

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**OCTOBER 7, 2014**

**COUNCIL CHAMBERS**

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

**ABSENT:** Douglas, Spence, VanDyne

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

## **MINUTES:**

- Councilman Russel moved to accept the September 16, 2014 Regular Session City Council meeting minutes as written. Councilman Klein seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Monday moved to accept the September 16, 2014 Public Hearing minutes for the rezoning of 400 Cherry Street as written. Councilman Harrington 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 Klein seconded the motion. All were in favor. Motion carried. Filed.

### **ADD-ONS:**

- Public Hearing September 16, 2014 meeting minutes for the rezoning of 400 Cherry Street.

**PROCLAMATIONS:** – none.

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

**WRITTEN COMMUNICATIONS:** – none.

**ORAL COMMUNICATIONS:**

**PETITIONS** – none.

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

**Treasurer's Reconciliation Report – August 31, 2014.** Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Shree Sai Charan LLC, dba Luckys Carryout, located at 221 Crystal Avenue Unit C, Findlay, Ohio for a C1 and C2 liquor permit.** This requires a vote of Council.

Gregory R. Home, Chief of Police – Shree Sai Charan LLC, dba Luckys Carryout, located at 221 Crystal Avenue Unit C, Findlay, Ohio. A check of the records shows no criminal record on the following:

Yagnesha Malaviya  
Premal Malaviya

Councilman Harrington moved for no objections be filed. Seconded by Councilman Shindledecker. 6 Council members in favor, 1 opposed. Filed.

**Findlay City Board of Health minutes – July 16, 2014 and August 20, 2014.**

Discussion:

Councilman Nichols noted that in the July 16, 2014 Board of Health minutes, Dr. Mills commented that he would like to see the Safe Routes To Schools Trail that connects West Park to Donnell Middle School extended to Main Street. This was an area that was difficult for those living out in West Park to walk onto the overpass to get to the school. The improvement was a much needed project. It is nice to see some of the City's bike trails connecting, and there is a definite need to connect more of them. Filed.

### **Public Works Superintendent Matt Stoffel – Hancock Parks Grant**

Each year, a Hancock Parks Grant is offered to communities within Hancock County to improve their park systems. The grant is then divided among the communities that request the available funds. These funds are at no cost to the community and do not require matching funds. In the past, funding has been requested to improve the City's parks systems which have completed many projects using these grant dollars.

His first request this year is that renovations to the Riverside Park Band Shell be the focus of the grant. The initial grant request is for \$9,000.00 to power wash the entire building, have the brick tuckered and sealed or repaired, and concrete work done to the roof cap which is deteriorating. If this first request is denied, the second request is to do roofing work to the shelter houses at Riverside Park. That request would be for the sum of \$5,000.00.

Council's approval of these requested projects is the last stop in the grant process and is needed in order to continue to improve the City's park systems. This requires Council's confirmation. Councilman Monday moved to approve this request. Councilman Harrington seconded the motion. All were in favor. Filed.

**Service-Safety Director Paul Schmelzer – Airport Improvements (AIP-24), Airfield Electrical and Drainage project no. 35233000**

Earlier this year, construction of this project was completed and all invoices have been received. Due to a backlog and delay at the FAA, there is one invoice from Brint Electric that has not been paid. In order to continue a valued relationship with Brint Electric, it is proposed that funds be made available to pay their invoice. Legislation to appropriate funds is requested. Ordinance No. 2014-082 was created. Referred to the Appropriations Committee.

FROM: CIT-Capital Improvements \$ 6,993.00  
TO: Airport AIP-24 project #35233000 \$ 6,993.00

**Discussion:**

Councilman Russel asked if there are any other outstanding invoices because of this delay in payment. Service-Safety Director Schmelzer replied there are not. Filed.

**Service-Safety Director Paul Schmelzer – OPWC application for W Lincoln St and W Hardin St sewer separations project #32542600 & 32542700**

The City is preparing to submit a grant application for funding from the Ohio Public Works Commission (OPWC). The application will pay for a portion of the costs to make improvements to separate the combined sewers on West Lincoln Street and West Hardin Street between Liberty Street and Western Avenue. The request is for three hundred fifty thousand dollars (\$350,000.00) in funding toward a total estimated project cost of five hundred thousand dollars (\$500,000.00) shown in the current Capital Improvement Plan to be funded from the Sewer and Storm Water Funds in 2015. Legislation authorizing City representatives to sign the grant application and agreement for funding if the grant is awarded is requested. Ordinance No. 2014-083 was created. Filed.

**Service-Safety Director Paul Schmelzer – McLane CRA agreement**

McLane Company, Inc. is under construction at their new facility across from Lowe's Distribution on CR 99. The Community Reinvestment Area legislation that Council adopted last year was an important part of their decision making progress. The Administration has been working with McLane on an agreement in which McLane will apply five hundred thousand dollars (\$500,000.00) toward the construction of the public improvements at the new industrial park where they are located. The Alliance on a JobsOhio application to provide an additional six hundred thirty-seven thousand dollars (\$637,000.00) toward the project. Together, these funds will cover the cost of the construction. Upon completion, Findlay will have a new industrial park with no impact to the City's Capital Improvement Fund. This collaboration between the public and private sector is economic development at its finest. Many thanks to the Alliance for their efforts and McLane for their investment in our community. Legislation to enter into a contract is requested. Ordinance No. 2014-084 was created. Filed.

**Service-Safety Director Paul Schmelzer – 2014 jail fee appropriation**

In a prior appropriation meeting, an increase in jail fees was discussed. Most of the 2014 budgeted amount has been used for this and more funds are needed to cover the remainder of 2014. Early estimates for the additional amount needed approached three hundred fifty thousand dollars (\$350,000.00). It is estimated that two hundred thirty thousand dollars (\$230,000.00) is needed to finish out the year. This is based on a projection of past occupancy levels for the last quarter of the year and includes some estimated cost for medical care, which is always a variable. Legislation to appropriate funds is requested. Ordinance No. 2014-085 was created.

FROM: General Fund \$ 230,000.00  
TO: General Expense #21010000-other \$ 230,000.00

Filed.

**Service-Safety Director Paul Schmelzer – Public Works fuel**

After the conclusion of this past winter, it was necessary to appropriate funds to the Public Works (Streets, Parks, Traffic and Cemetery) departments to cover the overtime required to plow the streets. The decision to appropriate funds for fuel was deferred until later in the year so that we could determine a closer approximation of what would be needed. It is now time to appropriate funds necessary to complete the year. The amounts below represent the additional funds required to cover fuel, natural gas, and power needed due to the harsh winter. There is also a small appropriation to Disaster Services for power.

An appropriation from the General Fund will shore up the SCM&R Fund between now and the collection of additional revenue. Legislation to appropriate funds is requested. Ordinance No. 2014-085 was created.

FROM: General Fund \$ 13,500.00  
TO: Parks Maintenance #21034000-other \$ 8,000.00  
TO: Cemetery #21046000-other \$ 4,500.00  
TO: Disaster Services #21013000-other \$ 1,000.00  
  
FROM: General Fund \$ 150,000.00  
TO: SCM&R Fund \$ 150,000.00  
  
FROM: SCM&R Fund \$ 62,500.00  
TO: SCM&R #22040000-other \$ 60,000.00  
TO: Traffic #22043200-other \$ 2,500.00

**Discussion:**

Councilman Russel asked what portion of this is related to the winter. Service-Safety Director Schmelzer replied everything but the Disaster Services for power, and the difference between the \$150,000 and \$62,500 appropriations which is \$87,500. Filed.

**Service-Safety Director Paul Schmeizer – annual liability insurance**

Previously appropriated funds in various department budgets are requested to be allocated for the City's annual liability insurance. The City's insurance agent changed insurance carriers for the City to secure savings. While securing significant savings in the vehicle and property insurance, the liability insurance increased more than what was budgeted. Legislation to transfer funds is requested. Resolution No. 035-2014 and Ordinance No. 2014-085 were created.

**Ordinance No. 2014-085:**

FROM: Self Insurance Fund	\$ 48,329.74
TO: Self Insurance #26066000-other	\$ 48,329.74

**Resolution No. 035-2014:**

FROM: Police Department – personal services	\$ 13,375.74
TO: Police Department – other	\$ 13,375.74

Filed.

**Civil Service Commission Chairman Charles Clapper – resolution of transfer**

The Civil Service Commission will post and conduct a promotional examination for the rank of Lieutenant for the Findlay Police Department. An active promotional list does not currently exist. Lieutenant Scott Lowry will be retiring from the Police Department effective May 1, 2015. Legislation to transfer funds for a promotional test for the Police Department is requested. Resolution No. 035-2014 was created.

FROM: Civil Service #21007000-personal services	\$ 1,200.00
TO: Civil Service #210071000-other	\$ 1,200.00

Filed.

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

**City Planning Commission agenda – October 9, 2014; minutes – September 11, 2014.** Filed.

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

**Traffic Commission minutes – September 15, 2014.** Filed.

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

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

**COMMITTEE REPORTS – none.**

**LEGISLATION:**

**RESOLUTIONS:**

**RESOLUTION NO. 034-2014** (no PO created) **first reading** **adopted**  
 A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

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

**RESOLUTION NO. 035-2014** (PD promotional testing; City's annual liability insurance) **first reading**  
 A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS AND DECLARING AN EMERGENCY.

First reading of the Resolution.

**ORDINANCES**

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

Second reading of the Ordinance.

**ORDINANCE NO. 2014-082** **first reading**  
 (Airport Improvements (AIP-24) Airfield Electrical and Drainage project no. 352330002014)  
 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2014-083**

first reading

*(OPWC application for W Lincoln St and W Hardin St sewer separations project #32542600 & 32542700)*

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO EXECUTE THE NECESSARY GRANT APPLICATION(S) AND/OR AGREEMENT(S) TO RECEIVE GRANT FUNDS FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE WEST LINCOLN STREET AND WEST HARDIN STREET SEWER SEPARATIONS PROJECT NOS. 32542600 AND 32542700, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2014-084** *( McLane CRA agreement)*

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A DEVELOPMENT AGREEMENT WITH McLANE COMPANY, INC. TO FORMALIZE THE FINANCIAL CONTRIBUTION BY THE McLANE COMPANY, INC. TOWARD THE PUBLIC IMPROVEMENTS AT THE NEW INDUSTRIAL PARK WHERE THEIR NEW FACILITY WILL BE LOCATED, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2014-085** *jail fees ;Public Works fuel; City's annual liability insurance)*

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**UNFINISHED BUSINESS****OLD BUSINESS:**

Councilman Russel announced that for the past several months, he and some other individuals have been working on the redesign of the City's website. It started last year with a local web design firm who laid out a very good foundation. They had more work than money for them, so the City's Computer Services Department and Councilman Russel are looking into finishing the project with a four (4) person team consisting of Justin Weddington from the City's Computer Services Department, Councilman Russel and two (2) citizens who are working this project at no cost to the City. He passed out via email some screen shots to Councilmembers of what the web pages will look like. The group is getting close to completing the project. It has gone well with volunteer labor. The time to develop has been extended, and costs are lower. Once it is completed, it should help the City communicate better with citizens, will be easier for City personnel to maintain, and will be easier to post agendas and minutes. It will be a tool that will allow for better communications with the general public. He will keep Council posted as they continue to develop it. He hopes to be live before the end of the year. He welcomes comments and questions. Councilman Harrington noted how awesome the screen shots Councilman Russel forwarded to Councilmembers are. This project was long overdue. It looks really nice. He congratulated Councilman Russel and his team for a job well done.

Councilman Klein asked if Resolution No. 035-2015 required only one reading. Law Director Rasmussen replied that it is to transfer funds, so it only required one reading. Resolutions that require only one reading can be done by voice vote, but there is not quorum tonight to adopt it.

**NEW BUSINESS:**

Councilman Klein read a letter from the Downtown Findlay Improvement District (DFID) requesting funds for the installation of the Christmas decorations on Main Street. Last year, the City partnered with DFID and purchased thirty-one (31) Christmas light decorations for the poles north of Front Street on Main Street. The DFID purchased thirty-nine (39) decorations for the poles inside the district. The Feasel Group has submitted a proposal for 2014 for eight thousand five hundred dollars (\$8,500.00) for the removal from storage, maintenance and installation, removal and repacking, and delivery to storage after the season. This proposal covers all seventy (70) lampposts on Main Street. The City's pro-rata share of the proposal is three thousand seven hundred sixty-four dollars and thirty cents (\$3,764.30) or one hundred twenty-one dollars and forty-three cents (\$121.43) per pole for thirty-one (31) poles that were originally purchased by the City. He asked the request be referred to the Appropriations Committee. Referred to the Appropriations Committee.

Councilman Monday: **APPROPRIATIONS COMMITTEE** meeting on October 14, 2014 at 4:30pm in the third floor conference room of the Municipal Building (CR1).

- agenda: 1. Airport Improvements (AIP-24), Airfield Electrical and Drainage project no.  
2. DFID Christmas decorations on Main Street

Councilwoman Frische received some complaints about panhandling activity that is going on in Findlay. She asked if the City's panhandling ordinance from 2006 could be looked at to see if more stipulations could be added to curb the problem. Law Director Rasmussen replied that Councilman Harrington also brought up this issue awhile ago and forwarded some information he received to the Law Director. Government entities cannot put restrictions on the right to speak. All panhandling is directed towards direct solicitation of a contribution. The signs he has seen around Findlay (i.e. Family in Need, etc.) do not solicit a direct contribution as they are not coming up to anyone or interfering with right-of-ways or coming up to cars or following someone and making them feel uncomfortable and/or possibly using derogatory language. Panhandling is a different situation than those you might see around ballparks in major cities where they hold out their hand and walk with an individual asking for money. There is a fine line between free speech and panhandling. It depends whether the individual(s) is/are on a sidewalk or on someone's property. He will review the 2006 ordinance, but feels it lists exactly what the City can and cannot do without interfering with free speech rights. Councilwoman Frische added that back in 2006, the pro-life group had to obtain a permit to solicit so it was known who they were. While it sounds like a frivolous thing for the Police to micro-manage, she would like to see City do more to deter them out of our community. She sees the scams that go on with panhandling as they stand outside her office. She feels panhandling contributes to other problems in the community. She would like to see something similar to what is done in the N.E.A.T. Department to provide more

stipulations on panhandling. Law Director Rasmussen replied that solicitation is different than panhandling. Soliciting is door-to-door and background checks are conducted. Councilwoman Frische noted that since 2006, the City seems to be conducting a background check on one panhandler a year, but there is more than one out there. She feels it would be beneficial if there were stricter rules to follow for panhandling to deter the problem. Law Director Rasmussen agreed that it would be nice if we could stop them from doing it, but we do not have that right. He will look at the 2006 ordinance and will look at the information Councilman Harrington supplied and what he has gathered to see if there is anything that can be added. Councilman Harrington added that he brought the issue to Law Director Rasmussen because of some frustration on some inside knowledge in that he knew someone was panhandling/soliciting asking for donations for a supposed family in need. Anyone should be able to stand on a corner as long as it does not put the public in any kind of safety hazard. In this case, it was someone that was using the money for illicit gain. There are courts that have specifically mentioned what we are discussing and have stated that it is their right to stand out on the corner and do what they are doing. It is their constitutional right and there isn't much that can be done about it unless they were harassing or asking for money. There are communities where this is a bigger problem than what Findlay has. Panhandlers need to register, at no cost to the applicant, which notifies the Police and/or Administration that they were going to panhandle just like a demonstrator would have to do in front of the Courthouse to let us know that they are doing it, what their message is, and whatever else can legally be asked of them. He encouraged the Law Director to continue to look into this issue. He would like to see an addition to the current ordinance requiring panhandlers to come in and get a permit and background check, and Police Officers to stop and check if they have a permit. If they do not have a permit, then they have to move on. Mayor Mihalik noted that is currently what the Police Department does. Panhandler complaints started about four to five (4-5) months ago. Police Officers are going out and asking them if they have a permit. If they do not show them their permit, then they are asked to come to the Municipal Building to get one. The ordinance requires background checks be done and that they cannot be convicted of a felony in order to panhandle. Law Director Rasmussen cautioned Council that the last time the City asked someone for a permit (i.e. anti-abortion group), it cost the City a significant amount of money in Federal District Court. Sometimes there is no way around panhandling. It is not always perfect.

Councilwoman Frische noticed that there is a lot more air traffic lately. She asked for an update on revenue for the Airport at the next City Council meeting. Service-Safety Director Schmelzer replied he will do so.

Councilwoman Frische noted that a Firefighter was brought back, but funds were not needed to do so, so no appropriation of funds was done like it was done for the first three (3). She asked for an explanation. Service-Safety Director Schmelzer replied that there is money in the budget due to the healthcare funds that will not be expended. Councilwoman Frische then asked if that will make him/her safe. If funds are available this year, will there be funds available next year. The Fire Chief had said there would not be any Firefighters brought back, so she is unclear what the one hundred sixty thousand dollars (\$160,000.00) is for. Service-Safety Director Schmelzer replied the one hundred sixty thousand dollars (\$160,000.00) is the healthcare funds that will not be utilized this year and next year's budget comes up for review at the end of the year. Councilwoman Frische then asked if funds will have to be re-appropriated to keep that Firefighter permanent. Service-Safety Director Schmelzer replied that is correct.


Councilman Harrington made a motion to excuse the absence of Councilman Douglas, VanDyne and Councilwoman Spence. Seconded by Councilman Shindledecker. All were in favor.

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on October 9, 2014 5:30pm in the Council Office, first floor of the Municipal Building (CO).

agenda: 1. 2440 Bright Rd rezone

President J. Slough adjourned Council at 8:06pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL