchased for 5.96% and I am pleased to report I have been able to exceed the target and have achieved a present value savings of 5.96% or a Net Present Value Benefit of \$266,400.00 which is a significant savings. The bond issue included new funds for the clear well project at the City's water plant and the bar screen project at the sewer plant. Funds for these projects may now be appropriated. A separate letter will be submitted requesting the appropriation.

**Discussion:**

Councilman Russel asked for details on the total bond amount. Auditor Staschiak replied the total issuance is going to be just under eight million dollars (\$8,000,000.00) for the refunding as well as the new money. The debt or bond for the bar screens and the clearwell projects will be issued for less than one percent with a period of time for five (5) years. The 2013 debt report shows a large amount of debt on both water and sewer funds that comes up in five (5) years. At that time, a significant capacity of debt in both of those funds will be opened up. Should an EPA mandate come down the pike on the sewer side, he is most concerned about MS4 and the stormwater what they might have us do, but should have ample capacity for doing any major improvements that might be mandated on you by the Federal Government. Councilman Russel has brought this issue up to the City Auditor a few times last year and is happy to see this letter in the Council packet tonight, especially with the amount of savings and the rate that we got. He thanked the City Auditor for a job well done. Filed.

**Mayor Lydia Mihalik – insurance payment for repair of police cruiser**

The City has received payment for the repair of a police cruiser from an accident from the City's insurance company in the amount of three thousand two hundred fifty-eight dollars and eighty-six cents (\$3,258.86) which has been deposited into the General Fund. Legislation to appropriate funds is requested.

FROM: General Fund	\$ 3,258.86
TO: Police Department #21012000-other	\$ 3,258.86

Ordinance No. 2014-016 was created. Filed.

**Service-Safety Director Paul Schmelzer – ¾ ton pickup trucks for Street Department**

In the 2014 Capital Plan that Council approved, the Street Department requested the purchase of two (2) 1-ton pickup trucks. The request should have been listed as two (2) ¾ ton pickup trucks is less than the 1-ton pickup trucks. Unless there is an objection from Council, the Capital Plan to reflect this change will be made. No legislation is required. Filed.

**Service-Safety Director Paul Schmelzer – WTP Clearwells #1, #2, #3, project no. 35714000; WPC Bar Screens, project no. 35620900**

Both of these projects were included in the 2014 Capital Improvements Plan with preliminary amounts until bids and finalized financing were obtained. By authorization of Ordinance No. 2012-007 and 2013-022, bids from four (4) potential contractors were opened for these projects on January 14, 2014. The lowest and best combination bid was received from PAE & Associates of Brookville, Ohio in the amount of four million two hundred thirty-four thousand dollars (\$4,234,000.00). Legislation to appropriate funds for construction, inspection, financing and contingency is requested as follows:

FROM: Bond Proceeds	\$ 2,000,000.00
Water Fund	\$ 211,000.00
TO: WTP Clearwells, project #35714000	\$ 2,211,000.00
FROM: Bond Proceeds	\$ 1,350,000.00
Sewer Fund	\$ 207,500.00
Sewer Fund (Stormwater restricted account)	\$ 100,000.00
Sewer Fund (Sewer rotary restricted account)	\$ 100,000.00
Sewer Fund (NW Corridor restricted account)	\$ 300,000.00
Sewer Fund (Saratoga Interceptor restricted account)	\$ 250,000.00
Sewer Fund (Southeast Interceptor restricted account)	\$ 150,000.00
Sewer Fund (WW Treatment Improvement restricted account)	\$ 400,000.00
Sewer Fund (WPC Equip & Replacement restricted account)	\$ 50,000.00
TO: WPC Bar Screens, project #35620900	\$ 2,907,500.00

Ordinance No. 2014-015 was created.

Discussion:

Councilman Nichols asked what the difference is between the two (2) bids (lowest and next lowest). Service-Safety Director Schmelzer replied that one bid was six hundred thousand dollars (\$600,000.00) lower than this bid but they withdrew their bid after they found a clerical error. That was over a half million dollars. The next closest bid from Kirk was within a couple hundred thousand dollars.

Councilman Klein asked what the timeframe on this project is. Service-Safety Director Schmelzer replied they will find out for sure at the next pre-con meeting on March 11, 2014. Councilman Klein then asked what the start to finish timeframe will be. Service-Safety Director Schmelzer replied that they will both be done by the end of the year. Councilman Klein then asked if these projects are something that needs to be acted on quickly. Service-Safety Director Schmelzer replied they do. Filed.

**Hancock Regional Planning Commission Director Matt Cordonnier – Hazard Mitigation Plan**

Per the Disaster Mitigation Act of 2000, a mitigation plan must be approved by FEMA and the State of Ohio for any community wishing to obtain funding from the Hazard Mitigation Grant Program. All communities must be assessed and be included in the plan and finally adopted the plan. All eighty-eight (88) counties in Ohio currently have Hazard Mitigation Plans.

In 2007, Hancock Regional Planning created the County's first Hazard Mitigation Plan which was approved by FEMA and the State of Ohio EMA and subsequently adopted by the County, City of Findlay, and all of Hancock County's villages.

In 2013, HRPC conducted the required five (5) year update of the plan. In order to update the plan, HRPC conducted three (3) public hearings on the following dates: 2/27/2014, 3/13/2013, and 6/27/2013. In addition to the public meetings, letters and surveys were sent to the City of Findlay, Hancock County, and all the Townships and Villages.

Timeline:

- July 22, 2013 – HRPC submits final plan to Ohio EMA
- December 23, 2013 – Ohio EMA formally approves plan and sends to FEMA for approval
- January 14, 2014 – FEMA approves plan pending adoption
- January 30, 2014 – Hancock County adopts the plan
- February 3, 2014 – FEMA gives final approval of the plan

HRPC has worked with Hancock County and the Ohio EMA to secure a 1,000,000 HMGP grant to purchase and demolish repetitive loss structures in the flood plain and flood way. On February 25, 2014, the Ohio EMA alerted HRPC that FEMA has placed the grant on hold until the City of Findlay adopts the plan.

Adoption of a five (5) year update of the Hancock County Mitigation Plan so that the grant may move forward is requested. Resolution No. 012-2014 was created.

Discussion:

Councilman Russel asked if any other towns or villages in the County have to get approval if this goes through. Matt Cordonnier from the audience replied that the plan is pending approval by FEMA. When HRPC was working with Ohio EMA, they were told to get the County's approval first, then they can move forward with the grant and get the cities and villages at their leisure later in the year. He received a phone call last Wednesday from FEMA alerting them that since all the houses being torn down were in Findlay, they needed Findlay's adoption to move forward with the grant. He will be sending out instructions to the villages on how to adopt the plan like they did in 2007. Councilman Russel then asked if FEMA moved the timeframe up. Matt Cordonnier replied they did. He explained the process. The way Ohio EMA works them through the process and they work with FEMA. They were somewhat surprised with FEMA holding the grant money back. Councilman Russel then asked if five (5) weeks hurts tremendously. Law Director Rasmussen replied that this resolution will only require one reading. Filed.

**Hancock Regional Planning Commission Director Matt Cordonnier – emergency passage request of Ordinance No. 2014-013**

On January 13, 2014, the City of Findlay Revolving Loan Fund Committee awarded a loan to Cross Way Ministries in the amount of one hundred twenty-three thousand five hundred dollars (\$123,500.00). The funding will assist Cross Way Ministries with acquiring Sunshine Daycare, an existing business in the City of Findlay.

At the February 18, 2014 City Council meeting, a letter from Mr. Cordonnier was submitted requesting Ordinance No. 2014-013 be passed by emergency measures. His letter, however, did not provide a full picture of events associated with the loan. HRPC has been working with the applicant, their lender, and the State of Ohio for several months negotiating the loan process. Coward, Pinski, and Associates reviewed the project and presented a written report supporting the loan to the City of Findlay Revolving Loan Committee. The Findlay Revolving Loan Committee awarded the loan to Cross Way Ministries on January 31, 2014.

If the Ordinance follows standard procedures and receives three (3) readings, the applicant will not be able to schedule a closing until it is passed after the March 18, 2014 meeting. The additional time required to complete the transaction may endanger the project. Passage of Ordinance No. 2014-013 at the March 4, 2014 City Council meeting is requested so that the revolving loan fund project may move forward as quickly as possible.

RLF general information:

The City of Findlay Revolving Loan Fund provides low interest "gap" financing to local businesses who then guarantee a set amount of job creation. There are over 120 RLF funds in Ohio and Findlay's ranks near the top in both size and activity. Currently, the City of Findlay Revolving Loan Fund has over nine hundred thousand dollars (\$900,000.00) loaned in eleven (11) businesses. NOTE: the dollars that are lent out originate at the State of Ohio and do not come from the City of Findlay's coffers. The fund grows when new dollars are requested from the State for a specific ED project and by the payments and interest collected on the loans. The Findlay RLF may only be used for business loans or grants to qualify applicants within the City of Findlay. If the fund is not utilized and no loan activity has occurred for a period of years, the State of Ohio will demand the return of the funds.

Ordinance No. 2014-013 was created.

**Discussion:**

Councilman Klein asked where Sunshine Daycare is. Matt Cordonnier from the audience replied it is part of a property on North Main Street. It is an older church, also a single family home with a daycare behind it on Ely. The loan is for the acquisition of the business. The RLF, as stated by the State of Ohio, cannot go towards the purchase of a religious facility. HRPC has worked with the state who has to put their stamp of approval on any RLF that is done locally. RLFs in the past have been passed on an emergency basis. They try to work at the speed of business and not at the speed of government, but there is always a time crunch from the beginning to end. If they are given an addition six (6) week timeframe, most would walk away from it and not utilize it. His concern for not only this project but future projects is that there is some communication and understanding with City Council on how to move forward. Councilman Klein then asked how many jobs will be created for this. Matt Cordonnier replied that RLFs require at least one job creation for every twenty-five thousand dollars (\$25,000.00) lent. Their job creation is about four (4) or five (5) jobs.

Councilman Douglas asked if the concern in waiting until next City Council meeting for the third reading is that the individuals requesting loan would walk away from it or is the concern with another entity. Matt Cordonnier replied that in this circumstance, when the opening was cancelled, he told them what would be the worst case scenario, and they went to the seller and worked out a deal. In this case, if the legislation for it is not passed on an emergency, the closing would be set up for after March 18, 2014. In this circumstance, it worked out. It is a unique property. There is not too many people out there looking to purchase a church, a daycare, and a single-family home. They are all one package. In a more competitive situation, sellers who have a lot of leverage would move onto the next buyer.

Councilman Harrington recalls a sister loan associated with this project where the loan with the lender could be in jeopardy if this does not close in a timely manner which was a concern by the purchasers. Matt Cordonnier replied that when HRPC does a loan, only fifty percent (50%) of the total project comes from the Revolving Loan Fund. The other fifty percent (50%) comes from the applicant and a private lending source. They City is half of the equation. HRPC meets with four (4) or five (5) prospects a month. It is not a great fit for everybody. The process takes a decent amount of time. He fears if he lays out the process, there could be a six (6) week wait for the appropriation of the funds which would put a damper on the RLF.

Councilman Douglas asked if the state has put the money into the City's coffers and now the City is holding the money and all that is needed is for the City to pass the money on. Matt Cordonnier replied that the City of Findlay RLF is stewards of the money. This money did not come from the City of Findlay coffers. The money originates at the state. There are many RLF that have not operated and sit stagnate, and the state has requested they return the money. The state could request the money back at any time. HRPC is just pushing it along.

Councilman VanDyne was the RLF council representative for six (6) years and notes that this is a great opportunity. As Mr. Cordonnier stated, the funds do not come out of the City's coffers, it comes from the state. So it would just be rotating the money. He feels it is important to move at the speed of business and not at the speed of government.

Councilman Shindledecker feels if the City continues to operate in a business-like manner, we will be looked upon favorably by the state with further opportunities.

Councilman Harrington added that this is a very well vented process. When the committee makes a decision, it has gone through a very lengthy process by then.

Councilman Russel asked who else has received RLF. Mayor Mihalik replied Friends Business Source receive a half million dollars (\$500,000.00) in early 2001. Findlay Inn & Conference Center was another recipient. There have been small restaurant loans. Also City Laundry/City Apparel was another. There were also several large companies. Matt Cordonnier added some recipients were Beer Barrel restaurant, and Partions Plus on CR 99. Filed.

**COMMITTEE REPORTS:**

The **WATER AND SEWER COMMITTEE** to whom was referred a request from Van Horn, Hoover & Associates, Inc. for reimbursement of waterline construction costs at the Performing Arts Center.

*We recommend reimbursing Marathon Center for Performing Arts for the waterline construction costs along Front Street from South West Street to South Cory Street, and West Main Cross to Front Street, pursuant to the estimate provided as attached. As requested by the Findlay Water Department.*

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

**LEGISLATION**

**RESOLUTIONS**

**RESOLUTION NO. 012-2014** (*Hazard Mitigation plan*)

**first reading**

**adopted**

A RESOLUTION ADOPTING THE HANCOCK COUNTY HAZARD MITIGATION PLAN AS THE OFFICIAL HAZARD MITIGATION PLAN FOR THE CITY OF FINDLAY, OHIO.

Councilman Russel moved to adopt the Resolution, seconded by Councilman VanDyne. Ayes: Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, VanDyne. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

**ORDINANCES**

**ORDINANCE NO. 2014-011** *(jail services)*

**third reading**

**adopted**

AN ORDINANCE AUTHORIZING MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH THE BOARD OF COMMISSIONERS FOR HANCOCK COUNTY, OHIO, TO PROVIDE JAIL SERVICES TO THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman VanDyne. Ayes: Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, VanDyne, Douglas. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-011 and is hereby made a part of the record.

**ORDINANCE NO. 2014-012** *(Third St alley vacation)*

**third reading**

**adopted**

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS THIRD STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

Councilman Klein moved to adopt the Ordinance, seconded by Councilman Douglas. Ayes: Harrington, Klein, Monday, Nichols, Russel, Shindledecker, VanDyne, Douglas, Frische. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-012 and is hereby made a part of the record.

**ORDINANCE NO. 2014-013** *(RLF-Cross Way Ministries)*

**second reading**

**adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Douglas moved to suspend the Statutory Rules and give the Ordinance its third reading. Councilman Nichols seconded the motion. Ayes: Klein, Monday, Nichols, Russel, Shindledecker, VanDyne, Douglas, Frische, Harrington. The Ordinance received its third readings. Councilman Nichols moved to adopt the Ordinance. Seconded by Councilman Douglas. Ayes: Monday, Nichols, Russel, Shindledecker, VanDyne, Douglas, Frische, Harrington, Klein. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-013 and is hereby made a part of the record.

**ORDINANCE NO. 2014-014** *(2013 Codified Ordinances and Resolutions changes)*

**second reading**

**adopted**

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the Statutory Rules and give the Ordinance its third reading. Councilman Shindledecker seconded the motion. Ayes: Nichols, Russel, Shindledecker, VanDyne, Douglas, Frische, Harrington, Klein, Monday. The Ordinance received its third reading. Councilman Monday moved to adopt the Ordinance, seconded by Councilman Douglas. Ayes: Russel, Shindledecker, VanDyne, Douglas, Frische, Harrington, Klein, Monday, Nichols. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-014 and is hereby made a part of the record.

**ORDINANCE NO. 2014-015** *(WTP Clearwells;WPC Bar Screens projects)*

**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. Councilman Klein seconded the motion. Ayes: Shindledecker, VanDyne, Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel. The Ordinance received its second and third readings. Councilman Douglas moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: VanDyne, Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-015 and is hereby made a part of the record.

**ORDINANCE NO. 2014-016** *(funds received for auto accident claim)*

**first reading**

**adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman VanDyne moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Shindledecker seconded the motion. Ayes: Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, VanDyne. The Ordinance received its second and third readings. Councilman VanDyne moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, VanDyne, Douglas. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-016 and is hereby made a part of the record.

**ORDINANCE NO. 2014-017** *(sign & execute Lye Creek riparian corridor grant)*

**first reading**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO SIGN AND EXECUTE A GREAT LAKES RESTORATION INITIATIVE - UPPER BLANCHARD WATERSHED GRANT AGREEMENT FROM THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE GREAT LAKES RESTORATION INITIATIVE GRANT PROGRAM TO ACCEPT ANY AND ALL FUNDS ASSOCIATED WITH SAID GRANT, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

## UNFINISHED BUSINESS

### OLD BUSINESS:

Councilman VanDyne noted that in the Rules of City Council that were established this term by Councilman Monday, Nichols, and VanDyne, on pg 5 under Council Representatives, it states that twice a year, anyone who is representing a group outside of the committee on Council (i.e. DFID, Alliance, Arts Partnership, etc.) would give a brief update of what was going on in the committee to Council during the committee reports section of a City Council meeting. Many Councilmembers do many things outside of the committee structures here in the community where there is no real opportunity to share it at City Council meetings. The intention was to make it a short 2-minute briefing. If there is nothing to report, someone can simply say "nothing to report". When they established a schedule on this, some of the updates were to start the first part of February. He will not be at the next City Council meeting, but will bring his committee updates that he is on to the first meeting in April. When the Arts Partnership came onboard, it looked as if they were only coming to City Council when they wanted more money, which isn't the case and should never be the case. These types of organizations should be talked about a couple of times a year.

Councilwoman Frische reminded the APPROPRIATIONS COMMITTEE about her request to discuss the one percent (1%) income tax for those who live in city limits but work outside of city limits. She would like to add this to the agenda for the next APPROPRIATIONS COMMITTEE meeting. Councilman Monday feels this request should be discussed during a COMMITTEE OF THE WHOLE meeting instead where all Councilmembers are involved and able to discuss it. The issue needs to be discussed, but feels a COMMITTEE OF THE WHOLE meeting would be more appropriate.

**COMMITTEE OF THE WHOLE** meeting on March 25, 2014 at 5:00pm in the third floor conference room of the Municipal Building (CR1).

Councilman Monday noted that there will not be an APPROPRIATIONS COMMITTEE meeting next Tuesday, March 11, 2014 due to no agenda items.

Councilman Nichols made a motion to excuse the absence of Councilwoman Spence. Seconded by Councilman Harrington. All were in favor.

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting that was scheduled for February 25, 2014 has been rescheduled for March 13, 2014 at 5:30pm in the first floor council office of the Municipal Building (CO).

- agenda: 1. 516, 518 and 518 ½ Liberty St zoning extension  
2. Marathon alley/street vacations

Mayor Mihalik reminded Council that next week, the Downtown Revitalization plan will have its public unveiling during a public open house on March 12, 2014 from 4:30pm-6:00pm. It is a series of several meetings throughout the day not only with the Downtown Business Centers, but also with Findlay Young Professionals. Councilman Russel added that there will be a brief presentation around 4:45pm. Everyone is welcome to come and share their thoughts and learn more about the project before making a final decision.

Mayor Mihalik announced that as of this afternoon, the Blanchard River Watershed received one million five hundred thousand dollars (\$1,500,000.00) within the Army Corps work plan which is very exciting. The City is ready to finish the survey so that the Chief's report can be obtained. She hopes it can be completed by the first quarter of 2015. She thanked the Senators and Congressmen on their work on it. It has been a team effort.

Service-Safety Director Schmelzer noted that the DAC meeting that took place last night formally adopted a resolution to move forward with the combination of the City and County Health Departments. The processes that has been talked about in the small committee is moving forward with discussing the contractual issues and then getting an Advisory Committee together to pick back up where the last group left and finish building the shell so that everyone, both the City and the Townships, can take a look at what that body will look like, how the facility will function, where it will be located and what their budget will be. There will be future discussions on it. He thanked the Township for their efforts.

Councilman Harrington thanked the Mayor and the Service-Safety Director on their efforts to get to this point on flood mitigation. It has been a battle and they probably feel they have a target on their backs from a lot of critics, but their steadfast efforts have finally paid off which will hopefully move this project to fruition. Council President Slough added that Councilman VanDyne also needs to be thanked for all the many years he spent on this project.

### NEW BUSINESS – none.

President J. Slough adjourned Council at 8:39pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL