

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**SEPTEMBER 16, 2014**

**COUNCIL CHAMBERS**

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

**ABSENT:** VanDyne

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

## **MINUTES:**

- Councilwoman Spence moved to accept the September 2, 2014 Regular Session City Council meeting minutes as written. Councilman Klein seconded the motion. All were in favor. Motion carried. Filed.

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

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

### **ADD-ONS:**

- 2440 Bright Road zoning petition (**PETITION** section).
- Letter from Service-Safety Director = new fire engine through H-GAC purchase agreement (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section).
- PLANNING & ZONING COMMITTEE report = Sixth Street vacation (Ordinance No. 2014-041) (**COMMITTEE REPORTS** section).
- PLANNING & ZONING COMMITTEE report = 325 Emma Street rezone (**COMMITTEE REPORTS** section).
- Ordinance No. 2014-081= H-GAC joint cooperative purchasing agreement for FFD truck (**LEGISLATION** section).

**PROCLAMATIONS:** – none.

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

**WRITTEN COMMUNICATIONS:** – none.

## **ORAL COMMUNICATIONS:**

### **Sarah Sisser, Hancock Historical Museum – bed tax funds**

Ms. Sisser asked Council to reconsider the museum's request for an allocation of the bed tax money and refrain from making a final decision on the issue of appropriating those funds until greater care and consideration is given in a larger discussion this fall about the City's 2015 budget. The museum considered making requests for these funds over a year ago after speaking with several local officials and community leaders and decided to wait until they had formulated their argument and justification to receive these funds. Last year, Council set a precedent by awarding the Arts Partnership with a ten percent (10%) of the bed tax dollars in recognition of the fact that they hold many events and educational programs that generate local tourism and aid in the quality of life for our residents and put heads in beds. Council felt strongly enough about this cause that they approved funding for three (3) years. When taking the bed tax into consideration, the museum began to formulate their request and took attendance at their events. The museum surveyed attendance to see how many would be coming from out of town and then added a number of events to their annual calendar to bring in more out of town visitors. Ms. Sisser reminded Council that she made a request last month stating they had real tangible numbers associated with their economic impact and their proven ability to generate local tourism and put heads in beds. It is disheartening to see that after twelve (12) months of work creating their request that the issue may be closed for discussion after one committee meeting. She asked Council to wait to make a decision until the issue can be fully flushed out in this year's budget talks. It should not be surprising that many no-profits asked for these funds after the opportunity was made available to all at the August 19, 2014 meeting, however, the museum did not make this request based on the fact they are a non-profit doing good in this community. They are that, but they made this request based on fact that they cultivate heritage tourism, bring people in from out of town, and generate bed tax dollars. She is interested in knowing if any of the other requests came with similar hard data with compelling figures. Giving this money to one local non-profit for several years, Council has had the authority and responsibility to create objective criteria for granting these funds. If that criteria is used, two hundred eighty-six (286) local non-profits will most likely not qualify. It will probably be less than ten (10). There are several examples of communities across the country that uses such criteria for allocation of bed tax money. One example was provided to Council prior to tonight's meeting. One question the City should ask itself is why they have this additional tax and why they are taxing people. Ohio Revised Code allows the County Commissioners to excise the tax not to exceed three percent (3%) on lodging transactions. After the administrative costs have been deducted, the remainder has to go to a convention and visitors bureau to promote local tourism. The County's investment in their CVB has netted very positive results with additional revenue in social capital. The State gives a clear idea of what their logic is behind the collection of a bed tax in our local convention and visitors' bureau and is a great example of the positive results that come from reinvesting this money in local tourism generators like the Hancock Historical Museum. At the last Appropriations Committee meeting, it was recorded that the City will begin 2015 with a balance of between nine million dollars (\$9,000,000) and eleven million dollars (\$11,000,000) in their coffers. She commends local leaders for putting the City in such a positive place, however, at that same meeting, there were Councilmembers that rejected further discussion of this issue because there are still City services and projects that need to be funded. This is incongruity and is part of a much larger discussion that should take place later this fall as part of the 2015 budget discussion, so she is requesting Council wait to make a final decision until that time. This is a great time of growth and potential in the City of Findlay. She believes in the investment of bed tax money in local tourism generators like the Hancock Historical Museum and the Arts Partnership which is a win-win for this community.

### **Dennis Bash, Chairman of the Governors Committee of the Hancock Historical Museum – bed tax funds**

Mr. Bash attended the August City Council meeting when the museum presented its case for the bed tax. He appreciated the positive comments he heard coming from Council about the museum. He is concerned with Councilman Monday's recommendation that all not-for-profits present their case at the Appropriations Committee meeting. His concern is not based on competing with other non-profits for the bed tax dollars, but the lack of the objective criteria to base a good business decision on the allocation of the bed tax. He prefers Council defer any decisions on the bed tax distribution until further study can establish meaningful criteria to support an allocation strategy for those dollars. This option preserves Council's control, and at the same time, allows not-for-profits a potential revenue stream with established criteria.

### **Discussion:**

Councilman Monday clarified that he did not intend to invite all non-profits to Appropriations Committee meetings and compete for money if money was available. Since that money goes into the General Fund, any requests from non-profits or any other organizations who wants money out of the General Fund would have to go through the Appropriations Committee first.

Councilman Russel added that since that meeting, many other non-profits have contacted Council asking what the process is to obtain bed tax funds. He agrees with Mr. Bash that there needs to be some set of criteria and process in place, but right now there is nothing in place, so Council cannot say yes to one organization and no to another when there are no criteria in place. Before Council can put a process together, they have to determine an incentive for those applying. Heads in beds could be a criteria, but then it has to be decided if the Arts Partnership will come back into play and go against the three (3) year commitment that the previous Council had made towards them. The struggle is to agree on a criteria and then make it known to all organizations in Findlay that would want to make a request. A lot of that would be so that applicants could choose to or not to pursue. If the criteria is in place and an organization decides they are not going to spend the time applying, Council wants those to have that option also. This came up at the last Appropriations Committee meeting. If Council proceeds down that path, there needs to be as much opportunity to understand what the process would be. The next task is determining how to put the process in place. Within a couple of days, there were ten (10) organizations asking for consideration of the bed tax. Council does not have the process or procedures or staff in place to provide answers. Even once the criteria and process is in place, the follow up process will need to be determined. Council needs to make sure that whomever they give the money to is being spent properly, which is a considerable undertaking. The City provides safety/services (i.e. Police, Fire, Courts, flood control, etc.) and provides needed infrastructure (streets, sewage, etc.). The best way Council can help all of its citizens, not just non-profits, is to do those three (3) things to the best of their ability. Findlay is coming out of a big recession, and is still in the hole on Capital budgets. The best thing that can be done with that money is to keep it working towards the City's two (2) main services. While the City is now in a good financial position, it does not mean we cannot just start spending without consideration. He agrees with Mr. Bash that the consideration, process, and planning needs to be in place, but Council is not there yet which is why the Appropriations Committee is recommending those who want bed tax funds to make formal requests. It is not Council saying anything discouraging about the Hancock Historical Museum as the services the museum provides are fantastic. It is a City/County Treasurer matter. What makes Findlay great is all the things organizations get done. At this point of time, his focus is in making sure the City provides safety/services and infrastructure, and that they are done the best way possible with the funds given. Mr. Bash added that in addition to those major things that the City should be concerned with is another infrastructure piece which is the people in this community. As Ms. Sisser stated, the monies need to go to CVB for tourism which is that infrastructure component for the people of this community. Councilman Russel noted that there are two (2) parts of the Ohio Revised Code. Three percent (3%) from the County is required to go into CVB and the other part states that the municipalities can go up to three percent (3%), but per ORC, the money must go into the City's General Fund. Once the money is in the General Fund, there is no difference between that dollar and the tax dollar that is taken out of your paycheck. Council is following state statute. Once it is in the General Fund, Council can then work with it which is the avenue it has gone through to support the Arts Partnership in the past.

Councilman Shindledecker is a member of the museum board, so when it comes time to vote on accepting/rejecting the Appropriations Committee report on this, he will abstain. He is concerned with the manner in which they have reached this point. It appeared at the meeting in August that there was a great deal of support for the museum, but now because of the amount of requests coming in, Council is backing off the museum's request. While Council does not have the criteria in place it ought to, that is what Council is here for – to make those decisions. Council has the ability to use some of the money in a manner in which Council chooses. If the intent of Council is to use it all for some other purpose (i.e. infrastructure, etc.), then that is the decision the museum and other non-profits will have to abide by. It appears that Council has come to this point for the wrong reasons. As Ms. Sisser mentioned, with any reasonable criteria established, there would probably be less than ten (10) non-profits that would qualify for the money. He suggests that it would be fewer than five (5). The proper avenue to follow would be to table this recommendation and establish criteria before budget time.

Councilman Nichols added that Council operates by City Ordinances which gives them their guidelines. The County is working on an ordinance for this with guidelines which are not identical. Mr. Bash replied that if Council decides to defer this, they will find a lot of assistance from the non-profit organizations that would possibly qualify to help develop the criteria and any metrics that City Council would need to establish a good use of those funds.

#### **Elizabeth Behrendt, Esq. – bed tax funds**

Ms. Behrendt has been a Findlay citizen for eighteen (18) years. She is the President of the Board of Trustees for the Hancock Historical Museum Association. The Hancock Historical museum is one of several groups that have made the allocation requests to the City. She added additional support to some of the comments given by Ms. Sisser and Mr. Bash. The citizens are the ultimate recipients of this money, not the non-profit groups. They are here only because they serve the citizens of Findlay. All citizens benefit from having more Police Officers, Firefighters, from having better equipment for both of those groups and they benefit from better roads, snow removal, leaf pick-up, and recreational opportunities that Findlay provides. She is proud of the recreational opportunities the City provides to kids and adults. She spends a lot of time at the soccer and baseball fields and sees areas that could be improved there. Aside from sports, arts and history, and preserving that heritage is also a form of recreation and infrastructure both now and into the future that supports all Findlay citizens by investing in their welfare and well-being in helping support the non-profits that they serve. Making additional allocations of this money to non-profits other than the Arts Partnership would do a better job at enriching more of the lives of the citizens of Findlay. Findlay's revenue is up for this year, which is a great problem for Council to be considering. Having to consider how to spend extra money beats cutting everybody's budget and not being able to provide Police Officers and other services, but investing in the health and welfare of all our citizens is important too. It is a small thing, but is important to everybody. It touches everybody's lives in the City. She challenged Council to provide responsible stewardship of those funds and develop a logical and objective way to spend those funds, not just on behalf of the museum, but on behalf of all the non-profits that bring visitors to our city and help create this revenue in the first place. She does not feel that Council has been responsible by not having that criteria in place prior to now. She is glad that has come up for discussion. It is her hopes that after tonight, Council will consider how to develop that criteria. It is a great job to have to figure out how to spend the extra money. Council has previously supported the arts through allocating money to the Arts Partnership and once allocated money to the museum in the past. She now challenges Council to develop the criteria while taking things one step further and make the criteria transparent, publish what that criteria is, and vigorously look at those groups that asked for a portion of that allocation.

#### **Discussion:**

Councilman Douglas clarified that just because the City is ending the year with nine million dollars (\$9,000,000) to eleven million dollars (\$11,000,000) does not mean that the City is rolling in cash or is in a great position to allocate funds out. Council has only funded Capital Improvements at sixteen percent (16%). In the previous few years, it was funded at eight percent (8%). Capital Improvements are the City's roads/streets, sewers, equipment for the Fire and Police Departments. Bed tax funds go to the City's General Fund. Every dollar that is taken out of the General Fund to give to a non-profit organization is one dollar less that can be spent on roads, staffing, and equip for Fire and Police Departments. It is inappropriate for this Council to give a dime to a non-profit organization. We are not a fundraising organization. While the museum does wonderful things, it is a private, non-profit organization that raises money through fundraisers, events, and volunteers, so that is where funding for non-profit organizations should come from. The money that comes into the City's General Fund needs to be spent on infrastructure. A precedent was set previously with the Arts Partnership by a separate Council in which not all of those members are here tonight. It can be debated whether it was the appropriate thing to do or not. As current Councilmembers, it is our responsibility to honor that. If he would have been present then, he would have voted differently than they did. While he feels these organizations are doing great things, the City will need to cut taxes if it gets to the point that the City can take tax dollars and use it to give back to non-profit organizations.

**PETITIONS:**

**Zoning amendment request – 2440 Bright Road**

Philip L. Rooney is requesting a zoning change for 2440 Bright Road. The property is currently zoned C-2 General Commercial District. He would like to change the zoning to I-1 Light Industrial. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:**

**City Income Tax Monthly Collection Report – August 2014.** Filed.

**Findlay Police Department Activities Report – August 2014.** Filed.

**Findlay W.O.R.C. Financial Analysis Report – January 1, 2014 through August 31, 2014.** Filed.

**Findlay Fire Department Activities Report – August 2014.** Filed.

**City Planning Commission Minutes – August 14, 2014.** Filed.

**N.E.A.T. Rebecca Greeno – funds appropriation for N.E.A.T.**

The property located at 620 College Street had a fire in which the City has received insurance funds for their demolition. Neighborhood Enhancement and Abatement Team (N.E.A.T.) has completed the proper correspondence with the property owner for demolition. The City is prepared to demolish what remains of the structure. Insurance funds were deposited into the City's Guaranteed Deposits Fund. A request to appropriate those funds on an emergency basis into the N.E.A.T. budget to cover a portion of the demolition which is funded by the insurance settlement. This will enable the structure to be removed at the earliest possible date. Discussed during the 9/9/14 Appropriations Committee meeting. Ordinance No. 2014-079 was created.

FROM: Guaranteed Deposits Fund	\$ 9,666.93
TO: N.E.A.T. Fund #21016000-441100	\$ 9,666.93

**Discussion:**

Councilman Klein asked how often the City gets the opportunity to have these funds. Law Director Rasmussen replied it happens whenever the loss is more than sixty percent (60%) of the aggregate insurance limit. At that point in time, approximately thirteen percent (13%) of the funds need to be deposited with the City in case someone does not rebuild which is the case here. Councilman Klein then asked if this has been done before. Law Director Rasmussen replied it is not something that happens regularly. A lot of them rebuild and get their insurance proceeds back. Filed.

**N.E.A.T. Departmental Activity Report – August 2014.** Filed.

**Findlay Municipal Court Activities Report – August 2014.** Filed.

**City Auditor Jim Staschiak – Revolving Loan Fund Administration**

The Hancock Regional Planning Commission has submitted an invoice for their expenses/staff time for RLF administration for December 2013 through July 2014 (copy attached). This is now a routine request, and you have approved requesting the appropriation without going to committee each time. Authorization to draw from the Revolving Loan Fund account and appropriate funds is requested. Ordinance No. 2014-079 was created.

FROM: Revolving Loan Fund	\$ 12,163.91
TO: General Expense #21010000-449400	12,163.91

**Discussion:**

Councilman Harrington noted that he was asked to give a summary of what Revolving Loan Fund (RLF) does. He will give that update during the New Business section of tonight's meeting. Filed.

**Service-Safety Director Paul Schmelzer – ODOT FY15 Resurfacing (PID97384) Project No. 32846200**

The City is eligible for Federal Urban Allocation Funds administered through the Ohio Department of Transportation (ODOT). This project is eligible for this type of funding. In 2014, these funds were used for resurfacing with plans to use the funds for resurfacing again in 2015. The project is estimated at eight hundred thirty-two thousand dollars (\$832,000.00) with eighty percent (80%) being funded by ODOT and twenty percent (20%) from the City. The City's matching share is included in the 2015 Capital Improvements 5-year Plan. Legislation authorizing the Service-Safety Director to enter into a project agreement with ODOT is requested. Resolution No. 033-2014 was created. Filed.

**Service-Safety Director Paul Schmelzer – Municipal Building Windows Replacement, Project No. 31940200**

By authorization of Ordinance No. 2014-006, bids were opened for this project on September 9, 2014. One contractor submitted a base bid in the amount of forty-five thousand six hundred thirty-one dollars (\$45,631.00). The base bid included window replacements for the second floor only. Alternate bids were also requested to include blinds and third floor standard and large conference room windows. An appropriation for the construction contract, which includes the base bid and all alternates, along with contingency 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. Discussed during 9/9/14 Appropriations Committee meeting. Ordinance No. 2014-079 was created.

FROM: Capital Improvements – CIT	\$ 110,000.00
TO: Municipal Building Windows Replacement Project #31940200	\$ 110,000.00

Filed.

**Service-Safety Director Paul Schmelzer – East Bigelow Waterline, Project No. 35749200**

On September 9, 2014, bids were opened for this project. Three (3) bids were received ranging from forty-eight thousand two hundred sixty dollars to seventy-six thousand nine hundred seventy-five dollars (\$48,260.00 - \$76,975.00). The lowest bid was received from a new contractor and we are in the process of checking references and verifying the bid details. An appropriation for inspection and construction funds based on a worst-case scenario is requested. Any unused funds will be returned to the Water Fund after the project is complete.

The project was added to the 2014 Capital Improvements Plan on July 15, 2014 when Council adopted Ordinance no. 2014-066 which appropriated ten thousand dollars (\$10,000.00) for design and project startup funds. Legislation authorizing the Service-Safety Director to sign a contract and appropriate funds is requested. Discussed during the 9/9/14 Appropriations Committee meeting. Ordinance Nos. 2014-079, and 2014-080 were created.

FROM: Water Fund \$ 65,000.00  
TO: E. Bigelow Waterline Project #35749200 \$ 65,000.00

**Discussion:**

Councilman Russel asked if there any updates on the original low bidder. Service-Safety Director Schmelzer replied he does not have any updates. Filed.

**Board of Zoning Appeals Minutes – August 14, 2014. Filed.**

**City Auditor Jim Staschliak – summary financial reports**

A set of summary financial reports for the prior month follows including:

- Summary of Year-To-Date Information as of August 31, 2014
- Cash & Investments as of August 31, 2014
- Open Projects Report as of August 31, 2014
- Financial Snapshot as of August 31, 2014

Filed.

**Service-Safety Director Paul Schmelzer – H-GAC purchasing agreement for new fire engine**

The City is pricing a new fire engine to determine if there are cost advantages to be gained by purchasing a new vehicle by the end of this year or purchasing a demo vehicle that fits the City's needs. Fire Chief Lonyo has identified a purchasing group to examine. An agreement would allow Findlay to take advantage of the same group pricing that is afforded that network. In order to keep the process moving, permission to join the group is requested. Many other Cities in Ohio participate, including Perrysburg, Toledo and Dublin to name a few. It appears Findlay is eligible.

First reading of the Ordinance is requested. Benefits prior to final authorization will be determined once the Law Director and Auditor finalize their investigation. This may prove beneficial for other City equipment purchases in the future. Ordinance No. 2014-081 was created.

**Discussion:**

Councilman Klein asked what has to be done to be eligible. Service-Safety Director Schmelzer replied it appears to be very little and that you only have to be government, but the Law Director is going to look into it. Councilman Klein asked if Findlay would be eligible. Law Director Rasmussen replied that you have to be a governmental entity and be authorized by state statute. Filed.

**COMMITTEE REPORTS:**

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from Service-Safety Director Schmelzer to appropriate funds for the 2014 street resurfacing project for Bernard Avenue from Parkside Place to Vincent Street.

FROM: Capital Improvement – CIT \$ 200,000.00  
TO: 2014 Resurfacing Program #32842100 \$ 200,000.00

We recommend approval of the above request. Ordinance No. 2014-079 was created.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to appropriate \$9,666.93 for demolition of the property at 620 College Street, which was damaged by a fire beyond repair.

FROM: Guaranteed Deposits Fund \$9,666.93  
TO: NEAT #21016000-other \$9,666.93

We recommend approval of the above request. Ordinance No. 2014-079 was created.

Councilman Klein moved to adopt the committee report. Councilman Harrington seconded the motion. All were in favor. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service-Safety Director to appropriate \$65,000.00 to project #357492 for the purpose of waterline replacement on Bigelow Avenue.

FROM: Water Fund \$ 65,000.00  
TO: E Bigelow Waterline Replacement #35749200 \$ 65,000.00

We recommend approval of the above request. Ordinance Nos. 2014-079 and 2014-080 was created.

Councilman Harrington moved to adopt the committee report. Councilman Douglas seconded the motion. All were in favor. Filed.

The APPROPRIATIONS COMMITTEE to whom was referred a request from the Service-Safety Director to add additional funding in the amount of \$20,000.00 to project #319402 in order to replace the west side municipal building windows. The new project will be \$120,000.00. An appropriation of \$110,000.00 is needed.

FROM: CIT Capital Improvements \$ 110,000.00  
TO: Muni Bldg Windows #31940200 \$ 110,000.00

We recommend approve the above request Ordinance No. 2014-079 was created.

Councilman Douglas moved to adopt the committee report. Councilwoman Spence seconded the motion. All were in favor. Filed.

The APPROPRIATIONS COMMITTEE to whom was referred requests from various non-profit organizations for an appropriation of bed tax dollars to support their operations.

We recommend deny the request because General Fund money is used to support the delivery of City services including Police, Fire, and Recreation which benefits all non-profit organizations throughout the City.

Councilman Douglas moved to adopt the committee report. Councilwoman Frische seconded the motion.

**Discussion:**

Councilman Nichols asked for clarification on what this committee report actually says. Councilman Monday replied that if Council accepts it, nothing changes. Bed tax funds go into the City's General Fund and anyone can request money from the General Fund which has been done in the past. Requests for General Fund money can be made at a later time. This committee report does not change where the money goes.

All were in favor with Councilman Shindledecker abstaining and Councilman Harrington voting nay. Filed.

The PLANNING & ZONING COMMITTEE to whom was referred a request during the August 5, 2014 City Council meeting to discuss the Sixth Street vacation (Ordinance No. 2014-041) that previously was discussed at the May 8, 2014 Planning & Zoning Committee meeting.

Jonathan Yoxheimer to vacate a north-south alley running north from Sixth Street to the first east-west alley and abutting Lots 30, 31 and 32 in the Brookside Addition and Lots 1,2 3 and 4 in the Blanchard Avenue Addition, and Lot 30 in the Brookside Addition.

We recommend approving full alley vacation as request. Ordinance No. 2014-041 was created.

Councilman Harrington moved to adopt the committee report. Councilman Douglas seconded the motion. All were in favor. Filed

The PLANNING & ZONING COMMITTEE to whom was referred a request from Stephen Roepke to rezone 325 Emma Street from C-2 General Commercial District to I-1 Light Industrial.

We recommend approval as requested.

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

**Discussion:**

Councilman Harrington noted that the petitioner Stephen Roepke was there as legal representative for the owner.

All were in favor. Filed

## LEGISLATION:

### RESOLUTIONS:

**RESOLUTION NO. 033-2014** (ODOT FY15 Resurfacing (PID97384) Project No. 32846200) **first reading** **adopted**  
A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AUTHORIZING THE USE OF FEDERAL URBAN ALLOCATION FUNDS FOR THE STREET RESURFACING PID97384 - PROJECT NO. 32846200, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to suspend the statutory rules and give the Resolution its second and third readings. Councilwoman Frische seconded the motion. Ayes: Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, Spence. The resolution received its second and third readings. Councilman Douglas moved to adopt the resolution, seconded by Councilman Nichols. Ayes: Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, Spence, Douglas. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

### ORDINANCES

**ORDINANCE NO. 2014-041** **tabled after third reading** **adopted during OLD BUSINESS**  
(Sixth St vacation – public hearing on 8/5/14; tabled)  
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS SIXTH STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

**ORDINANCE NO. 2014-072** (*400 Cherry St rezone*) **third reading** **adopted**  
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 400 CHERRY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY, HIGH DENSITY" TO "C1 LOCAL COMMERCIAL".

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Harrington, Klein, Monday, Nichols, Russel, Shindedecker, Spence, Douglas, Frische. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-072 and is hereby made a part of the record.

**ORDINANCE NO. 2014-073** (*Olney Avenue vacation*) **third reading** **adopted**  
AN ORDINANCE VACATING A CERTAIN AVENUE (HEREINAFTER REFERRED TO AS OLNEY AVENUE VACATION) IN THE CITY OF FINDLAY, OHIO.

Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Harrington.

**Discussion:**

Councilman Harrington asked the status of the traffic counters in that area. Service-Safety Director Schmelzer replied the traffic counters were placed there. There was about a fifteen percent (15%) differential between the one placed at the intersection of Lima and Olney west of Morrill. Based on that, the bulk of the traffic on Olney is coming from that intersection at Lima. About five (5) days worth of data was collected before someone cut the counters in half. Councilman Harrington asked if it was vandalism. Service-Safety Director Schmelzer it was. Councilman Harrington added that there is a church there, so he wondered if the Sunday traffic would be the majority of the traffic. Service-Safety Director Schmelzer replied there was an increase on Sunday's traffic. The purpose of the traffic counters was to differentiate whether Morrill was being used or if Olney was being used to access the western part of the neighborhood. It appears that fifteen percent (15%) of the traffic uses Morrill to access Olney.

Ayes: Klein, Monday, Nichols, Russel, Shindedecker, Spence, Douglas, Frische, Harrington. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-073 and is hereby made a part of the record.

**ORDINANCE NO. 2014-075** (*allocation of funds to CDF & Arts Partnership*) **second reading** **adopted**  
AN ORDINANCE REPEALING SECTIONS 195.15 AND 195.16 OF ORDINANCE NOS. 1994-105 AND 2002-009 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Councilwoman Spence moved suspend the statutory rules and give the Ordinance its third reading. Councilwoman Frische seconded the motion. Ayes: Monday, Nichols, Russel, Shindedecker, Spence, Frische, Harrington, Klein. Nay: Douglas. The Ordinance received its third reading. Councilman Nichols moved to adopt the Ordinance, seconded by Councilwoman Frische.

**Discussion:**

Councilman Monday asked if this is to get rid of ordinances that are no longer applicable to us. Law Director Rasmussen replied it does. The Ordinances it gets rid of are outdated and do not provide to those that the City is allocating funds to, so they conflict with what the City is currently doing. Those ordinances should never have been codified ordinances. They should have been stand alone ordinances.

Ayes: Nichols, Russel, Shindedecker, Spence, Douglas, Frische, Harrington, Klein, Monday. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-075 and is hereby made a part of the record.

**ORDINANCE NO. 2014-078** **second reading** **adopted**  
(*2014 street resurfacing project = Bernard Ave from Parkside Pl to Vincent St*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Harrington moved to suspend the statutory rules and give the Ordinance its third reading. Councilwoman Frische seconded the motion. Ayes: Russel, Shindedecker, Spence, Frische, Harrington, Klein, Monday, Nichols. Nay: Douglas. The Ordinance received its third reading. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Russel.

**Discussion:**

Councilman Nichols feels it is important to suspend the rules for this Ordinance because the paving season is quickly coming to an end and the work needs to be done before the cold weather sets in.

Councilman Harrington agreed with Councilman Nichols.

Ayes: Shindedecker, Spence, Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-078 and is hereby made a part of the record.

**ORDINANCE NO. 2014-079** **first reading** **adopted**  
(*Bernard Ave resurfacing; 620 College St demolition; E Bigelow Ave waterline – appropriate funds; Muni Bldg windows; RLF Administration expenses/staff time*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Klein moved suspend the statutory rules and give the Ordinance its second and third readings. Councilman Harrington seconded the motion. Ayes: Spence, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindedecker. Nays: Douglas. The Ordinance received its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Douglas, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindedecker, Spence. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-079 and is hereby made a part of the record.

**AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT OR CONTRACTS FOR THE EAST BIGELOW WATERLINE REPLACEMENT PROJECT NO. 35749200, AND DECLARING AN EMERGENCY.**

Councilman Harrington moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Klein seconded the motion. Ayes: Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker, Spence. Nays: Douglas. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Douglas.

**Discussion:**

Councilwoman Frische asked if this is to verify who the cheapest contractor would be. Service-Safety Director Schmelzer replied it is.

Ayes: Harrington, Klein, Monday, Nichols, Russel, Shindledecker, Spence, Douglas. Nays: Frische. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-080 and is hereby made a part of the record.

**ORDINANCE NO. 2014-081** (*H-GAC purchasing agreement for FFD new fire truck*)

**first reading**

**AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT WITH THE HOUSTON-GALVESTON AREA COUNCIL (HEREINAFTER REFERRED TO AS "H-GAC") TO PARTICIPATE IN A JOINT COOPERATIVE PURCHASING PROGRAM OPERATED BY H-GAC, AND DECLARING AN EMERGENCY.**

First reading of the Ordinance.

## **UNFINISHED BUSINESS**

### **OLD BUSINESS:**

Councilman Harrington moved to lift Ordinance No. 2014-041 from the table. Councilman Shindledecker seconded the motion. Ayes: Klein, Monday, Nichols, Russel, Shindledecker, Spence, Douglas, Frische, Harrington. The Ordinance was lifted from the table. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Klein.

**Discussion:**

Councilman Russel explained what has happened with this Ordinance. This Ordinance went through three (3) readings. At the third reading, a public hearing was held. At that public hearing, one of the abutting property owners came before Council with his questions and concerns with the alley being closed, so Council tabled the Ordinance at that time and referred it back to the Planning & Zoning Committee who met and discussed it before tonight's City Council meeting. The Planning & Zoning Committee provided their recommendation from that meeting during the COMMITTEE REPORTS portion of tonight's meeting, which was approved by this body, and Council is now lifting it from being tabled and is being voted on whether to adopt the Ordinance to vacate it or not. This request has received a lot of consideration.

Aye: Klein, Monday, Nichols, Russel, Shindledecker, Spence, Douglas, Frische, Harrington. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2014-041 and is hereby made a part of the record.

Councilwoman Frische noted that Ordinance No. 2014-079 was adopted tonight. About a month ago, Council had a discussion about putting appropriation of funds together under one ordinance. She looked at other cities legislation to see what they do. The majority of other cities do not combine them. She would like to have a discussion at the next Committee of the Whole meeting to finalize a process on how legislation for appropriations will be done. While it takes time to put more than one ordinance together and provide extra readings, it would be easier to find something later or have further discussion and keep better notes if they were separated, it would be a better practice.

Councilwoman Frische would like to look at the City's General and Capital Funds on how to improve going forward for either next year's budget or even before that. She has heard from other Councilmembers and those in our community that Findlay has a drug problem. Our Police Department does a fabulous job with the problem, but she would like to see, if it is possible, patrol improved or increased.

Councilwoman Frische also noted that the City is appropriating eighteen percent (18%) to Capital Improvements next year for street resurfacing. She would like to see if an additional five hundred thousand dollars (\$500,000.00) of General Fund money could go to street resurfacing also. She would like to see how many Officers could be brought back to tackle the drug problems in our community, or if any Firefighters could be hired for fire situations. She would also like to discuss whether or not the City could bring back leaf pick up. With the City sitting well financially, she would like to increase City's services and get more done. She would like to discuss these at an Appropriations Committee meeting.

Councilman Frische's ward had a block watch meeting that went well. Some Councilmembers attended it and learned a lot. Police Chief Home, Lieutenant Lowry, and Officer Dill also attended. A block watch is being formed in the Bernard Park area.

Councilwoman Frische had someone in her ward contact her about their concerns with the youth facility going in the old Winebrenner facility. She suggested a block watch program there. She asked all Councilmembers, that when talking to their wards about similar situations, to promote a block watch program in the area. She suggested having an event every month or every three (3) months at Council to keep it going even after the problems are fixed. She also receives a lot of phone calls on widening issues.

## **NEW BUSINESS:**

Councilman Harrington was asked to give a summary on what the Revolving Loan Fund (RLF) does. The purpose of it is to provide low interest gap financing to new or existing businesses and that the loan program is designed to take on more risk than the traditional bank financing. There are both a Hancock County and a City of Findlay RLF. The City of Findlay RLF Board approves loans and oversees the program. The board consists of Warren Krout, Andrew Rayle, Bret Spaeth, Councilman Harrington, Tim Mayle and Jim Staschiak who are ex officios, Matt Cordonnier, and one board vacancy. The funds originate from Housing and Urban Development (HUD), which is a Federal Government program, and go to the State of Ohio that are distributed as CDBG Economic Development grants. The City of Findlay RLF funds are ultimately controlled by the State of Ohio. Over the last several years, the state has been forced to approximately seventy-five percent (75%) of all the RLF in the State of Ohio to spend or return money because of inactivity and has had no new loans in the last three (3) years. The City of Findlay is considered to have very active loan fund rankings and is in the top fifteen (15) in total activity in the state. The administrative work is done by the Hancock Regional Planning Commission who administers the Revolving Loan Fund on behalf of the City of Findlay. Council passed legislation tonight to pay their administrative services bill, which Council periodically receives a bill for their services from them. Those services include: marketing, receiving and tracking payment, preparing applications, loan closings and environmental reviews, job creation, verifications, and loan closeouts. There are two (2) types of loans in the RLF. One is a local RLF that loans monies from the existing loan balance. It is a local balance with the most flexibility terms that are outlined by the local RLF Board. There are also economic development grants where the Findlay RLF applies to the state for loan dollars for a project and the grant is given to the applicant company who then pays it back into the RLF which grows the RLF. There are twelve (12) active loans. The original loan total was one million two hundred nineteen thousand two hundred forty-three dollars (\$1,219,243.00). The balance remaining on those twelve (12) loans is nine hundred forty-nine thousand ninety-two dollars and seventy-six cents (\$949,092.76). In 2014, we received two (2) new loans that were closed for one hundred sixty-eight thousand five hundred dollars (\$168,500.00). Eleven (11) of the twelve (12) loans are in good standing. One loan with a balance of twenty-four thousand dollars (\$24,000.00) is currently having its terms reworked. There has been a lot of communications between the board and those individuals, and have an agreement that needs to be worked out with some legal matters. The current balance in the RLF is one hundred fifty-nine thousand nine hundred sixty dollars (\$159,960.00) and have received approximately ten thousand dollars (\$10,000.00) a month in payments. There are no current applications at this time. RLF funds are funds that are money in and money out. It is not General Fund money. It is money that is received through recipients of these loans and/or the state. It is not money that comes directly from any city, county, or tax payer funds. He invited all Councilmembers and the Administration to their meetings. They are not on a regular basis and are only as needed.

Councilman Nichols heard that road salt is hard to get and the price is out of line. He asked if the City is in good shape for road salt this winter season. Service-Safety Director Schmelzer replied we are not in good shape at this point. Councilman Nichols then asked if there have been any problems getting the salt. Service-Safety Director Schmelzer replied there has been. The state bid was rejected. There are a number of counties including us that were not awarded the contract. Councilman Harrington asked if it is because of the amount of salt that was used last year and asked if with the amount of salt that is available in the Cleveland area, if this will be a supply/demand issue. Service-Safety Director Schmelzer replied it is a supply/demand issue. Based on what was used last year, there is more of a demand. Cities and other municipality supplies have been depleted, so everyone is trying to look to fill a full order to be prepared for a winter similar to last year. The price this year jumped significantly. When the state saw the numbers come back, they rejected them. When they came back a second time, orders were filled. We are doing some contingency planning and doing things to position ourselves. We may have to use gravel or beet juice and continue to look for salt.

Councilman Klein attended the ward block watch meeting that Councilwoman Frische mentioned along with Councilman Russel. He noted that we need to be proud of our Police Officers. They did a great job interacting with those who were there. Chief Horne, Lieutenant Lowry, and Officer Dill did a wonderful job. He hopes to have more neighborhood meetings like it to get more people involved.

Councilman Nichols noted that the traffic lights going up are nice and very visible. He asked if they have the individual LED lights in the fixtures like the old fixtures. Service-Safety Director Schmelzer replied they do.

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

Councilman Monday asked if the budget meeting will be one or two meetings. Council President Slough replied the budget hearing will be one day on December 11, 2014 at 3:00pm. Seven (7) Councilmembers were in favor of keeping it on one day and three (3) were against. Those seven (7) requested the meeting start an hour earlier than normal.

President J. Slough adjourned Council at 8:44pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL