

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

MARCH 18, 2014

COUNCIL CHAMBERS

PRESENT: Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindiedecker, Spence

ABSENT: VanDyne

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

MINUTES:

Councilman Harrington moved to accept the March 4, 2014 Regular Session City Council meeting minutes as written. Councilwoman Frische seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Monday moved to replace and add the following to tonight's agenda. Councilman Klein seconded the motion. All were in favor. Motion carried.

REPLACEMENTS:

- Ordinance No. 2014-025 (**LEGISLATION** section).
 - Changed last Ordinance referenced in header from ~~ORDINANCE NO. 2009-054~~ to now be 2006-054.

ADD-ONS:

- Letter and reports from City Auditor Jim Staschiak – financial reports summary (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section).

PROCLAMATIONS:

Mayor Mihalik read and presented a Proclamation naming March 2014 as Developmental Disabilities Awareness month.

WHEREAS: Individuals with developmental disabilities, their families, friends, neighbors and co-workers encourage everyone to focus on the abilities of all people; and

WHEREAS: The most effective way to increase this awareness is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contribution; and

WHEREAS: Opportunities for citizens with developmental disabilities to function as independently and productively as possible must be fostered in our community; and

WHEREAS: We encourage all citizens to support opportunities for individuals with developmental disabilities in our community that include full access to education, housing, employment, and recreational activities.

NOW THEREFORE, I, Lydia L. Mihalik, Mayor of the City of Findlay, Ohio, do hereby proclaim March 2014, as:

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

In Findlay, and recognize that our communities are stronger when everyone participates. I further encourage all citizens to take time to get to know someone with a disability, recognize ability at work, and see what he or she has to offer.

Connie Ament accepted the Proclamation. Filed.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 013-2014 (*Fire Captain Russell Mason retirement*)

First reading

adopted

A RESOLUTION COMMENDING CAPTAIN RUSSELL MASON FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

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

WRITTEN COMMUNICATIONS - none.

ORAL COMMUNICATIONS:

Marathon Petroleum Don Malarky – Marathon Campus Expansion project

Mr. Malarky came before City Council as a representative for Marathon Petroleum for the vacation of Hardin Street, Beech Street, and an alley contained within the boundaries of Marathon's proposed campus expansion project. He provided a conceptual plan for the campus project. The proposed campus plan includes several components (i.e. 120,000 sq ft office building, 45,000 sq ft services building, 2 parking garages totaling 2,000 parking spaces, plans for a hotel or mixed use building with a third party development company, many green space and street scape enhancements). MPC is proposing to create a campus environment similar to what is being completed by the Blanchard Valley Hospital and the University of Findlay. MPC's need for this expansion is clear for several reasons. First, they have continued to expand their employee base in Findlay and need additional office space. Additionally, they need to create a headquarters for MPLX. Lastly, they are short on parking spaces for their current employees. In addition to these tactical reasons for the campus, the safety and security of their employees is very important to MPC. Their requests for street vacations are focused on these tenets. As their employees and visitors navigate their proposed campus, they want to provide for their safety at street crossings. The proposed street vacations will not close the streets, but will be reconfigured to reduce traffic speed, will become narrower, and will have managed pedestrian crossing locations. In addition, a plaza on East Hardin Street between the new office building and existing building complex is being contemplated. Each design elements are intended to improve safety, enhance the ascetics of thoroughfares within the MPC campus. Vacated streets and their continued use are important to the MPC operations and employees for deliveries,

drop-offs, access to the AVIS garage, and visitor access to the campus. Another key safety factor in their plan is improving traffic flow. Along Sandusky Street, there are currently several driveway access points from their parking lots to Sandusky Street. With the new parking garage, there will be one driveway on Beech Street, and one driveway on East Street. This will elevate issues on public streets. Any traffic backups that may occur will occur within the MPC campus. He thanked Council for considering their street vacation requests. They will be bringing other matters before City Council as they navigate through the detail design permitting development process for the project. They commit to work closely with the City leaders and departments to ensure their input is considered throughout the process. MPC is very excited to move forward with their expansion. The City's recent announcement to revitalize downtown materialize. MPC is proud to be a part of and investing in downtown Findlay.

Discussion:

Councilman Douglas received some phone calls and some of those present in the audience tonight want to know if East Street will be widened. He asked if MPC will be going east on East Street into home owners properties toward the sidewalk, or if the widening will be to the west into the MPC campus. Mr. Malarky replied that any plans on East Street are being done in conjunction with the City of Findlay. City of Findlay is looking at the East Street/Sandusky Street intersection. He cannot speak for what the City's plans are. Installation of a right and/or left turn lane and widening the intersection is what has been presented to MPC. Service-Safety Director Schmelzer added that the improvements to East Street are a matter of record on the site plan that City Planning Commission approved. It is a dedication of a left turn lane on the north and south bound side of East Street. The widening section on East Street is a relatively short section needed for stacking on a left turn lane. It will be done entirely within the existing right-of-way.

Councilwoman Spence asked how the parking garage will be releasing traffic. Mr. Malarky replied that they went before the City Planning Commission for site plan approval. That site plan depicts entrance to the entranceways and exits to the new garage both onto East Street and Beech Street (east and west end of the garage). There will be no exit points north to Sandusky Street. Both driveways are bi-directional, so employees will have the opportunity to come in or go out that way. Traffic will go at the least resistance. It is his opinion that the majority of the traffic flow will be coming in on East Street, and going out on Beech Street mainly because of traffic going back to Sandusky Street will want to make a right turn onto Sandusky Street. All will depend on stacking and the direction various employees want to go that are parking there. There would be entries and exits off of both East Street and Beech Street. Their existing parking lots exit out onto Sandusky Street at multiple points. They would be closed on the proposed plan.

Mayor Mihalik noted that it was explained at the City Planning Commission meeting that MPC expects traffic to enter and exit the parking garage over a wide variety of time. Their employees do not all let out at the same time. The target time is between 4:45-5:45pm. It will not be a shift coming to work at a specified time like Tall Timbers does.

Kent Weaver – downtown plan

Mr. Weaver is a four (4) generation property owner/business owner in downtown Findlay. He provided positive responses to what the City of Findlay is proposing for downtown. Main Cross Street/Main Street and Sandusky Street/Main Street are the two (2) most dangerous intersections in this ODOT region and needs to be addressed. He would be in favor of taking Main Street from five (5) lanes to three (3) or any other feasible plan if needed. Main Street needs to be safe for everyone, for both motorists and pedestrians. Findlay citizens need to pay attention to the recommendations from the Project Engineers and ODOT. Everyone needs to be safe downtown. Through a generous donation from Marathon Petroleum and a possible ODOT grant, this project could basically be paid for with those monies, with, at the very least, a small amount from Findlay. Studies show that reverse angle parking is the safest form of parking, more so than pull in or parallel parking. By installing reverse angle parking, downtown Findlay could gain eighty (80) parking spaces. Customers are the lifeline of businesses downtown. Downtown businesses major concern is parking. The retail business community will continue to decline if more public parking is not developed. Retail is what drives the downtown. Who would want to open a business in a downtown environment where there is not adequate public parking. Mr. Weaver received a degree in Architecture from Ohio State many years ago. He recited a quote from one of his City and Regional Planning Professors: *when retail in a downtown dies, the downtown dies. When the downtown dies, the town dies.* A prime example of this is Fostoria and Lima. Thirty-eight (38) years ago when he joined his family's business, there were seventeen (17) retail stores in the 500 block of South Main Street. Now there are three (3). Something has to be done. Many years ago, a streetscape was being planned, but was voted down. The proper channels were gone through, but some balked and threatened a lawsuit, so it was never done. By not doing the streetscape downtown years ago, he feels that is part of the decline in the downtown Findlay retail community and something needs to be done about it. He asked for Council's support in applying for the ODOT grant. The City's Service-Safety Director Schmelzer is quoted in today's newspaper as saying that everything so far is conceptual. Nothing is carved in stone and is subject to change. Public input is welcome. The design will evolve as time goes on. Next year will be the primary design of the whole project. All the groups need to come together (i.e. business groups, property owners, young professionals, general public, City of Findlay, Engineers, and ODOT) to come up with a plan that works best for the community, downtown, and the City as a whole.

Jereme Kent – downtown revitalization

Mr. Kent is a downtown business owner who supports the proposed downtown development and improvements. He has hired nine (9) employees in the last few years. When his business came to Findlay, they were a two (2) person company with the chance to double within the following year. Not one of those employees, including himself, is from Findlay. He is trying to bring people into this community. It is imperative that Findlay continues to improve the community. Findlay has done an excellent job of attracting businesses. It attracted him to move here from where he started his company in southwest Minnesota. It has been a pleasure to be a part of this community. As a business owner, he is doing everything he can to grow businesses here in Findlay, but he needs help being able to attract young professionals. The future of all of Findlay's businesses are the twenty to thirty (20-30) year olds that his business is trying to attract right now. They have different needs and goals, and are looking for a community where they can have a destination place to go (i.e. an improved downtown as proposed). He has lived all over the country. He is originally from southern California, went to school in Ann Arbor, Michigan, and has lived in Washington, Texas, Pennsylvania, Iowa, and Minnesota. Having lived all around the country, he has seen communities that are booming and communities that are dying. He has been in communities that were once boom towns and now have only one hundred (100) people. He has had the opportunity to be in towns that were small towns that have become great attractions and great destinations to work and live in. Findlay needs to do better at it. Findlay does not have a place to go and hang out or to interview someone to sell them on this community. The downtown revitalization plan is a step in the right direction, but is not the only step. Change is always scary and is never easy, but without change, nothing evolves and gets left behind. He does not want to see Findlay get left behind. A large difficulty in growing Findlay is convincing people that they want to move to Findlay. He loves Findlay and plans to be here for a long time. The bottom line is that it is hard to get twenty to thirty (20-30) year olds to come to Findlay when there are Ann Arbors, southern California's and other places. As a business owner, he is looking for a place where his employees can be safe. The proposed downtown revitalization plan will make downtown Findlay more accessible, safer, and will help him attract talent. He asked Council for their support of the proposed downtown plan and continue to be progressive and continue to lead.

Kelley McClurkin – downtown street plan

Ms. McClurkin provided her positive feelings about the downtown plan. She owns Bread Kneads Bakery and Deli here in Findlay. She is on the Steering Committee for this project. She is a regular community member who is passionate about her community and downtown. She wants our downtown to be a destination and not a cruise through at 45 mph. She does not understand the complaints about the suggested plan when there is so much to gain. There will be more parking spaces. Many complain about parking downtown. There will be easier parking, beautification, and flexibility for restaurant owners to bring their dining outside. It will be pedestrian friendly when crossing the street. Recently, she had some difficulty getting her senior mother across all the lanes of traffic in the allotted time. For those who just want to get from north to south and south to north, there will be alternate routes. Some downtown business owners have already invested in the downtown by not only opening their business there, but also renovating their buildings. She would like to keep this going with community support. During one of the Steering Committee meetings she attend, it was quoted that resonated with her. It came from a Columbus Lawyer, a town that has been in a similar situation to Findlay. Why would a business want to invest in a community (i.e. Marathon) or bring a new business in attempts to attract professionals if the community does not invest in themselves. She wants quality business people (i.e. teachers, doctors, etc.) to see what our downtown can be and what a fabulous city we have.

Emerson Focht – Lye Creek riparian corridor

Mr. Focht urged Council to drop the Lye Creek project after he underwent much study. He has met with some Councilmembers, one whom stopped at his residence the other day and exchanged ideas. That beautification of that project is not going to affect most of the city, but will affect his neighborhood. It will do more harm than good in his neighborhood than anywhere else because of what is going on with all the flooding. The City has mentioned planting two to three hundred (200-300) trees to make it into a wildlife preserve, and also controlled burning. Controlled burning is against the law, but is done in the city. If the City wants a wildlife preserve, you wouldn't want to burn out the nests and need to take into consideration all the animals that would be in that area. There is at least one herd of about nineteen (19) or twenty (20) deer over by the country club that comes through his neighborhood on a regular basis. Coyotes would start to come in after awhile and go after the wildlife. He asked who will maintain the area. He had a gentleman volunteer to do it, but knows it would get old after awhile. There is a lot of trash (i.e. plastic bags, down trees, shrubs) in that area over through to Sandusky Street from East Main Cross Street. Most of his neighborhood has been canvassed with over fifty percent (50%) saying they do not want this.

Kurt Ramthun – Lye Creek riparian corridor

Mr. Ramthun is in favor of the riparian corridor adjacent to Lye Creek. He was also in favor of the riparian habitat along the east side of Lye Creek before being told it would not happen. The shrubs and trees would have helped fill empty lots where houses once stood. The survey that was presented to Council during the January 21, 2014 City Council meeting was not a complete representation of the neighborhood. He asked Council to consider voting in favor of the grant for the riparian corridor.

Discussion:

Councilwoman Frische noted that she walked the neighborhood and talked to about a dozen people in that area because this has been a very torn subject between Council and what everyone thought was happening. The properties in that neighborhood are natural and beautiful where property owners can sit out and enjoy nature. She understands their concerns and viewpoints. Their biggest point is the view of a dirty area with bushes collecting from the flood waters. She explained the pluses to why the City is in favor of this project. She talked to seven (7) who were against it whose property backs into it in the immediate area, and two (2) others that were in favor of it.

Councilman Klein asked Mr. Ramthun what side he lives on. Mr. Ramthun replied that he lives on Hawthorne and has a woods behind his house. Councilman Klein then asked if Mr. Ramthun if he is east of Lye Creek. Mr. Ramthun replied he is on the south side. Councilman Klein noted that Mr. Ramthun is the first person to address Council that is in favor this project.

Councilwoman Frische added that there were individuals who came to the January meeting on this project who were in favor of the project. She asked what happened to those individuals. She also asked if some of those she talked to on her walk were some of those who were in favor of it back in January and have since changed their mind after they thought it through further. There are still the two (2) individuals who are standing strong and Mr. Ramthun would make three (3) that Council knows of that are in favor of this project.

PETITIONS:

Petition for Annexation – Ranzau/Jaqua annexation

A petition for annexation to the City of Findlay filed by Philip L. Rooney of Rooney & Ranzau, Ltd. on March 12, 2014. A legal description for said property is attached with the petition. The Master Agreement for Revenue Sharing is attached with the petition. The property to be annexed is in Marion Township, Hancock County. Resolution 014-2014 was created (Resolution of Services). Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS

Findlay W.O.R.C. Financial Analysis report – January 1, 2014 through February 28, 2014. Filed.

City Income Tax Monthly Collection Report – February 2014. Filed.

N.E.A.T. Departmental Activity Report – February 2014. Filed.

Findlay Police Department Activities Report – February 2014. Filed.

Health Commissioner Stephen Mills – Project #31992400 Medical Reserve Corps Grant

The Findlay City Health Department received a continuation grant award in the amount of three thousand five hundred dollars (\$3,500.00) from the National Association of City and County Health Officials. This grant award will enable the Findlay City Health Department to continue to develop and maintain an official Medical Reserve Corps. in Hancock County. The Findlay City Health Department currently houses the local Medical Reserve Corps. which is a nationally recognized program that is dedicated to establishing teams of local volunteer medical and public health professionals to contribute their skills and expertise during times of community need. The Findlay City Health Department has utilized previous grant dollars awarded to recruit, train, outfit, and maintain a database of medical volunteers that could be called upon to respond to emergency situations in Findlay and Hancock County. Their local MRC Unit was recently nominated for a national Ambassador Award which honors MRC Units that have successfully carried their activities over the past year that meet the Surgeon General's priorities for public health including improving heal literacy, increasing disease prevention, eliminating heal disparities and improving public health preparedness. The Findlay unit was recognized for its volunteer work during Healthy Kids Day last April and will participate in the event again this year. An appropriation of funds is requested. Ordinance No. 2014-018 was created.

FROM: Medical Reserve Corps Grant
TO: MRC Grant #31992400

\$ 3,500.00
\$ 3,500.00

Discussion:

Councilwoman Spence congratulated the Health Department for the work they do. This Medical Reserve Corp project is exceptional. The Health Department's ability to find the grant funding to help bring these kind of projects to our community is phenomenal. They do a great job. Filed.

Service-Safety Director Paul Schmelzer – N Main St/Lexington Ave Intersection; Crystal Ave/N Blanchard St Intersection projects

By authorization of Ordinance NO. 2013-022, bids were opened for these projects on February 27, 2014. Bids were received from five (5) potential contractors. The lowest and best bid in the amount of eighty-two thousand one hundred thirty-seven dollars and fifty cents (\$82,137.50) for both projects were received from FET Construction Services of Sylvania, Ohio. The contractor is responsible for purchasing and installing the signal poles. The City Traffic Lights personnel will purchase and install the wiring and equipment (i.e. pre-emption). The requested appropriations include funds for the contractor, equipment, and contingency. The projects are included in the 2014 Capital Improvements Plan. Legislation to appropriate funds is requested. Ordinance No. 2014-018 was created.

FROM:	Capital Improvements – CIT	\$ 205,000.00
TO:	N Main ST/Lexington Ave Intersection project #32832500	\$ 90,000.00
TO:	Crystal Ave/N Blanchard St Intersection project #32832400	\$ 115,000.00

Service-Safety Director Paul Schmelzer – north water tower

Authorization to bid and contract the painting and repair of the south water tower and the Water Treatment Plan SCU #1 is included in the 2014 Capital Improvements Plan. The painting and repair of the north water tower is budgeted in the Capital Plan for 2016. Since the scope of the projects are the same, it is possible to realize significant savings by contracting the repairs of both towers at the same time. Legislation to advertise and bid the north water tower work is requested. If bids are favorable, a separate request for authorization to award a contract and appropriate construction funds will be requested at another City Council meeting. Ordinance No. 2014-019 was created. Filed.

Service-Safety Director Paul Schmelzer – insurance payment for repair of a pick up truck

The City has received payment for the repair of a pick up truck from an accident from the City's insurance company in the amount of eight hundred sixty-six dollars and seventy-three cents (\$866.73) which has been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2014-018 was created.

FROM:	Water Fund	\$ 866.73
TO:	Water/Sewer Billing Department #25072000-other	\$ 866.73

Discussion:

City Auditor Staschiak noted that this money was not deposited in the General Fund as the letter stated. It was deposited in the Water Fund. Filed.

Service-Safety Director Paul Schmelzer – Street Dept dump truck

The 2013 Capital Plan included replacement of a 1988 dump truck. The chassis was ordered and given to the vendor responsible for outfitting the bed and plow. Since the vendor did not deliver the truck in 2013 due to a reported delay in delivery of parts, the purchase order was not written in 2013 and the capital money required was turned back into the Capital Fund. The fifty-five thousand five hundred seventy dollars (\$55,570.00) required to complete this work did not have a purchase order written in 2013 and was mistakenly omitted from the 2014 Capital Plan. Legislation to transfer money that was turned back to the Capital Fund last year and be re-appropriated as part of the 2014 plan to complete this process is requested. Ordinance No. 2014-018 was created.

FROM:	Capital Improvements – CIT	\$ 55,570.00
TO:	Street Department #22040000-other	\$ 55,570.00

Filed.

Service-Safety Director Paul Schmelzer – ODOT bridge inspections and load rating program

The City recently received information that the Ohio Department of Transportation (ODOT) is launching a new program to help municipalities achieve full compliance with the Federal Highway Administration's (FHWA) bridge metrics. Under this new program, ODOT will pay one hundred percent (100%) of the cost of bridge inspections and load rating for the next three (3) years beginning July 1, 2014. The City has four (4) bridges that require annual inspections (Martin Luther King Parkway, Blanchard Street over the Blanchard River, Trenton Avenue over the CSX tracks, and Saratoga Drive over Rush Creek). In order for the City to take advantage of this excellent opportunity, Council will need to adopt legislation at its next meeting allowing the City to opt into ODOT's Bridge Inspection Program Services. Approval of ODOT provided legislation on an emergency basis is requested. Ordinance No. 2014-024 was created.

Discussion:

Councilman Klein asked why the Main Street bridge is not part of this project. Service-Safety Director Schmelzer replied that it is already ODOT's. The City is not responsible for the inspection or load rating for it.

Councilwoman Spence asked if this needs to be adopted at this City Council meeting or the next. Service-Safety Director Schmelzer replied this meeting.

Councilman Russel asked what the cost of these inspections will be for the 2017. Service-Safety Director Schmelzer replied that he would be surprised if it would be under ten thousand dollars (\$10,000.00) for all four (4) of them. He anticipates around fifteen thousand dollars (\$15,000.00). With the size and scope, they can be expensive to be inspected. Councilman Russel then asked if they would be an annual fee after that. Service-Safety Director Schmelzer replied that is correct. Councilman Russel then asked if State Route 12 that was re-routed over to the Martin Luther King bridge would take that bridge off the list. Service-Safety Director Schmelzer replied that would. MLK bridge was traded for the Main Street bridge over the river.

Councilman Shindledecker noted that this is an ODOT project but has nothing to do with the Main Street transportation plan. Service-Safety Director Schmelzer added that this is a great opportunity of the City. He appreciates ODOT doing this for us. Filed.

Parks and Recreation Board agenda – March 17, 2014. Filed.

Board of Zoning Appeals minutes – January 16, 2014. Filed.

City Auditor Jim Staschiak - financial reports summary

In order to clarify questions regarding how much of the monies that have been appropriated are available for spending in the City's different projects, a new financial summary report titled Open Projects has been added. The most recent capital improvements appropriations may in some instances create seemingly large unencumbered (available) balances that have been appropriated to certain projects. When a project is closed, unused monies can be returned to the funds where they came, but until that time, the unused appropriated monies are not available for uses other than the specified project and project scope. In order for everyone to have a clear understanding of the financial status of these projects, it is now prudent for the balances to be provided to Council monthly. A set of summary financial reports for the prior month include:

- Summary of year-to-date information as of February 28, 2014
- Cash & investments as of February 28, 2014
- Open projects report as of February 28, 2014
- Financial snapshot including appropriations of the Council meeting on March 4, 2014

Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from ROSI Enterprises, LLC for an extension to build a triplex on 516, 518 and 518 ½ Liberty Street.

We recommend to allow the non-conforming use extension for two (2) years as of June 30, 2014 until June 30, 2016 for parcel 610000330760. Councilman Harrington made the motion, Councilman Shindledecker seconded it.

Councilman Harrington moved to adopt the committee report. Councilman Shindledecker seconded the motion.

Discussion:

Councilman Klein asked what the background was on the committee's recommendation. Councilman Harrington replied that there were extenuating circumstances for the property owner. Prior to ROSI purchasing the property, there was a fire. The seller was informed in writing that they had a certain period of time to follow the requirements to rebuild the property. There is a garage on the property and there are some rules that pertain to that also. At the time of the sale, the new property owner was not informed of the letter from the City to the seller, so it sat for awhile and then the City's Zoning/Floodplain Administrator discovered that there was a new owner of the property and informed him of the situation putting him under hardship because in order for him to rebuild a property there, which at the time was a triplex on a conditional use permit, it made it time and cost prohibited. The new property owner came to Council to ask for an extension with the understanding that if given enough time, he would follow the rules. This was one of the more technically difficult requests to consider but once common sense prevailed, the committee did what was best for the current property owner's interests and what is necessary for the City to make sure the property is eventually brought back to its previous use. Councilman Russel added that after the fire and after the letter was sent, the previous property owner passed away. The current property owner purchased three (3) or four (4) properties from the deceased owner's estate. For the record, Councilman Russel voted in favor of this (he did not mark the Aye box on the committee report form. All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Van Horn, Hoover & Associates, Inc. on behalf of Marathon Petroleum Co., LP to vacate a 66' right of way bounded by the east right of way line of South Main Street and by the west right of way line of East Street.

We recommend grant vacation as requested. Councilman Harrington made the motion, Councilman Shindledecker seconded it. Councilman Russel abstained because of a conflict. Marathon is his employer. Ordinance No. 2014-020 was created.

Councilman Shindledecker moved to adopt the committee report. Councilman Klein seconded the motion.

Discussion:

Councilman Monday asked what the rules are if the majority of the committee members did not sign the committee report. Only two (2) of the five (5) committee members signed this committee report. Law Director Rasmussen replied that Council's rules do not state that a quorum is required for a committee meeting. Committee reports without a quorum have been adopted in the past. Committees serve as investigative bodies and make recommendations. They do not have the ability to approve it. If the majority is in favor of the request, then more would be in support than only a few committee members. In this particular case, there was a quorum even though it is not required. The recommendation on the vote was to move forward, Council does not have to accept that recommendation.

Ayes: Douglas, Frische, Harrington, Klein, Monday, Nichols, Shindledecker, Spence. Abstain: Russel. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Van Horn, Hoover & Associates, Inc. on behalf of Marathon Petroleum Co., LP to vacate a north-south 16.5' alley running from the south right of way line of East Hardin Street to the north right of way line of East Lincoln Street, and being adjacent to lots 173 through 176 in the Byals Addition, and lots 1156, 1157, 1158, 1159, 1211 and 1212 in the Byals 2nd Addition.

We recommend grant vacation as requested. Councilman Harrington made the motion, Councilman Shindledecker seconded it. Councilman Russel abstained because of a conflict. Marathon is his employer. Ordinance No. 2014-021 was created.

Councilman Harrington moved to adopt the committee report. Councilman Shindledecker seconded the motion. Ayes: Douglas, Frische, Harrington, Klein, Monday, Nichols, Shindledecker, Spence. Abstain: Russel.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Van Horn, Hoover & Associates, Inc. on behalf of Marathon Petroleum Co., LP to vacate a 33' right of way bounded by the south right of way line of East Sandusky Street, and by the north right of way line of East Hardin Street. Also from the south right of way of East Hardin Street to the north right of way line of East Lincoln Street.

We recommend grant vacation as requested. Councilman Shindledecker made the motion, Councilman Harrington seconded it. Councilman Russel abstained because of a conflict. Marathon is his employer. Ordinance No. 2014-022 was created.

Councilman Nichols moved to adopt the committee report. Councilman Douglas seconded the motion. Ayes: Douglas, Frische, Harrington, Klein, Monday, Nichols, Shindledecker, Spence. Abstain: Russel.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 013-2014

See page 1 above.

RESOLUTION NO. 014-2014 *(Ranzau/Jaqua annexation)*

first reading

adopted

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND SITUATED N IN THE NORTH HALF OF SECTION 5 AND THE NORTHEAST QUARTER OF SECTION 6, MARION TOWNSHIP, T1N, R11E, A TRACT OF LAND CONSISTING OF 276.627 ACRES OF LAND, MORE OR LESS (REFERRED TO AS RANZAU/JAQUA ANNEXATION).

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

Discussion

Service-Safety Director Schmelzer thanked the Township Trustees for their work on this Resolution for Annexation. It is a large tract of land that could provide a significant opportunity for development.

Ayes: Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, Spence, Douglas. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

ORDINANCES

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

second 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.

Second reading of the Ordinance.

ORDINANCE NO. 2014-018

first reading

(MRC Health Dept grant; intersection projects; Water Dept pick up truck insurance payment; Street Dept dump truck)
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2014-019 *(North Water Tower)*

first reading

adopted

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE PAINTING AND REPAIR OF THE SOUTH AND NORTH WATER TOWERS, AS WELL AS THE WATER TREATMENT PLANT SCU #1, AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilwoman Spence seconded the motion. Ayes: Harrington, Klein, Monday Nichols, Russel, Shindledecker, Spence, Douglas, Frische. The Ordinance received its second and third readings. Councilman Monday moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Klein, Monday, Nichols, Russel, Shindledecker, Spence, Douglas, Frische, Harrington. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-019 and is hereby made a part of the record.

ORDINANCE NO. 2014-020 *(Marathon - E Hardin St vacation)*

first reading

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

First reading of the Ordinance.

ORDINANCE NO. 2014-021 *(Marathon - Elks alley vacation)*

first reading

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

First reading of the Ordinance.

ORDINANCE NO. 2014-022 *(Marathon - Beech Ave vacation)*

first reading

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

First reading of the Ordinance.

ORDINANCE NO. 2014-023 *(Interstate West ROW dedication)*

first reading

AN ORDINANCE ACCEPTING THE STREET RIGHT-OF-WAY DEDICATION AS SHOWN ON THE INTERSTATE WEST RIGHT-OF-WAY DEDICATION PLAT.

First reading of the Ordinance.

ORDINANCE NO. 2014-024 (ODOT – bridge inspection program)

first reading

adopted

AN ORDINANCE COOPERATING WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR BRIDGE INSPECTION PROGRAM SERVICES, INCLUDING, BUT NOT LIMITED TO BRIDGE LOAD RATING CALCULATIONS, SCOUR ASSESSMENTS, BRIDGE INSPECTIONS, AND FRACTURE CRITICAL PLAN DEVELOPMENT FOR BRIDGES UNDER THE CITY'S JURISDICTION, AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to suspend the Statutory Rules and give the Ordinance its second and third readings. Councilman Klein seconded the motion. Ayes: Monday, Nichols, Russel, Shindledecker, Spence, Douglas, Frische, Harrington, Klein. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Nichols, Russel, Shindledecker, Spence, Douglas, Frische, Harrington, Klein, Monday. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-024 and is hereby made a part of the record.

ORDINANCE NO. 2014-025

first reading

(amend alley vacation Ordinance 2006-054; repeal Ordinance 2009-054)

AN ORDINANCE AMENDING CERTAIN PROVISIONS CONTAINED IN SECTION 1 OF ORDINANCE NO. 2006-054 AND REPEALING CERTAIN PROVISIONS CONTAINED IN SECTION 2 OF ORDINANCE NO. 2006-054.

First reading of the Ordinance.

UNFINISHED BUSINESS

OLD BUSINESS:

Councilwoman Spence thanked Connie Ament for coming tonight to inform everyone about Developmental Disabilities Awareness month. She has gotten to know her and her staff well for the last couple of years. They do a wonderful job for the community.

Service-Safety Director Schmelzer thanked those who came tonight to speak about the downtown project. He also thanked the Courier's Lou Wilin for sufficiently getting the point across that the plan that we are talking about is a plan in progress. It is important to note that this is an issue that people are very interested in on both sides. It is our job to listen to their comments and come up with a plan that accomplishes all of the goals to the greatest extent possible for both sides. During the next City Council meeting, the Administration will be providing Council the opportunity to pursue a funding opportunity from ODOT. It is not an approval of a project, nor is it a finalization of the project as there is a lot of work to be done yet. He appreciates Mr. Weaver's comments and all the other comments given tonight about the downtown plan. While it may not be possible to have everything that Mr. Weaver wants in the plan, and it may not be possible to maintain 35 mph, it is still a great opportunity. Findlay has the right people in this community to come up with a compromise and put a good plan together.

Councilman Russel invited everyone to another Downtown Revitalization Plan on March 24, 2014 from 4:30pm-6:00pm at the Findlay Inn & Conference Center. It will be a continuation of public discussion, an explanation of the plan will be given, and time for comments and questions.

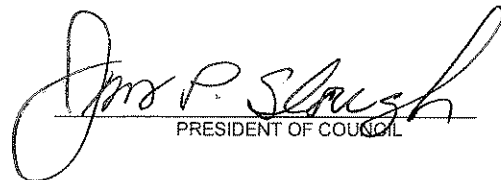
NEW BUSINESS:

Councilman Russel made a motion to excuse the absence of Councilman VanDyne. Seconded by Councilman Klein. All were in favor.

Auditor Staschiak informed Council that the Courier's editorial on the Sunshine Law and Open Public Records Request was very good and worth reading. Through his day to day duties, he has become aware of a situation that his office is very familiar with because they set up the training for public records. The issue that needs to be addressed is that many requests come directly to the City's Computer Services Department that affects all elected officials here tonight and throughout the City. In many of those cases, those requests probably should be referred to the elected officials it pertains to in order to make sure they are handled in a proper manner. The City's Computer Services Department told him that they are not aware of any policy that allows him to forward those requests. Unfortunately, the City's Computer Services Department is in a position where they cannot tell what is or is not a public record and do not know what should or should not be included in those records and are unsure if they are providing all of the records. The issue is multifaceted. Since it impacts every elected official in the room, he asked the President of Council to ask the President Pro-Tem to appoint an Ad Hoc Committee to come up with a policy to protect not only the Computer Services Department and their efforts to do their job, but also to make sure that these requests are answered fully and properly. Council President Slough asked Council Pro-Tem Monday if he would assign an Ad Hoc committee to which he replied that pursuant to Auditor Staschiak's request, he will do so.

President J. Slough adjourned Council at 8:42pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL