

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

DECEMBER 3, 2019

COUNCIL CHAMBERS

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

ABSENT: none

President of Council Monday asked that Council have a moment of silence for Merle Wittenmyer, former City Engineer, who passed away a few days ago.

President of Council Monday opened the meeting with the Pledge of Allegiance and a moment of silence.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the November 19, 2019 Regular Session City Council meeting minutes, Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

President of Council Monday introduced members of the Miracle League of Findlay: President Brad Koller, Board Members Stephanie Partee and Lisa Mansfield who are here to present an award.

President Koller informed Council that the Miracle League of Findlay was the host for the 2018 first Miracle League All-Start event, which was a national event. With the help of former Mayor Mihalik, Safety Director Schmelzer, and Mayor Muryn, they are presenting a memorial to the first all-star game. The second one was this past November where the City of Findlay was recognized at that event as being instrumental in the Miracle League activities and hosting the all-star events. They were presented with a plaque that they brought tonight to give to the City. The Miracle League Network, consisting of three (300) teams, is very much appreciative of everything the City of Findlay did and the Miracle League of Findlay did to make the first year successful. The next year's league is in November in Houston, TX.

Discussion:

Councilman Hellmann noted that he went to a couple of the games. It was an excellent event that was well-organized and well-attended. He thanked the league for everything they did that brought that kind of attention to the City of Findlay, as well as how they took care of the kids that were heavily involved in the activities.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Russel moved to add the following on tonight's agenda, seconded by Councilman Slough. All were in favor. Motion carried. Filed.

ADD-ON:

- Letter from Service Director/Acting City Engineer Thomas – traffic signal equipment replacement (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)
- Ordinance No. 2019-109 traffic signal equipment replacement (**LEGISLATION** section)

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS: none

ORAL COMMUNICATIONS:

Hancock Regional Planning Commission Director Matt Cordonnier – grants

Director Cordonnier explained Ordinance No. 2019-106 that authorizes the Mayor/Hancock Regional Planning (HRPC) to apply for an infrastructure grant through the State of Ohio for sanitary sewer lining generally located east of Broad Avenue, north of Trenton Avenue, south of Melrose Avenue, consisting of thirteen (13) streets. The total grant request is for five hundred thousand dollars (\$500,000) with the City's twenty percent (20%) match, or one hundred thousand dollars (\$100,000). He is requesting that the Ordinance be given its three (3) readings tonight and be passed as an emergency. In November, the State of Ohio notified the entire state that they would be opening up another round of infrastructure grants and would be accepting letters of interest on November 15, 2019 which has to be approved via those letters of interest. HRPC submitted a letter of interest on behalf of the City of Findlay, and received notification back, to go ahead and apply. Grants are due December 13, 2019. The State alerted everyone in November that they would be opening up funds for infrastructure grants and that letters of interest can be submitted starting November 15, 2019 with grant applications due December 13, 2019. The State provided a short timeline. A public notice to advertise was in the newspaper this past Saturday. A public hearing will be held on December 9, 2019 at 11:00am in Hancock Regional Planning's conference room for residents to convey their concerns and questions.

Discussion:

Councilwoman Frische asked if the amount of the grant and the City's match will complete the project. Director Cordonnier replied that the total request is for five hundred thousand dollars (\$500,000) with four hundred thousand dollars (\$400,000) being grant dollars and one hundred thousand dollars (\$100,000) being the City's match. Councilwoman Frische asked if that will complete the project. Director Cordonnier replied it will complete the project.

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Planning Commission agenda – December 12, 2019; **minutes** – November 14, 2019. Filed.

Treasurer's Reconciliation Report – October 2019. Filed.

Hancock Regional Planning Commission Director Matt Cordonnier – CDBG Critical Infrastructure PY 2019

On November 25, 2019, the Office of Community Development opened an application for the competitive CDBG PY 2019 Critical Infrastructure Grant Program. Hancock Regional Planning Commission intends to apply for this grant on behalf of the City of Findlay. The City Engineer has identified the lining of sewer lines in and around the following area to be the best use of grant funds:

Broad Avenue, Rockwell Avenue, Clifton Avenue, Rector Avenue, Prentiss Avenue, Lester Avenue, Edith Avenue, Bolton Street, Fox Street, Ferndale Avenue, Delmont Drive, Cottonwood Street and sewer in the rear yards behind Edith Avenue and Melrose Avenue.

The total grant request is for five hundred thousand dollars (\$500,000) of which one hundred thousand dollars (\$100,000) is the City's required match. Legislation authorizing the Mayor of the City of Findlay to file an application for the CDBG PY2019 Critical Infrastructure Grant Program and the commitment of one hundred thousand dollars (\$100,000) as a local match is requested. This application has a submission deadline of December 13, 2019 at 5:00pm, therefore it is requested that the Ordinance be passed on an emergency measure (*project description attached*). Ordinance No. 2019-106 was created. Filed.

Service Director/Acting City Engineer Thomas – Blanchard River Greenway Trail Extension, Project No. 31980300
Plans for this project are complete and is now ready to be bid. In order to keep with ODOT's established timeframe, Engineering plans on advertising the project for bids before the end of the year with the bid opening in January. A small appropriation is needed to cover the advertising costs. Once the bids are received, there will be a separate appropriation requested to cover the construction costs and contingency. Legislation to appropriate and transfer funds is requested. Ordinance No. 2019-107 was created.

FROM: CIT Fund – Capital Improvement Restricted Account	\$ 400.00
TO: Blanchard River Greenway Trail Extension <i>Project No. 31980300</i>	\$ 400.00

Discussion:

Councilman Watson notified Council that this is in the agenda. Filed.

Safety Director Schmelzer – VHF Radio System

For the past year, the City has been working with vendors to determine the best approach to build a VHF system for the City of Findlay. The City utilizes a VHF system for radio communications. With the advent of the statewide MARCS radio communication system, the City moved away from owning and maintaining a communication system. Over the past few years, the performance and coverage of the MARCS system has improved. From a functional perspective, the MARCS system is now working well for the City, but there are concerns with relying entirely a statewide system. This concern is why it is prudent to examine a backup system. A four (4) channel VHF system is the best alternative. The system would utilize the two (2) existing water towers as antenna locations providing coverage to all of the City. The system could be expanded if the County would choose to add redundancy to the MARCS system in the future. Three hundred fifty-four thousand (#354,000) is currently in the project for phase 1. Funding has not been spent yet because there was not a good picture of the complete build-out until recently. It is now know that phase 2 will cost approximately two hundred fifty thousand dollars (\$250,000). Legislation to appropriate funds is requested. This additional funding should complete the project. The four (4) channels will provide redundancy to Police, Fire and Public Works. This can be discussed in a separate meeting or during the budget discussion for the Police Department with the goal of appropriating funds at the last City Council meeting this year. Ordinance No. 2019-108 was created.

FROM: CIT Fund – Capital Improvement Restricted Account	\$ 250,000.00
TO: VHF Radio System <i>Project #31983000</i>	\$ 250,000.00

Filed.

Service Director/Acting City Engineer Thomas – traffic signal equipment replacement

A signal control cabinet and the equipment inside were damaged over the weekend due to an automobile accident at the intersection of Trenton Avenue and Broad Avenue. With it being at the end of the year, the Traffic Light Department does not have enough funds in the R&M Equipment line item to purchase replacement equipment. There is some lead time on the equipment due to it being the start of the winter season, but would like to order replacement equipment before the end of the year. Legislation to appropriate and transfer funds is requested. Ordinance No. 2019-109 was created.

FROM:	CIT Fund – Capital Improvement Restricted Account	\$ 12,000.00
TO:	Traffic Lights #22043200-other	\$ 12,000.00

Discussion:

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

Councilman Russel asked if there is any need to pass the Ordinance tonight. Service Director/Acting City Engineer Thomas replied that that the sooner it is approved, the sooner he can get it ordered. He would like to get the equipment ordered by the end of the year. There is lead time on all traffic equipment. Since there currently is not an extra cabinet out and is getting to the time of year for inclement weather, it would be nice to have one on hand in case another cabinet gets hit.

Councilman Russel asked if that area is currently operational there and if this is request is just to stock pile. Service Director/Acting City Engineer Thomas replied that it is currently operational there. The shelves in the cabinet are wired up so that they will stay up and hold the equipment. It is still working, but the sooner it can be fixed, the better.

Councilman Niemeyer asked if this will be covered by someone’s insurance. Service Director/Acting City Engineer Thomas replied that it may possibly be covered under someone’s insurance. He has not seen the accident report. There were several issues (i.e. driving without a license, suspended license, invalid plates), so it is unclear if the driver had any insurance for the City to get any money back from. Mayor Muryn added that the City will be submitting it to their insurance when they receive the information to recoup the expenses. What dollar amount is yet to be determined.

Councilwoman Frische asked if this is an over-abundance amount that is usually budgeted for traffic signals that could be put in the January budget or if it is something in addition to what is already being planned. Service Director/Acting City Engineer Thomas replied it can be done out of the January budget, but would be another month until anything could be ordered for it. Councilwoman Frische noted that since it is operational, she was thinking it could wait. Service Director/Acting City Engineer Thomas replied that it is operational right now. Filed.

COMMITTEE REPORTS:

The **COMMITTEE OF THE WHOLE** met on November 19, 2019 to allow municipal advisors from Baker Tilly Virchow Krause, LLP and Associates to present to Council on long-term strategic and financial planning.

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

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 024-2019 (*walkable community*) **requires three (3) readings**

third reading – tabled after third reading on 11/19/19

A RESOLUTION SUPPORTING THE UNITED STATES SURGEON GENERAL'S CALL TO ACTION TO PROMOTE WALKING AND WALKABLE COMMUNITIES.

ORDINANCES:

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

third reading – tabled after third reading on 8/6/19

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

ORDINANCE NO. 2019-098 **requires three (3) readings**

(*MOU with Hancock County Combined General Health District*)

third reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE HANCOCK COUNTY COMBINED GENERAL HEALTH DISTRICT, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-098 and is hereby made a part of the record.

ORDINANCE NO. 2019-099 (*Howard St sewer separation*) **requires three (3) readings**

third reading - adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-099 and is hereby made a part of the record.

ORDINANCE NO. 2019-100 (*County software licenses*) **requires three (3) readings**

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2019-101 (*digital sign bids*) requires three (3) readings

second reading

AN ORDINANCE AUTHORIZING THE PLACEMENT OF AN ADVERTISEMENT IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE MUNICIPAL CORPORATION TO SOLICIT BIDS FOR AN ELECTRONIC ADVERTISING SIGN ALONG THE INTERSTATE IN FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2019-102 (*STRICT FFD training facility*) requires three (3) readings

second reading

AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO MANAGE PROCUREMENT OF MATCHING FUNDS THROUGH PUBLIC, PRIVATE, AND JOINT SOURCES, AND AUTHORIZE PROFESSIONAL SERVICES AS REQUIRED FOR A REGIONAL TRAINING FACILITY TO BE UTILIZED BY PROFESSIONAL AND VOLUNTEER FIREFIGHTERS OF HANCOCK COUNTY, OHIO, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO 2019-103 (*2321 North Main Street rezone*) requires three (3) readings

second reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 2321 NORTH MAIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO R3 SINGLE FAMILY, HIGH DENSITY.

Second reading of the Ordinance.

ORDINANCE NO. 2019-105 (*Blanchard St/Lincoln St project*) requires three (3) readings

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2019-106 (CDBG Critical Infrastructure PY 2019) requires three (3) readings

first reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO FILE AN APPLICATION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE CRITICAL INFRASTRUCTURE GRANT PROGRAM.

Councilman Slough moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilwoman Frische. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance received its second and third readings. Councilman Slough moved to adopt the Ordinance, seconded by Councilwoman Frische. Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-106 and is hereby made a part of the record.

PLEASE NOTE: "AND DECLARING AN EMERGENCY" was added to the header of this Ordinance after it was adopted due to a clerical error of omitting it when the Ordinance was read and passed. The emergency clause was included in SECTION 2 of the Ordinance, therefore, it is effective immediately upon signage.

ORDINANCE NO. 2019-107 (Blanchard River Greenway Trail Extension) requires three (3) readings

first reading - adopted

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

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

Discussion:

Councilwoman Frische asked for the location of this project. Service Director/Acting City Engineer Thomas replied that it will pick up where the existing bike path ends behind the former Kodak building on East Main Cross, go to West Main Cross heading east to Bright Road.

Ayes: Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-107 and is hereby made a part of the record.

ORDINANCE NO. 2019-108 (VHF Radio System) requires three (3) readings

first reading

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

First reading of the Ordinance.

ORDINANCE NO. 2019-109 (*traffic signal equipment replacement*) **requires three (3) readings**

first reading - adopted

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

Councilman Russel moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Shindledecker. Ayes: Shindledecker, Slough, Watson, Wobser, Harrington, Hellmann, Niemeyer, Ostrander, Russel. Nays: Frische. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-109 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS

Councilman Wobser pointed out that City Auditor Staschiak has included one hundred thousand dollars (\$100,000) in next year's budget for Baker Tilly Virchow Krause, LLP and Associates to provide long-term strategic and financial planning for the City. Baker Tilly Virchow Krause, LLP and Associates presented to the COMMITTEE OF THE WHOLE on November 19, 2019.

Councilman Wobser noted that at the last City Council meeting, he informed Council that he was going to offer an amendment at the third reading on December 17, 2019 of the Blanchard Street renovation Ordinance No. 2019-105 so that Council would have the opportunity to look at an alternative versus the current plan that is in place in the Ordinance. He and Service Director/Acting City Engineer Thomas put together some estimates with the assumption they will change due to the project. His amendments will be:

- Lincoln Street to Sandusky Street will go down to a single lane to allow for left-turn lanes at both of those intersections which takes care of thirty-five to forty percent (35-40%) of the recorded accidents over the last three (3) years. It will take care of the Sandusky Street/Blanchard intersection which is probably the worst intersection.
- It provides a sharrow lane on the outside lane versus a dedicated bike path which is a good way to still have bicycles involved, but not as a separate lane.
- He has been asked why the current sidewalk is not being expanded into a multi-use trail like what is going to happen on Lincoln Street so that it goes from a sidewalk to a multi-use trail and keeps bicycles off the street. The traffic on Blanchard Street from one end to the other varies greatly making the proposed type of bike path nearly impossible.
- It does not change anything that is currently in place for Lincoln Street.
- His amendments do not have all the safety portions involved that the State would like the City to correct, so the City will have to pay for more of this project than what is currently planned out.

He read the estimate:

The City share would increase from two hundred thirty-eight thousand one hundred fifty-three dollars (\$238,153) with the existing plan to one million five hundred seventy-eight thousand dollars (\$1,578,000) for what he is proposing, which is an increase of one million three hundred thousand dollars (\$1,300,000), which is what would happen if the City gives back state funding and does a project on their own.

- Some have asked why the City cannot purchase the property on Sandusky Street and then increase the size of the intersection to put in left turn lanes. That has been looked into before, but there are some issues with property owners who have made it difficult to purchase. It may be something the City wants to look at in the future, but will not happen any time soon.

Service Director/Acting City Engineer Thomas added that if the City does not take the State funding and does not complete the project as the State has proposed, it would mean that the City will end up spending more money that would not take care of all the safety concerns along that area, and it would not move traffic as efficiently as what is currently proposed. It is not just about the City spending more money. It is the City spending more money to get a product that will not be as effective as what the current proposal is. Councilman Wobser noted that this is what he is proposing as an amendment and will have more comments when the Ordinance is voted on at the next City Council meeting. Mayor Muryn asked Councilman Wobser to forward the email to the rest of Council that the Service Director/Acting City Engineer Thomas had sent him. Councilman Wobser replied that the email also includes drawings that he will share with the rest of Council.

Councilwoman Frische asked Councilman Wobser if he has a breakdown of the cost of the one million five hundred seventy-eight thousand dollar (\$1,578,000) proposal. She has suggested several times to do this project in stages and obtain grant funding to cover costs on Blanchard Street since there still fifty percent (50%) life in it. She asked what the game plan is for the difference in costs. Councilman Wobser replied that the City is either going to pay that amount to get the project done or not pay it. Councilwoman Frische asked if he has considered doing the project in stages and applying for grant funding. Councilman Wobser replied that was not part of the discussion he had.

Safety Director Schmelzer feels this project is perpetually focused on bike paths. He appreciated the in-depth discussion and the amount of time Council has spent on this topic because it is a big change. Consultants are hired for a number of reasons. The City spent forty thousand dollars (\$40,000) on a traffic study. Those that deal with that every day have more of an expertise opinion on it than the City does. The City paid them for this information where they have concluded that they can make the entire corridor safer and still carry the amount of traffic that is projected to grow thirty (30) years from now which has nothing to do with bike paths. The State is proposing to give the City ninety percent (90%) of the funds to accomplish this, so he does not understand why the City would be willing to spend an extra one million three hundred thousand dollars (\$1,300,000) in order to not go with their proposal. From an economic standpoint, it will not change the profile, will not moving curbs, and will have the ability to take the street back to four (4) lanes if need be. He does not understand why the City would want to spend the extra money for something that is not going to accomplish safety along the entire corridor.

He appreciates the questions and thoughts around alternatives due to the public input and the concern about traffic. If the City does what ODOT advises and takes their funding, and use the data and measures what happens post-construction with stripping, if it does not function to the level the City was told it would, the City has recourse and will not be getting rid of the pavement improvements. Fiscal responsibility and talking with the public has been addressed with this project. Two hundred (200) attended the public hearing for this project out of forty-three thousand (43,000) that went on record. The forty-two thousand eight hundred (42,800) individuals that did not respond are out doing what they do every day trusting the City to be fiscally responsible. From those who submitted responses, sixty percent (60%) said they do not like this project and forty percent (40%) said they do. Some of those responses were via letters from groups of individuals that only counted as one (1) comment. Back in 2012, the City had a shortfall of funds and had to layoff Firefighters because the City was out of money. If it wasn't for the fact that the State is offering ninety percent (90%) to the City to make the changes and put bike paths in, he would be against it, but they are offering a significant amount of money. The City can still alter the path in the future if it does not accomplish the desired goal.

Councilman Hellmann concurs with Safety Director Schmelzer's comments. He asked what it would cost the City if the City goes with ODOT's proposal and if it ends up not working where more accidents and more congestion happens and then decides to go back and re-stripe it. Safety Director Schmelzer replied it would be a lot less than one million three hundred thousand dollars (\$1,300,000). If that were to happen, the City would go back to ODOT and inform them that it will not function as the traffic study indicated and would use temporary paint for initial stripping install traffic counters costing approximately forty thousand dollars (\$40,000). The City would be able to analyze and use data to ensure that everything is functioning properly and would know whether or not ODOT was correct in their findings. The same process can be done at any time to measure the performance of the project. He has not calculated what it would cost to re-stripe it. He anticipates it would cost forty thousand dollars (\$40,000) for a traffic count and to re-stripe because the temporary paint is not going to last a year.

Councilman Frische asked what the initial proposal for this project was and asked if it was a bike path project or a safety project. She does not recall it being a safety project at first, but that the bike path came about during a discussion. Prior to that additional discussion, safety grant funding had some stipulations on it where the public has had a difficult time with the concept of taking the street down to one (1) lane both ways. Council has not felt there has been a safety issue on Blanchard Street from Sixth Street to Center Street, but Council agrees that there is an issue at Sandusky Street with Safety Schmelzer taking the lead on removing that issue out of that intersection, but that has not been successful with that one (1) property. She asked if the initial proposal was for a bike bath for Lincoln and Blanchard Streets using the sidewalk and if changes were then made to address safety issues. Safety Director Schmelzer replied that the City sought Transportation Alternative Plan (TAP) funding for a multi-purpose path. During that process, ODOT identified an opportunity to pursue safety funding. Councilman Frische asked if it was the Engineering groups that sought funding. Safety Director Schmelzer replied that is correct. Councilwoman Frische asked if they knew that funding was out there. Safety Director Schmelzer replied that is correct, and so the City pursued funding for the safety study. If the lanes are reconfigured, it will create a safer corridor by going from four (4) lanes to three (3) lanes and not reducing the pavement section. It will open up the opportunity for the bike lanes.

The City told ODOT that we will not shrink the pavement section regardless of what the traffic studies say about traffic in thirty (30) years. It is unknown what the traffic will be, so the City is not willing to do that. If that is the case, there is room for bike lanes in the road and will no longer need to acquire right-of-way in order to have a handicap accessible multi-purpose path outside the pavement section which is why the whole project is to be done within the pavement section for ten cents (\$.10) on the dollar. The traffic study states there is a safety issue, but does not have anything solid for him to contradict their conclusion. By not having that, he would not want to follow through on what ODOT has said and use grant dollars. At some point, the City will have to pay for everything that is being done there, whether it is now or years from now. All the maintenance has to be done at some point. It is a financial decision. Councilman Frische understands that this is a financial benefit, but does not know if it is worth going to the grave to upset the public. She asked how the State of Ohio is going to look at the City if they take the grant and repave the street, and then change it back if it does not work out. She asked if the City will lose some trust with ODOT if that is done and asked if it will effect funding when applying for funding later. Safety Director Schmelzer replied that the City will comprise their integrity more if they do not follow through on the project. Following through the project and letting ODOT know that what the Traffic Engineer found has nothing to do with the City's integrity. The City will not compromise it in any way. It will all be data-driven after the fact. That will be a whole separate conversation if the results do not mimic what the traffic counts do or what the traffic study said it would. He does not know how to answer the question about being worth going to the grave to upset the public. He is paid to look at the information and present it as concisely as possible, and then collectively make a decision. He wonders what the public would say if the headlines were to say that the City wants to waste one million three hundred thousand dollars (\$1,300,000) or if they said that the City ignored the study and spent one million three hundred thousand dollars (\$1,300,000) more than they need to. There would be an equal number of individuals that would be upset about that as there are about the bike paths which is not really the focus of this project. Councilwoman Frische asked why the stages have not been evaluated eliminating the possibility of headlines stating the City wastes one million three hundred thousand dollars (\$1,300,000) and instead state that the City is being fiscally responsible so that the public knows that the City is listening and is having dialog with the community. Even though the public's input shows a sixty/forty (60/40) result, the City just had a general election with a low voter turnout. Two hundred (200) came to the public hearing in the Council Chambers for this, which was a big turnout. The City should be evaluating options to do this project to stages and utilize other grant funding. The Service Director/Acting City Engineer always looks at funding and knows what grants are coming that the City can apply for. If the City ends up doing the project over a two (2) year timeframe because it is known that there is a fifty percent (50%) life left in Blanchard Street, then the City should look at doing the project in stages instead of having a cost of one million five hundred thousand dollars (\$1,500,000), it could be five hundred thousand dollars (\$500,000) or less. Safety Director Schmelzer replied that he does not know how this project could feasibly be done in stages. He asked how it would be done in stages if doing significant modifications to the corridor that would work from point A to point B. He asked if that would mean that only part of it would be done at a time. Councilwoman Frische replied that she was referring to paving. The biggest concern seems to be the dollar amount for paving. The City does paving in stages all the time. The City did the connector for the interstate part on Blanchard a few years ago. Safety Director replied that the City would not get the funding from the State if this project was paved in stages and if modifications made to intersections were done in stages. The City would be spending money that would not have to spent.

Councilman Shindledecker has some serious concerns about the entire project that he will talk about when the legislation is voted on next week. At this point, he disagrees with Safety Director Schmelzer. He has been in this building, in one form or another, for over fifty (50) years and has never seen such passionate rejection to a project since about thirty (30) years ago when it was proposed to license cats. Citizens are so passionately against this that the money does not matter. He realizes that it is a lot of funding from the State. What worries him most is that if the City goes through with any of the plans, it will probably be subject to a referendum in which case it would go to a vote in November and would probably be soundly defeated. If it wouldn't end up being defeated, it would put the entire project a year behind. He has a pretty good feeling for what the public wants for this and does not believe this is one that they will accept. Even if this is approved, it most likely will be defeated in November, and if not defeated, it would still put the project behind by a year.

Councilman Watson noted that he is a School Psychologist and that they have a saying about opinions which is: without data, you just have an opinion. It is important to make data based decisions. The City has the data and recommendations from Traffic Engineers who are the subject matter experts. It is important to make decisions based on data. Without it, we are just guessing.

City Auditor Staschiak referred back to the VHF radio systems item. It would probably benefit Council to get some additional information on this because the City Auditor's Office at the time the City moved towards the MARCS system, Council was intimately involved with the Administration on the project. A question or concern that Council should have prior to the last City Council meeting of this year is that the City strongly encouraged and gave up a significant amount, if not all, their VHF radio band. He is unsure how much, if any is left. He asked how much the City actually owns now after they gave it up when they went to the MARCS system. He also thinks Council should ask if the two hundred fifty thousand dollars (\$250,000) or more will go towards purchasing band width as there was a lot of discussion. He suggested pulling the minutes from those meetings that it was discussed several years ago. He suggested possibly having an APPROPRIATIONS COMMITTEE meeting as this is a complex issue based on the history and not the current request on what the City gave up to get to where it is at and is a request for a significant amount of money. Safety Director Schmelzer replied that he would be happy to answer City Auditor's questions and concerns now or at a different time. He was going to thank Lieutenant Swope during OLD BUSINESS portion of tonight's meeting for the amount of time he has spent on this project which was more than a year. He would be happy to entertain an entire meeting about this topic, discuss it during the budget hearings, or now. The City did give up their frequencies. They were traded in exchange for radios. When the MARCS system was put in place, additional frequencies had to be purchased which had been accounted for in the cost. The VHF radio system is not a replacement system for MARCS. It is a supplemental system that would allow the City to operate in the event the MARCS system has a failure. There have been two (2) failures already. As the City's Safety Director, it is his job to listen to the concerns of the Police Department and Responders and present plans to Council that would offset those kinds of issues, in which he will do so for this issue whenever it is convenient for Council.

Councilman Hellmann asked if the digital sign on I-75 issue via Ordinance No. 2019-101 goes out to bid if it means that Council is in favor of a digital sign or in favor of this particular request. Safety Director Schmelzer replied the Council's desire or direction to go out to bid is in no way shape or form a rubber stamp for an approval of a project. It is just an opportunity that has been presented. If Council wants to see what the details look like, they can be presented to Council. If Council weighs the options that are presented to them and decide not to move forward, that would be Council's prerogative. Councilman Hellmann asked if this opportunity was brought to Council from a third party outside the City. Safety Director Schmelzer replied that is correct. If the consensus is that Council does not want to do this, he would prefer to know that ahead of time before going through the exercise. He is asking for Council to approve it to go out to bid. City Auditor Staschiak noted that the land that the digital sign is to be put on was originally deeded for cemetery use. The cemetery is not in the section where the sewage plant is, but is right beside the cemetery and is that land. Those deeds need to be researched to see if putting a digital sign can even be put there. It may be deed restrictive and may be exclusively for a particular use. He asked if this needs to go through the process that any other regular developer would have to go through per the zoning rules for that type of use on this location. There are rules that do not permit political ads on signs on City property. He asked how that will be regulated if advertising were to be allowed on the sign on City property.

Councilman Hellmann asked if it should be clarified if there are any deed restrictions for putting a digital sign there before time and money is spent on a bid process. Safety Director Schmelzer replied that would be common sense. Councilman Hellmann asked how to proceed. Safety Director Schmelzer replied that is should be simple to find out of there is a deed restriction prohibiting any other use. Mayor Muryn added that she will follow up with Law Director Rasmussen to obtain that information for the next City Council meeting.

NEW BUSINESS

Councilwoman Frische noted that Mayor Muryn placed an FYI document at Council seats tonight about quick claim deeds for the proposed County Probate Court/Juvenile Court at Council project and asked for an explanation of what needs to happen. Mayor Muryn replied that she also emailed this to Councilmembers yesterday. The County approached the City about the shared property that is on the deed restriction on the property that they are looking to develop for a connection between the proposed Probate/Juvenile Court building and the Courthouse. The deed restriction is that they cannot build any permanent structures there without the City's consent. The Administration wanted to provide the proposal it to Council and then following tonight's discussion, prepare legislation if Council gives consent/permission from the City to the County for them to construct on that parcel. Councilwoman Frische noted that about six (6) months ago, it was discussed how the Argyle building was going to affect employee parking. She asked if this project will affect parking and if the City has any say in this. She asked if this will be on the ballot in March as a levy, and if so, if Council should be addressing it before it is on the ballot. Mayor Muryn replied that she will know tomorrow for certain as she is meeting with the County Auditor to hear what different ideas have been submitted to the County. She would like to have the County Commissioners come to the next City Council meeting to present this project and address any questions and concerns.

One of their key points is that they are wanting to connect the two (2) buildings for a common entry point so that they do not have two (2) security checkpoints and have to have two (2) Deputies man it. They were not aware of this until recently which is why it is now coming to the City at this point. There is still some investigating that needs to occur. Councilwoman Frische asked how this will affect the City building and the flow of those coming in to do City business. Mayor Muryn replied that the renderings that the County provided would block the view from West Main Cross to the Municipal Building and would take up some of the parking that is currently in the small lot between the Courthouse and the current Probate/Juvenile Court building, so it will have some impact on that parking area as it would be blocked off for the County Courthouse parking. Councilwoman Frische feels it could be a safety issue for the City on Police visibility. Mayor Muryn replied that it will obscure some of the entry point to the Municipal Building, but would still have multiple access and entry points to the building. There would be a larger space between the Municipal Building and the Probate/Juvenile Court where there currently is a small breezeway between them. A larger area is proposed between the buildings. Councilwoman Frische agreed with Mayor Muryn that the County Commissioners should come to a meeting to provide additional information and explain how it affects the City.

Councilman Russel: **APPROPRIATIONS COMMITTEE** meeting on December 10, 2019 at 5:00pm in the third floor conference room of the Municipal Building (CR1).

agenda: VHF Radio System via Ordinance No. 2019-108

Councilman Russel: **AD-HOC COMMITTEE** meeting on December 9, 2019 at 1:30pm in the first floor Council Office (CO).

agenda: 2020-2021 Council sub-committee assignments/2020-2021 Rules of Procedures

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on December 12, 2019 at 12:00pm in the first floor Council Office (CO).

agenda: Birchaven Lane rezone

Councilman Russel pointed out that State Auditor Faber provided an opinion that Councilmember absences have to be approved by a 2/3 roll call vote of Council which was not done for this Council's absences for 2018-2019. Those absences were done by a motion and voice vote, but not a roll call vote. Councilman Russel moved to excuse 2018-2019 Council member absences during any regular or special session City Council meeting, seconded by Councilman Harrington (later Councilman Niemeyer also seconded the motion).

Discussion:

Councilwoman Frische asked if this needs to be done now to cover Council and asked if this change needs to be noted in Council's rules. Councilman Harrington replied that the way it has been done is that all Councilmembers have been asked to indicate if they are in favor to state "aye" and those opposed "nay", but now needs to be a voice vote and has to pass by a 2/3 majority vote.

City Auditor Staschiak informed Council that he had found verbiage at a presentation and that it was not an opinion. Law Director Rasmussen rendered the opinion that Council needs a voice vote and that he provided the names of those that missed each meeting so that Law Director Rasmussen could prepare legislation listing the names of each missed meeting date for a resolution. Law Director Rasmussen is not present at tonight's meeting, so he cannot clarify that. It is the opinion of the City Law Director that it should be done this way. The State Auditor's Office wants the Law Director's opinion as it is a well-thought opinion. He suggested Council file his recommendation. He is not aware if anything has changed since his discussion with Law Director Rasmussen. Law Director Rasmussen was going to prepare a resolution listing each name and dates for the next City Council meeting as he has the information to do so. Councilman Russel replied that per an email conversation with Law Director Rasmussen today, he asked that Councilman Russel make a motion as he did with no discussion of a resolution. The motion is for a voice vote with 2/3 majority vote. City Auditor Staschiak asked Councilman Russel if he could forward that email to him so he can put it in the audit file which should suffice for his audit which will resolve the issue. They want something in writing from the Law Director.

Councilwoman Frische asked if this will be a change of Council's rules so that everything is clarified. Councilman Russel replied that Council's rules do not speak to the manner in which members are excused.

Councilman Niemeyer seconded Councilman Russel's motion (Councilman Harrington already seconded the motion). Councilman Harrington clarified that Council's rules do have a section on it, but does not describe what procedure is to be done on what currently is and what the future procedure will be to excuse Councilmembers on procedural votes. It is a matter of housekeeping today and those necessary changes for future meetings and future absences will be made.

Council President Monday asked for a roll call vote to verify a 2/3 majority vote. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser. Motion is approved.

Councilman Hellmann asked if times for next week's budget hearings have been set. Councilman Russel replied that the December 11, 2019 hearing will start at 3:00pm and the December 12, 2019 hearing will start at 5:00pm.

Safety Director Schmelzer commended the Police Department for receiving re-accreditation with CALEA as it is a big accomplishment. It is something they can be proud of and our community can be proud of as well.

Council President Monday noted that the first meeting of January 2020, the current Council will still convene to approve the December 17, 2019 City Council meeting minutes. Once those minutes are approved, that meeting will be adjourned and then the new Council will take over. He informed Council that this is his last City Council meeting this year, but will be at the first meeting in January.

Council President Monday adjourned City Council at 8:07pm.

CLERK OF COUNCIL

COUNCIL PRESIDENT

Council President Monday adjourned City Council at 8:07pm.


CLERK OF COUNCIL


COUNCIL PRESIDENT