

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**JUNE 3, 2014**

**COUNCIL CHAMBERS**

**PRESENT:** Douglas, Frische, Harrington, Klein, Monday, Shindledecker

**ABSENT:** Nichols, Russel, Spence, VanDyne

President Pro-Tem Monday opened the meeting with the Pledge of Allegiance and a moment of silent prayer and asked everyone to keep Chase McGuire's family in their thoughts and prayers in dealing with his death. Chase worked at the Water Pollution Control Plant. His dad is a Hancock County Sheriff Deputy.

## MINUTES:

Councilman Harrington moved to accept the May 20, 2014 Public Hearing minutes for the rezoning of the Ranzau/Jaqua annexation. Councilman Douglas seconded the motion. All were in favor. Motion carried. Filed.

Councilman Harrington moved to accept the May 20, 2014 Regular Session City Council meeting minutes as written. Councilman Shindledecker seconded the motion. All were in favor. Motion carried. Filed.

## ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Shindledecker moved to add and remove the following from tonight's agenda. Councilman Klein seconded the motion. All were in favor. Motion carried. Filed.

### ADD-ONS:

- Letter from Hancock Regional Planning Commission Grant Writer Aleta Foust (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
  - CDBG
- City Planning Commission minutes – May 8, 2014 (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
- Resolution No. 023-2014 (**LEGISLATION** section)
  - Mayor apply for CDBG grant funds

### REMOVALS:

- Ordinance Nos. 2014-045 through 2014-049 (**LEGISLATION** section)

**PROCLAMATIONS:** – none.

**RECOGNITION/RETIREMENT RESOLUTIONS:** – none.

**WRITTEN COMMUNICATIONS:** – none.

**ORAL COMMUNICATIONS:** – none.

**PETITIONS:** – none.

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

**Treasurer's Reconciliation Report** – April 30, 2014. Filed.

**Traffic Commission minutes** – May 19, 2014. Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Divine Wine Bar LLC, located at 326 South Main Street, Findlay, Ohio for a D1 and D2 liquor permit. This requires a vote of Council.

Gregory R. Home, Chief of Police – Divine Wine Bar LLC, located at 326 South Main Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Jeffrey W. Cleemput  
Amy J. Cleemput

Councilman Harrington moved for no objections be filed. Seconded by Councilman Klein. 4 Council members in favor, 2 opposed. Motion denied. Filed.

### Mayor Lydia Mihalik – Dog Warden services

The agreement for Dog Warden services between the City of Findlay and the Board of Hancock County Commissioners expired on December 31, 2013. The City and County are interested in reviewing the agreement for said services for the period commencing retroactively on January 1, 2014 through December 31, 2014. The agreement will then renew itself for additional one (1) year terms for a period not to exceed three (3) years. In consideration for the services to be rendered under this agreement, the City agrees to pay the County the sum of twenty thousand dollars (\$20,000.00) per year. Funds are budgeted each year for these services.

Authorization for the Mayor to enter into an agreement with the Board of Hancock County Commissioners for Dog Warden services for the period of January 1, 2014 through December 31, 2014 allowing for the renewal of additional one (1) year terms for a period not to exceed three (3) years is requested. Ordinance No. 2014-053 was created. Filed.

**Service-Safety Director Paul Schmelzer – 2014 Resurfacing Program, Project No. 32842100**

By authorization of Ordinance No. 2014-006, bids were opened for this project on May 14, 2014. Bids were received from six (6) potential contractors with base bids ranging from one million two hundred forty-nine thousand, five hundred seventeen dollars and seventy-five to one million three hundred seventy-eight thousand nine hundred seventy-six dollars and twenty cents (\$1,249,517.75 - \$1,378,976.20). Alternate bids for five (5) additional streets were also considered. The lowest and best bid was received from Smith Paving of Norwalk, Ohio. An appropriation for the construction contract, which includes the base bid and two (2) alternate streets, along with contingency and inspection is needed. The project is included in the 2014 Capital Improvements Plan that was adopted by Council on February 18, 2014. Legislation to appropriate funds is requested. Ordinance No. 2014-054 was created.

FROM: Capital Improvements – CIT \$ 1,328,000.00  
TO: 2014 Resurfacing Program project #32842100 \$ 1,328,000.00

Filed.

City Planning Commission agenda –June 12, 2014. Filed.

**Service-Safety Director Paul Schmelzer – South Water Tower Painting, Project No. 35740900**

By authorization of Ordinance No. 2014-006, bids were opened for this project on May 21, 2014. Bids were received from six (6) potential contractors with base bids ranging from six hundred sixty-eight thousand five hundred dollars to one million forty thousand dollars (\$668,500.00 - \$1,040,000.00). The lowest and best bid was received from UCL, Inc. of Cincinnati, Ohio. An appropriation for the construction contract along with contingency and inspection is needed. The project is included in the 2014 Capital Improvements Plan that was adopted by Council on February 18, 2014. Legislation to appropriate funds is requested. Ordinance No. 2014-054 was created.

FROM: Water Fund \$ 700,000.00  
TO: South Water Tower Painting Project #35740900 \$ 700,000.00

Filed.

Parks and Recreation Board minutes – May 19, 2014. Filed.

**Hancock Regional Planning Commission Grant Administrator Aleta Foust - FY Future CDBG Formula Programs for City of Findlay**

Hancock Regional Planning Commission (HRPC) will be submitting a Community Development Block Grant (CDBG) application to the State of Ohio on June 20, 2014. The grant application requires a resolution authorizing the City of Findlay to apply for the grant. Emergency legislation to meet the grant deadline of June 20, 2014 is requested. Resolution No. 023-2014 was created.

City Planning Commission minutes – May 8, 2014. Filed.

**COMMITTEE REPORTS:** - none.

**LEGISLATION:**

**RESOLUTIONS**

**RESOLUTION NO. 021-2014** (*E Sandusky St/Osborn Ave intersection upgrades*) **tabled**  
A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT OR CONTRACTS FOR UPGRADES TO THE EAST SANDUSKY STREET/OSBORN AVENUE INTERSECTION, PROJECT NO. 32846100, TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to table the Resolution, seconded by Councilman Shindledecker. Aye: Douglas, Frische, Harrington, Klein, Monday, Shindledecker. The Resolution is tabled.

**RESOLUTION NO. 023-2014** (*apply for CDBG grant funds*) **adopted**  
A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO FILE AN APPLICATION FOR FISCAL YEAR 2014 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Councilman Harrington moved to adopt the Resolution, seconded by Councilman Klein. Ayes: Frische, Harrington, Klein, Monday, Shindledecker, 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. 2014-040** (*Fifth St vacation – does not require a public hearing*) **second reading**  
AN ORDINANCE VACATING A CERTAIN STREET (HEREINAFTER REFERED TO AS FIFTH STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

Second reading of the ordinance.

**ORDINANCE NO. 2014-041** (*Sixth St vacation – requires a public hearing*)

**second reading**

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

Second reading of the ordinance.

**ORDINANCE NO. 2014-042** (*YMCA East St alley vacation – does not require a public hearing*)

**second reading**

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

Second reading of the ordinance.

**ORDINANCE NO. 2014-043** (*Eastern Woods Office Park rezone – does not require a public hearing*)

**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 EASTERN WOODS OFFICE PARK REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO "O1 OFFICE INSTITUTION".

Second reading of the ordinance.

**ORDINANCE NO. 2014-044** (*E Hardin St & E Lincoln St rezone – does not require a public hearing*)

**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 EAST HARDIN STREET AND EAST LINCOLN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL DISTRICT" TO "C3 DOWNTOWN COMMERCIAL DISTRICT".

Second reading of the ordinance.

**ORDINANCE NO. 2014-045**

**removed from further consideration – see Ordinance No. 2014-056**

(*U of F 1<sup>st</sup> alley east of Morey Ave alley vacation – does not require a public hearing*)

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS UNIVERSITY OF FINDLAY FIRST ALLEY EAST OF MOREY AVENUE ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

**ORDINANCE NO. 2014-046**

**removed from further consideration – see Ordinance No. 2014-056**

(*U of F 2<sup>nd</sup> alley east of Morey Ave alley vacation – does not require a public hearing*)

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS UNIVERSITY OF FINDLAY SECOND ALLEY EAST OF MOREY AVENUE ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

**ORDINANCE NO. 2014-047**

**removed from further consideration – see Ordinance No. 2014-056**

(*U of F 2<sup>nd</sup> alley west of Cory St alley vacation – does not require a public hearing*)

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

**ORDINANCE NO. 2014-048**

**removed from further consideration – see Ordinance No. 2014-056**

(*U of F 1<sup>st</sup> alley west of Cory St alley vacation – does not require a public hearing*)

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

**ORDINANCE NO. 2014-049**

**removed from further consideration – see Ordinance No. 2014-056**

(*U of F W Foulke Ave between Morey Ave and Cory St vacation – does not require a public hearing*)

AN ORDINANCE VACATING WEST FOULKE AVENUE (HEREINAFTER REFERED TO AS UNIVERSITY OF FINDLAY WEST FOULKE AVENUE BETWEEN MOREY AVENUE AND CORY STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

**ORDINANCE NO. 2014-051** (*annual bids and contracts*)

**second reading**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, WITH OPTION YEARS, FOR THE PURCHASE OF THE MATERIALS, CHEMICALS, AND SERVICE AGREEMENTS NEEDED BY THE VARIOUS DEPARTMENTS OF THE CITY OF FINDLAY, OHIO COMMENCING JANUARY 1, 2015, AND DECLARING AN EMERGENCY.

Second reading of the ordinance.

**ORDINANCE NO. 2014-053** *(continuation of Dog Warden services)***first reading**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH THE BOARD OF COMMISSIONERS OF HANCOCK COUNTY, OHIO, FOR DOG WARDEN SERVICES IN THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

## Discussion:

Councilwoman Frische asked if three (3) one year terms needs to be listed in this Ordinance as it does in the Mayor's letter. Law Director Rasmussen replied it does not need to be listed in the Ordinance.

First reading of the ordinance.

**ORDINANCE NO. 2014-054****first reading**

*(Self-Insurance invoices; 2014 resurfacing program project 32842100; South Water Tower painting project)*  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

## Discussion:

Councilwoman Frische asked what the additional fifty thousand dollars (\$50,000.00) Self-Insurance appropriation is for and what the twenty thousand dollars (\$20,000.00) that was already budgeted at the beginning of the year for Self-Insurance Fund used for. Law Director Rasmussen replied that there are two (2) cases pending. There is one small bill already pending payment in his office. The last time he requested an appropriation of three thousand three hundred forty-four dollars and eighty cents (\$3,344.80) via Ordinance No. 2014-030, it was not enough, so he is estimating this fifty thousand dollars (\$50,000.00) appropriation will be enough to cover any upcoming bills for the remainder of this year. He cannot predict how many times the City will get sued this year to know an exact dollar amount he needs for the year, but there is no way to know. He compared dollar amounts used from the Self-Insurance Fund from 1996 to present. Councilwoman Frische asked if this appropriation will sufficiently cover what cases the City currently has. Her records show that an average of twenty thousand dollars (\$20,000.00) or less is used in Self-Insurance funds each year. Law Director Rasmussen replied that the Self-Insurance review shows that twenty thousand dollars (\$20,000.00) or less is not the average per year. Councilwoman Frische that it was her understanding that in previous years, the City was averaging less than twenty thousand dollars (\$20,000.00). Law Director Rasmussen listed some of the amounts through the years that fluctuate year to year. Many years, the City was well over twenty thousand dollars (\$20,000.00). Councilwoman Frische asked if the figures the Law Director just listed were used to pay claims or for other bills. Law Director Rasmussen that part of the funds were used to pay claims and services. Councilwoman Frische then asked if the original twenty thousand dollars (\$20,000.00) that was appropriated for Self-Insurance Fund at the beginning of this year was used for claims. Law Director Rasmussen replied that a fifteen thousand dollar (\$15,000.00) claim and attorney's fees were paid out of it. Councilwoman Frische then asked if there are any funds left in the Self-Insurance Fund. She noted that in February or March, an additional three thousand dollars plus (\$3,000.00+) was appropriated. She asked if that additional appropriation then was requested because there were no funds left Self-Insurance Fund. She was under the impression that the original twenty thousand dollars (\$20,000.00) was for claims. President Pro-Tem Monday stopped the discussion noting that according to Roberts Rules, the discussion should take place upon a motion to approve the Ordinance after the final reading. Law Director Rasmussen replied President Pro-Tem Monday is correct, but that he does not mind answering questions. He asked Councilwoman Frische how much she feels he should appropriate if she knows how much he will be paying as he has no way of knowing which is why he is asking for fifty thousand dollars (\$50,000.00). It is his hopes not to spend any of it, but he has to have a purchase order ready for when the bills come in. He cannot get a purchase order with an appropriation of funds. If he cannot get the appropriation, Council will have to pass legislation without a purchase order, which Council does not like to do. He is unable to give an exact dollar figure of how much funds he will need for the rest of the year. When his Administrative Assistant asked the City's Auditor's Office about the bill that is waiting to be paid once this ordinance is adopted and funds are available, she was told by the Auditor's Office that more funds should have been appropriated when the additional three thousand dollars plus (\$3,000.00+) was appropriated. The Auditor's Office did not provide an exact amount to appropriate, so he is estimating how much is needed for the remainder of the year so that he does not have to continually come to Council to appropriate more money. Councilwoman Frische wants to make sure there are claims to appropriate funds. If there are not claims yet, she does not want to over appropriate funds.

First reading of the ordinance.

**ORDINANCE NO. 2014-055** *(repeal Ord 2014-023 Interstate West ROW dedication plat )***first reading**

AN ORDINANCE REPEALING ORDINANCE NO. 2014-023 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

First reading of the ordinance.

**ORDINANCE NO. 2014-056****first reading**

*(replace Ordinances 2014-045 through 2014-049 U of F street/alley vacations – does not require a public hearing)*

AN ORDINANCE VACATING CERTAIN ALLEYS AND A PORTION OF WEST FOULKE AVENUE BETWEEN MOREY AVENUE AND CORY STREET (HEREINAFTER REFERRED TO AS THE UNIVERSITY OF FINDLAY FOULKE STREET/ALLEY VACATION) AND DECLARING AN EMERGENCY.

First reading of the ordinance.

## UNFINISHED BUSINESS

### OLD BUSINESS:

Councilman Harrington asked if Council will file an objection or let the Divine Wine Bar liquor permit die and let the State Liquor Control Board decide to approve or disapprove it since the 4-2 vote denied the request. Law Director Rasmussen replied that nothing has happened so far because Council's 4 in favor and 2 against which means we do not have the votes to approve it. It has to be the majority vote of the elected officials which in tonight's case would be a 6 in favor 0 against vote in order to pass it. Councilman Harrington noted that in the past, there has always been at least one nay vote on liquor permits. Law Director Rasmussen replied that in those cases, there were ten (10) members present. So if of those ten (10) members, nine (9) vote in favor and one (1) votes against it, that would be a majority of elected officials. Since there are only six (6) Councilmembers present tonight, all six (6) are the majority, so all six (6) would have to be unanimous one way or the other to file a request for a hearing or not. Tonight's 4-2 vote is not enough to do anything.

Councilwoman Frische asked for the status of the Ad Hoc Committee for a policy on public records requests. Councilman Douglas replied that Councilman Nichols is the chairman of that committee. It has been put on hold pending the Law Director's additional research. Law Director Rasmussen added that he has obtained the policy from the Attorney General's Office. He melted that policy with some of ours and created an internal policy designed for those making a request, fulfilling the request and keeping track of the requests. The internal policy is currently with the City Clerk for the Mayor's review. Once the Mayor approves it, it will then go to the Ad Hoc Committee.

Councilwoman Frische asked if anything is in place for GovDeals.com so that departments can begin selling items. Law Director Rasmussen replied that once the process the departments are using is given to him, an ordinance will be done. The statute states that the process needs to be spelled out before legislation can be passed each year. While it seems redundant, it is what the statute requires.

### NEW BUSINESS:

Councilman Harrington made a motion to excuse the absence of Councilmen Nichols, Russel, VanDyne, and Councilwoman Spence. Seconded by Councilman Klein. All were in favor.

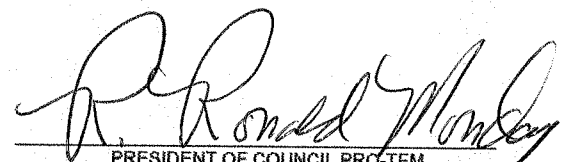
Service-Safety Director Schmelzer updated Council on the various ditches in Findlay:

- Dalzell Ditch continues to move forward with the Commissioners. There is a viewing on July 21, 2014 and a hearing on August 5, 2014, then they will look at when to start construction.
- Still continuing to look at the Oil Ditch. There may be some opportunities there going through Soil and Water to speed the petition process up. He will provide updates once he and Steve Wilson make a determination on what way to go.
- He and Steve Wilson are looking at petition information and estimates to move forward with Howard Run.

Councilman Harrington informed everyone that if they get a chance to drive through Lima Avenue across from the Airport to Western Avenue. The Safe Routes grant allowed for the installation of a temporary sidewalk/walking/biking area underneath the overpass. This was long overdue. The pedestrians and students in the West Park area had a tough time getting through that area. The reason it is temporary is because it will be torn up with the new interchange of SR15/SR23/I-75, but will be redone on a permanent basis.

President Pro-Tem Monday adjourned Council at 7:55pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL PRO-TEM