

FINDLAY CITY COUNCIL AGENDA

REGULAR SESSION

June 2, 2015

COUNCIL CHAMBERS

ROLL CALL of 2014-2015 Councilmembers

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

- Acceptance or changes to the May 19, 2015 public hearing minutes for the rezoning of 306 W Bigelow Avenue (Ordinance No. 2015-034).
- Acceptance or changes to the May 19, 2015 public hearing minutes for the rezoning of 724 N Main Street (Ordinance No. 2015-034).
- Acceptance or changes to the May 19, 2015 Regular Session City Council meeting minutes.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA: – none.

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: -none.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS: - none.

PETITIONS:

Street vacation request – 1315 and 1319 North Main Street

Myreon Cobb, University of Findlay, is requesting a vacation for the east-west alley between Lots 3244 (1315 N Main St) and 3278 (1319 N Main St) in the Scott Addition. Needs to be referred to City Planning Commission and Planning & Zoning Committee.

Status of Ranzau/Jaqua Annexation II

On March 26, 2015, annexation documents for the Ranzau/Jaqua annexation II were received and have been in the Council Office for the required 60 days. The petitioner for this annexation is George H. Ranzau Revocable Trust and the Camille A. Ranzau Revocable Trust. This annexation will be referred to as the Ranzau/Jaqua Annexation II. Philip L. Rooney is the authorized agent for the petitioners. Resolution No. 014-2015, Ordinances No. 2015-046 and 2015-047 were created.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Service-Safety Director Paul Schmelzer – annual bids and contracts

Each year, the City formally bids a number of chemicals, materials, and services. The contracts for these items run for a calendar year with option(s) to renew the contracts in one-year increments. In July, a review and evaluation of the current contracts and contracted vendors will be conducted. For those contracts that will not be renewed, the City will advertise and receive bids in October. Items that are normally bid each year include several chemicals used by the Water Treatment Plant and Water Pollution Control Center, uniforms, services, and supplies. Legislation to authorize the Service-Safety Director to contract these items is requested. Ordinance No. 2015-048 was created.

Service-Safety Director Paul Schmelzer – donations

The City of Findlay has received grant monies in the amount of \$2,500.00 from the Findlay-Hancock County Community Foundation and contributions in the amount of \$800 from the residents involve in the South Main Street Neighborhoods project organized by the City's Shade Tree Commission. These funds should be appropriated into the Parks Maintenance Department budget to reimburse for expenses paid toward the project. Legislation to appropriate funds is requested. Ordinance No. 2015-049 was created.

FROM: General Fund	\$ 3,300.00
TO: Parks Maintenance Department #21034000-other	\$ 3,300.00

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Greek Garden LLC dba Greek Garden, located at 321 South Main Street, first floor and patio, Findlay, Ohio for a D3 liquor permit. This requires a vote of Council.

Gregory R. Horne, Chief of Police – for Greek Garden LLC dba Greek Garden, located at 321 South Main Street, first floor and patio, Findlay, Ohio. A check of the records shows no criminal record on the following:

Cynthia A. Thompson
David G. Thompson

Findlay City Board of Health minutes – April 15 2015.

City Planning Commission minutes – May 14, 2015; **agenda** – June 11, 2015.

Service-Safety Director Paul Schmelzer – Water Treatment Plant Radio Upgrade

The Water Treatment Plant telemetry system is in need of a planned upgrade. The telemetry allows for data transfer from both water towers and the reservoir. Pressure readings, chlorine residual and water elevation levels were received from the towers. At the reservoir, we have the capability to turn the pumps on/off, receive pumping rates and elevation levels. The sodium permanganate building also communicates through the telemetry system. We have the capability to monitor this system and also turn on/off feed pumps. The feed pumps are paced by the Water Treatment Plant flow, so it is vital that the communication is operating correctly.

The capital equipment plan estimated to be \$25,500.00 for new radios for our telemetry system which is based on updating radios for 900mhz non-licensed system. During the process to finalize the project scope, the department worked with Sgt. Mike Swope because of his knowledge with the City radio systems. Three (3) different vendors and systems were examined. The system that we were planning to upgrade to has not met with great reviews from other communities. The best long term solution is to utilize a microwave system. The microwave system has much more additional capacity, and the functionality will be seamless with instant response. This system will allow for future expansion, if needed, and allow the WTP to build and add more features or new technology for security reasons or any other items that may be needed to be linked back to the plant.

The microwave system is approximately \$50,000.00 which is double the estimated original cost, but research leads us to believe the cheaper alternative is not money well spent. Jeff Newcomer has checked with the City of Dayton and they are very pleased with the installation and performance of this system. We investigated doing the project in multiple phases, but the second phase was much smaller in cost and not worth splitting. Legislation to appropriate funds is requested. Ordinance No. 2015-049 was created.

FROM: Water Fund	\$ 25,000.00
TO: Water Treatment Plant #25050000-other	\$ 25,000.00

Service-Safety Director Paul Schmelzer – signal upgrades in collaboration with ORDC

Over the past year, the Service-Safety Director has been working with the Ohio Rail Development Commission (ORDC) and Norfolk Southern to improve signalization for the rail crossing at Western Avenue and Lima Avenue, as well as Western Avenue and Sandusky Street. ORDC has agreed to reimburse the City up to one hundred percent (100%) of eligible costs for the Western/Lima intersection. The eligible costs and scope are outlined in the attached reimbursement agreement. The City will need to contract for design and construction under normal bidding procedures and invoice the ORDC for said work. Legislation authorizing the Service-Safety Director to enter into an agreement with ORDC is requested. Ordinance No. 2015-050 was created.

There will be a future agreement with ORDC for the Western/Sandusky intersection. This intersection is significantly more complicated. Conceptual design issues with ORDC and Norfolk Southern are still being worked on. ORDC has preliminary agreed to cover eighty-eight percent (88%) up to six hundred sixty thousand dollars (\$660,000.00) for work at that intersection.

Hancock Regional Planning Commission Director Matt Cordonnier – commitment of matching CDBG grant funds

Hancock Regional Planning Commission (HRPC) is preparing two (2) grant applications on behalf of the City of Findlay to the State of Ohio for critical infrastructure. The value of each grant is \$300,000.00. The first grant is to reconstruct the east and west alleys that run north and south parallel to Main Street. The project will improve drainage, allow for some separation of combined sewer, and replace the pavement. The total cost of the project is \$458,606.

The second grant is located on Blaine, Smith, and Oak Street in the West Park Neighborhood. The project will loop and replace the existing one and a half inch (1 ½”) water line. The new water line will improve water quality and will allow for fire hydrants to be installed improving public safety. The total cost of the project is \$446,443.00.

The Critical Infrastructure Grant Program has specific criteria that needs to be met in order to score well against other grants. The City needs to contribute Allocation Grant dollars, City Revolving Loan Fund money, and a contribution of the City's own funds. In order to apply for the grant, the City of Findlay must provide the State of Ohio with a letter committing the funds to the proposed projects as part of the grant application. Legislation authorizing to apply for the grants is requested. Ordinance No. 2015-051 was created.

City Auditor Jim Staschiak – revenue estimates for fiscal year 2016

The City Auditor will be providing the estimated revenues for fiscal year 2016 for the June 16, 2015 City Council meeting. No action will be required at this meeting. In order to meet the statutory requirements for the distribution of local government money, the FY 2016 estimated revenues report should be accepted by Council during the July 7, 2015 meeting so it can then be filed with the County Auditor no later than July 20, 2015 (the July 21, 2015 City Council meeting falls after the statutory deadline of July 20, 2015). A motion for acceptance of the revenue estimates will be needed during the July 7, 2015 City Council meeting. A public hearing for this will be held at 7:25pm on July 7, 2015.

City Auditor Jim Staschiak – Bureau of Workers Compensation Group Retrospective Rating program

Legislation on tonight's agenda to authorize the City to participate in the Bureau of Workers Compensation group retrospect rating program. It is necessary to have Council's approval each year to enroll in the program. Legislation must be passed by the first meeting in July with the emergency clause so it is in effect for a July 31, 2015 filing deadline. The deadline is earlier this year due to changes implemented by the State.

The financial benefits of each program the Bureau offers are reviewed and analyzed throughout the year by the Auditor's Office with the assistance of CompManagement, Inc., the City's third party administrator for workers' comp issues. Consideration was given to each option, and it has been determined that the group retrospective rating program would best serve the needs of the City in 2016. This is the third year we will have participated in this program.

There have been some questions to the City self-insuring. It is clear from an analysis that the City could expect significant premium increases, increased claim losses, and a more than significant increase in claims liability. The City would have to make direct payment for things such as nurse case management, independent medical exams, and vocational rehabilitation services while losing handicap reimbursement dollars. Self-insuring is not a good choice for the City at this time. Legislation to renew the BWC Group Retrospective Rating Plan is requested. Ordinance No. 2015-053 was created.

COMMITTEE REPORTS:

An **AD HOC COMMITTEE** met on May 27, 2015 to discuss salaries for elected officials. This meeting is a continuation of the March 18, 2015, March 31, 2015, and May 6, 2015 meetings.

We recommend:

1.

- *Mayor: restoring base salary of \$69,500.00, increase 2%/year in 2016, 2017, 2018, 2019*
 - *Auditor: base salary of \$69,418.00, increase 2%/year in 2016, 2017, 2018, 2019*
 - *Law Director: restore base salary to \$106,451.00 (Law Director salary in 2011), increase 2%/year in 2016, 2017, 2018, 2019*
 - *City Council: no raises*
- NOTE: attached worksheet will provide details*

2. *Continue discussion on Citizen Compensation Commission.*

LEGISLATION

RESOLUTIONS:

RESOLUTION NO. 013-2015 (629 grant program continuation)

second reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO SEEK FUNDING THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) JOBS AND COMMERCE GRANT PROGRAM AND THE DEVELOPMENT SERVICES AGENCY ROADWORK DEVELOPMENT (629) GRANT PROGRAM FOR THE PURPOSE OF INFRASTRUCTURE UPGRADES WITHIN AND AROUND THE CITY OF FINDLAY, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 014-2015 (Ranzau/Jaqua annexation II resolution of services)

first reading

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND SITUATED IN THE NORTHEAST FOURTH (1/4) OF SECTION 6, T1N, R11E, A TRACT OF LAND CONSISTING OF 28.651 ACRES OF LAND, MORE OR LESS (REFERRED TO AS RANZAU/JAQUA ANNEXATION II).

ORDINANCES:

ORDINANCE NO. 2015-040 (706 Main Cross St rezone)

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 706 WEST MAIN CROSS STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R-3 SINGLE FAMILY HIGH DENSITY" TO "M-1 MULTI-FAMILY MEDIUM DENSITY".

ORDINANCE NO. 2015-041 (1769 Romick Pkwy rezone)

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 1769 ROMICK PARKWAY REZONE) WHICH PREVIOUSLY WAS ZONED "I-1 LIGHT INDUSTRIAL" TO "C-2 COMMERCIAL".

ORDINANCE NO. 2015-042 (Cord St vacation)

second reading

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

ORDINANCE NO. 2015-043 (Fostoria Avenue Drainage (Phase I), Project 325843)

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-045 (water service termination)

second reading

AN ORDINANCE ENACTING NEW CODIFIED SECTIONS 521.011, 521.012, AND 521.013 FOR THE CITY OF FINDLAY, OHIO.

ORDINANCE NO. 2015-046 (Ranzau/Jaqua annexation II rezoning)

first reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY AS I-1 LIGHT INDUSTRIAL DISTRICT (HEREINAFTER REFERRED TO AS THE RANZAU/JAQUA ANNEXATION II).

ORDINANCE NO. 2015-047 (Ranzau/Jaqua annexation II accept & approve)

first reading

AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF MARION, COUNTY OF HANCOCK, STATE OF OHIO, AND SITUATED IN THE NORTHEAST FOURTH (1/4) OF SECTION 6, T1N, R11E, A TRACT OF LAND CONSISTING OF 28.651 ACRES OF LAND, MORE OR LESS AND FURTHER DESCRIBED HEREIN, AND TO PETITION THE COUNTY COMMISSIONERS TO ALTER THE BOUNDARIES IN ACCORDANCE WITH SECTION 503.07 (HEREINAFTER REFERED TO AS THE RANZAU/JAQUA ANNEXATION II), AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-048 *(annual bids & contracts)*

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, WITH OPTION YEARS, FOR THE PURCHASE OF THE MATERIALS, CHEMICALS, AND SERVICE AGREEMENTS NEEDED BY THE VARIOUS DEPARTMENTS OF THE CITY OF FINDLAY, OHIO COMMENCING JANUARY 1, 2016, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-049 *(donations; WTP radio upgrade)*

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-050 *(rail road crossing signalization upgrades – Western Ave/Lima Ave)*

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, OHIO RAIL DEVELOPMENT COMMISSION (ORDC) FOR RAIL CROSSING SIGNALIZATION IMPROVEMENTS AT WESTERN AVENUE/LIMA AVENUE, PROJECT NO. 32852900.

ORDINANCE NO. 2015-051 *(HRPC apply for Critical Infrastructure grant program)*

first reading

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, HANCOCK COUNTY, STATE OF OHIO TO FILE TWO (2) GRANT APPLICATIONS FOR THE FISCAL YEAR 2015 CRITICAL INFRASTRUCTURE GRANT PROGRAM, TO SIGN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT WITH THE OHIO DEPARTMENT OF DEVELOPMENT FOR CRITICAL INFRASTRUCTURE IMPROVEMENTS TO RECONSTRUCT ALLEYS, SEPARATE COMBINED SEWERS, REPLACE PAVEMENT AND REPLACE WATERLINE IN THE WEST PARK NEIGHBORHOOD, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-052 *(gas aggregation program renewal)*

first reading

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH VOLUNTEER ENERGY SERVICES, INC. TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND NOVEMBER 2015 WHEN THE CURRENT SUPPLY AGREEMENT ENDS, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-053 *(BWC group retrospective rating program)*

first reading

AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKER'S COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

UNFINISHED BUSINESS

OLD BUSINESS
NEW BUSINESS



website: petermanaes.com
email: petermansw@aol.com

3480 North Main Street, Findlay, Ohio 45840

Phone: 419-422-6672
Fax: 419-422-9466

TRANSMITTAL LETTER

TO: Findlay City Council
318 Dorney Plaza, Room 114
Findlay, Ohio 45840

PROJECT NO.: 15-0277
PROJECT University of Findlay
Alley Vacation Petition

DATE: May 22, 2015

TRANSMITTED: (X) Herein () Separate Cover () As Requested
 VIA: () U.S. Mail () UPS Overnight () UPS Ground
 () Federal Express (X) Courier () Pick Up
 PURPOSE: () Approval () Use () Record
 (X) Review/Comment (X) Distribution () Return
 INCLUDES: (X) Drawings () Copy of Letter () Change Order
 () Specifications () Shop Drawings (X) Application

Copies	Description
1	Alley Vacation Petition and Fee
1	Plat of Alley Vacation

Remarks The attached request is for the east-west alley located between 1315 and 1319 North Main Street. The University owns both properties. If you have any questions please do not hesitate to contact me.

Copies to: (with enclosures)

By: Todd M. Jenkins, P.E.

NOTE: If enclosures are not as noted, please call us immediately.

ALLEY/STREET VACATION PETITION

FEE PAID \$75.00

DATE _____

ADVERTISING AND FILING FEES PAID _____ DATE _____

HONORABLE MAYOR AND COUNCIL, CITY OF FINDLAY, OHIO:

We, the undersigned, being owners of property abutting the requested Alley vacation shown on the attached plat, respectfully petition (street/alley)

your Honorable Body to vacate the Alley described as: street/alley

East-west alley between lots 3244,(1315 N Main) amd 3278 (1319 N. Main).

Being further described as abutting the following described LOTS in the SUBDIVISION of: Lots 3244 and 3278 of the Scott Addition

A \$75.00 fee is submitted to pay for the cost of vacating the above-described Alley (street or alley)

We agree to pay all cost and/or assessments that are now or have been constructed serving this property. Upon adoption of legislation, applicable advertising and filing fees will be invoiced to the petitioner. A plat of the area showing the portion to be vacated & a list of all property owners on that portion of the alley running from street to street, but not in the request for vacation are attached.

OWNER	ADDRESS	LOT NUMBER
University of Findlay	1315 N. Main St.	3244
University of Findlay	1319 N. Main St.	3278

TO: Applicants for Street or alley Vacation
FROM: Council Clerk
City law requires persons requesting the vacation of a street or alley to file a petition with City Council. Council then refers the request to the City Planning Commission and the Planning & Zoning Committee for their findings. These Committees file their report with Council, who in turn makes the final ruling on the request.

APPLICATION REQUIREMENTS

Petition forms are available in the Council Clerk's Office. It requires the signature of a majority of the property owners that abut the requested vacation. A plat of the area shall accompany the application indicating the street or alley to be vacated. This plat can be obtained from the City Engineer's Office.

In addition to the petition for an alley vacation being signed by the abutting property owners, which is notice, if said proposed alley vacation is less than the full alley running from street to street, either north and south or east and west as the case may be, then the Clerk will also send notices to the abutting property owners on that portion of the alley extended but not in the request for vacation. For example, if an alley runs from north to south from street A to street B, intersected by an east-west alley, and the request is to vacate the alley running from street A to the intersecting east-west alley, then the abutting property owners on the remaining portion of that north-south alley between street A and street B shall also receive notice of the petition to vacate from the Council Clerk. (Rules of Procedure, as amended, of Findlay City Council).

Ideally, the petition must be signed by all abutting property owners. If not, a Public Notice of Consideration to Vacate has to be advertised in the Courier for six consecutive weeks. The cost of the advertising shall be paid by the petitioner. Anyone wishing to address Council concerning the petition may do so as a result of the publication. This can occur at any of the three readings which Council must give an Ordinance that vacates right-of-way.

FEE

At the time of submitting the request to the Council Clerk, a **\$75.00 non-refundable fee** shall accompany the petition. This is to off-set some of the City's expenses. **Upon adoption of legislation, applicable advertising and filing fees will be invoiced to the petitioner.**

ASSESSMENTS

By law, if there were assessments to the abutting properties for improvements to the street or utilities, the petitioners are to pay the assessment fee for the property being vacated. These assessments, if any, are recorded in the City Engineer's Office. They are requested to be researched for the property upon legislation request. The petitioners will be invoiced for the total expense, and it must be paid before Council will vacate the street or alley.

PLANNING COMMISSION ACTION

Planning Commission action on vacation petitions will be in the form of a recommendation to City Council. Council may then either concur with the Commission's recommendation or override it. Concurring action may be accomplished with a simple majority vote, while overriding action requires a two-thirds (2/3) vote of Council. Notice of the Planning Commission Meeting will be sent from the Engineer's Office to the filer of the petition advising him/her when the request shall be heard.

COMMITTEE ACTION

This Committee's action will be in the form of a recommendation to City Council. Council may then either concur with the Committee's recommendation or override it. Action is a simple majority vote to concur or override the Committee report. Notice of the Planning & Zoning Committee Meeting will be sent by the Council Clerk to the petitioners advising them when the request shall be heard.

CITY COUNCIL ACTION

Once the petition is placed on Council's agenda, it will be referred to the City Planning Commission and the Committee with all documentation submitted. Both the City Planning

Commission and the Planning & Zoning Committee shall review the request. Upon their findings, Council will request legislation and give it three (3) separate readings if the vacation is to proceed.

In order to vacate a public right-of-way, City Council must adopt an ordinance doing so. Normally, legislation is prepared when the Planning & Zoning Committee recommends that an action be taken. However, appropriate legislation can be drawn at the request of any Council member, whether or not the vacation is supported by the Committee. Ordinances require three readings prior to adoption, and this normally occurs over the course of three consecutive meetings of Council.

A majority affirmative vote of at least five (5) members is necessary to enact a vacation ordinance. If Council disagrees with the Planning Commission's recommendation, it will take six (6) affirmative votes of members of Council to enact a vacation ordinance. The ordinance is not effective until at least 30 days after signing by the Mayor.

Revised 12-05

Name of Contact Person Myreon Cobb

Mailing Address University of Findlay 1000 N. Main St. Findlay, Oh 45840

Phone No. (Home) _____ (Business) (419)434-4544

5-21-15

(date)


(Signature of Contact Person)

OFFICE USE ONLY



**PETERMAN
ASSOCIATES, INC.**

- ARCHITECTS - ENGINEERS - PLANNERS - SURVEYORS -

Corporate Office
3400 N. Main Street
Piquette, Ohio 45060
Office (419)422-0272
Fax (419)422-3400

Howe County Twp
& Preceding
Professional
Services

PAJ PROJECT NO. 08-0118

CITY COUNCIL
Municipal Building, Room 114
318 Dorney Plaza
Findlay, OH 45840-3346

Telephone: 419-424-7113
Fax: 419-424-7245

May 27, 2015

To Whom It May Concern:

Re: Ranzau/Jaqua Annexation II

On March 26, 2015, I received the annexation documents for the above referenced property which have been in the Council Office for the required 60 days. The petitioner for this annexation is George H. Ranzau Revocable Trust and the Camille A. Ranzau Revocable Trust, Philip L. Rooney is the authorized agent for the petitioners.

Sincerely,



Denise DeVore
Council Clerk

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

May 19, 2015

Honorable City Council
Findlay, OH 45840

RE: Annual Bids and Contracts

Dear Council Members:

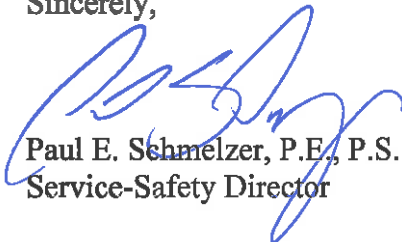
Each year, the City formally bids a number of chemicals, materials, and services. The contracts for these items run for a calendar year, with option(s) to renew the contracts in one-year increments. In July, a review and evaluation of the current contracts and contracted vendors will be conducted.

For those contracts that will not be renewed, the City will advertise and receive bids in October. Items that are normally bid each year include several chemicals used by the Water Treatment Plant and Water Pollution Control Center, uniforms, services, and supplies.

By copy of this letter, the Director of Law is requested to prepare the necessary legislation to authorize the Service-Safety Director to contract these items.

Thank you for your consideration in this matter.

Sincerely,



Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

cc: Donald Rasmussen, Director of Law
Jim Staschiak II, City Auditor
Donna Corbin, Engineering Department

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

May 20, 2015

Honorable City Council
City of Findlay, Ohio

Dear Council Members:

The City of Findlay has received grant monies in the amount of \$2500 from the Findlay-Hancock County Community Foundation and contributions in the amount of \$800 from the residents involved in the South Main Street Neighborwoods project organized by the City's Shade Tree Commission. These funds should be appropriated into the Parks Maintenance Department budget to reimburse for expenses paid toward the project.

An appropriation is respectfully requested as follows:

FROM:	General Fund (contributions)	\$3,300.00
TO:	Parks Maintenance Department 21034000-other	\$3,300.00

By copy of this letter, I am requesting the Director of Law to prepare the necessary legislation for authorization of this request.

Thank you for your consideration.

Sincerely,



Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

cc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
Matt Stoffel, Public Works Superintendent

City of Findlay

Lydia Mihalik, Mayor

POLICE DEPARTMENT

Gregory R. Horne, Chief of Police

318 Dorney Plaza, Room 207 • Findlay, OH 45840

Phone: 419-424-7194 • Fax: 419-424-7296

www.findlayohio.com

May 26, 2015

The Honorable Council:

A check of the records of this office shows no criminal record on the following:

Cynthia A. Thompson

David G. Thompson

Greek Garden LLC, DBA Greek Garden, 321 S. Main Street, 1st floor & patio, Findlay, Ohio 45840

Sincerely,



Gregory R. Horne

Chief of Police

**NOTICE TO LEGISLATIVE
AUTHORITY**

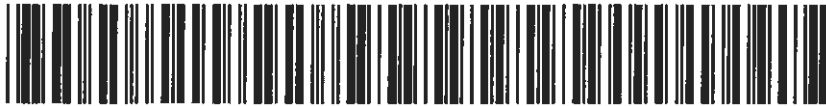
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

3345030 PERMIT NUMBER		N TYPE	GREEK GARDEN LLC DBA GREEK GARDEN 1ST FL & PATIO 321 S MAIN ST FINDLAY OHIO 45840	
05 15 2015 ISSUE DATE				
05 15 2015 FILING DATE				
D3 PERMIT CLASSES				
32 TAX DISTRICT	044 PERMIT CLASS	A	A84645 RECEIPT NO.	

FROM 05/21/2015

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT	PERMIT CLASS		RECEIPT NO.	



MAILED 05/21/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/22/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A N 3345030**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF FINDLAY CITY COUNCIL
MUNICIPAL BLDG RM 114
318 DORNEY PLAZA
FINDLAY OHIO 45840-3346

3345030 PERMIT NBR
GREEK GARDEN LLC
DBA GREEK GARDEN
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321 S MAIN ST
FINDLAY OHIO 45840

DAVID G THOMPSON	03/10/2009 ACTIVE	PRESIDENT	MAN-MBR
CYNTHIA A THOMPSON	03/10/2009 ACTIVE	CEO	MAN-MBR

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

FINDLAY CITY BOARD OF HEALTH MINUTES

REGULAR SESSION

April 15, 2015

FINDLAY CITY HEALTH DEPARTMENT

Members Attendance:

- X Mayor Lydia Mihalik, *President Ex Officio*
- X Dr. Stephen Mills, Health Commissioner/Board Secretary
- X Mr. Gregory Cline, *President Pro Tempore*
- X Mr. William Alge
- A Dr. Robert McEvoy
- X Mrs. Joan Work
- A Licensing Council Rep Vacant

Staff Attendance:

- X Mrs. Barbara Wilhelm, Deputy Health Commissioner
- X Mr. Craig Niese, Environmental Health Director
- X Mrs. Becky Bern, Nursing Director
- X Mr. Eric Helms, Plumbing Inspector
- A Mr. Chad Masters, Emergency Response

Call to Order: Mayor Mihalik called the meeting to order at 7:33 A.M.

Minutes: Mayor Mihalik called for a motion to approve the March 18, 2015 minutes. **Mr. Cline moved to accept the minutes from the March 18, 2015 Board of Health meeting as circulated.** Seconded by Mrs. Work. **Motion carried 3-0.** Filed

HEALTH COMMISSIONER REPORT

1. Dr. Mills updated the Board that he has met with Mike Reed from the University of Findlay and they are scheduling regular meetings regarding the Master Trail Plan. They are currently looking at properties along the river from east to west to begin connecting those trails that are not connected.
2. Plans for Walk With A Doc are proceeding well. Dr. Mills almost has all 12 doctors scheduled and will kick off with Cardiologist Pamela Reed at the first scheduled walk on May 5. The program will continue every Tuesday through July 21, 2015. The walks will take place at 5:30 pm at Emory Adams Park. Posters will be distributed with information. Health Educator Noah Stuby has been lining up sponsors for each walk and Dr. Mills noted his office, Blanchard Valley Medical Associates, will be sponsoring June 16th with Dr. Watson leading that talk.

DEPUTY HEALTH COMMISSIONER REPORT

1. ODH Director Hodges visited with the staff last Tuesday. He was in the area and wanted to stop in and visit the health department. He was accompanied by Robert Jennings from the Office of Government Affairs. Mr. Hodges is very personable and reviewed ODH's current priorities including infant mortality and anti-smoking efforts. ODH is committed to providing funding for smoking enforcement and other anti-smoking programs. He also described the reorganization process that ODH is currently undergoing. Mrs. Wilhelm noted that on the downside Mr. Hodges announced that Joe Mazzola will be moved to a new position from his

current job as local health department liaison. Mrs. Wilhelm explained that Mr. Mazzola has been very helpful and will be missed at this position. Mr. Hodges addressed questions from the staff and Mrs. Wilhelm inquired as to the grant funding process. She explained that last year our health department had applied for a Healthy Communities Grant and was not funded noting health departments who ranked poorly in the state health rankings were automatically given extra points. Because Hancock County ranks in the top percentile we received no additional points and she thought this represented an unfair advantage. Mr. Hodges noted that grants will be moving to a more regional approach. Mrs. Wilhelm informed the Board that she thinks regionalization will continue to occur in more than just the area of grants.

She also took the opportunity to ask if the state was planning any organized approach to the issue of legalized marijuana and was disappointed to learn that was not even on the radar for ODH. Mr. Hodges did make a note of the issue. On a local level Mrs. Wilhelm explained there is a group that is starting to meet to discuss the issue and form talking points to counter the issues that Responsible Ohio is presenting. Although there are about 4 groups trying to get the marijuana issue on the ballot, Responsible Ohio is the one that currently has the most momentum.

Mr. Alge inquired as to whether anything was asked about E-cigarettes but Mrs. Wilhelm noted it was not. He felt the trend for E-cigarettes and marijuana might fit together and could be another talking point.

2. There was a Help Me Grow Site visit completed in March. In addition to the state representative for Help Me Grow, Mrs. Wilhelm, Mrs. Bern and PHN Shannon Chamberlin participated in the review. The reviewer had no negative comments but did encourage us to expand our program and provided suggestions for reaching more families.
3. Mrs. Wilhelm advised the Board that at an Opiate Drug Abuse Task Force meeting on Monday there was again discussion regarding expanding access to the drug Naloxone. Mrs. Wilhelm reminded the Board that she had applied for a Project DAWN grant a couple of years ago that was not funded. At Monday's meeting another grant opportunity was discussed and she was asked to "dust off" the previous application to apply again. There is a short turnaround time for the grant which is due May 4. We would again work with the University of Findlay's Pharmacy Program to make the kits available. Since the two health departments will be combined by the end of the year Mrs. Wilhelm asked the Board if she should take this to the newly formed combined board. Mr. Cline asked when the grant would begin and Mrs. Wilhelm noted that the state's fiscal year starts July 1 but the grant would likely go beyond January 1, 2015. Mr. Alge thought any existing projects, functions, contracts of the city health department would transfer to the new health district. Mrs. Wilhelm noted that when Joe Mazzola from ODH visited last fall he did not anticipate any problem switching grants over to a new health district. The Board concurred that Mrs. Wilhelm should proceed.

NURSING REPORT

1. ODH has stopped funding for the Hepatitis C tests that we have been performing in our office. Mrs. Bern has been looking into the cost for these tests which are currently \$50 per kit. She is especially concerned that individuals coming out of drug rehab have tested positive and have partners that should be screened. Another complication is that the currently used \$50 kits will soon be phased out and replaced. She is not sure how much the new testing system will cost but will continue to monitor the situation.
2. Mrs. Bern shared that there was a staff meeting last night regarding the upcoming merger. She noted that her nursing staff is getting more nervous regarding issues like insurance and what their job might look like. She realized that many issues have not been addressed by the new board yet. Mrs. Work inquired whether the staff's nervousness was based on benefits. Mrs. Bern confirmed that benefits play a big part with insurance being a big concern. One staff member is concerned about her part time status. Mrs. Bern noted there are many rumors and you can reassure the staff about hanging on until some decisions are made but that does not mean that employees will not go out and look for something more secure in the meantime. Mr. Niese confirmed a big problem is the unknown. At the meeting Dr. Mills thought there was indication that the two staffs are working together and that was not the issue but rather the fact that details have not been worked out. Mrs. Work asked if there is anyone on the upcoming board that could provide reassurance. Both Mrs. Bern and Dr. Mills noted that the new board is just starting to work on answers. Mr. Cline advised there needs to be some patience and the new board has the best interest of the employees at heart and fears are likely unfounded at this point. Mrs. Bern noted that Mr. Stuby has done a great job at starting to look to the future and has the City Auditor's office looking at insurance information. One of the concerns however has been whether the employees will be forced to move to the county's high deductible insurance plan. The rumor has been the high deductible is \$12,000 for a family plan. Mrs. Work noted we can't forget that many employees are young people with families. Mayor Mihalik doubted the deductible is that high and Mr. Cline noted that could possibly be the stop loss total. Mr. Alge asked if Mr. Stuby could look at this and Mrs. Bern confirmed that he is working on getting answers. Mr. Niese encouraged Mr. Alge as a new combined board member to put personnel issues and benefits on the priority list of decisions to be made to help ease the fears of the employees.

Mrs. Work noted that if you are always rehiring and retraining employees you are not making a profit. Mr. Alge stated that without polling the members of the new board, he still feels the intention is continuity. Dr. Mills noted the city health department does more volume in service. Mr. Alge pointed out the Hancock County Board of Health is inviting new combined board members to their regular monthly board meetings and perhaps the city should do the same. Mrs. Bern shared that what has been said is reassuring and it will be helpful for the staff to hear this and Mr. Stuby has set up a meeting for staff to meet the new board. He has also been working on a priority list of issues with each department. He has formed teams consisting of city and county divisions who can begin meeting to identify and address issues within their areas so that things do not wait until the last minute. Operations differ

between the two departments and decisions will need to be made as to which to follow. Mr. Alge noted the combined board is supportive of the two health departments beginning to work together and he is open to listening to all concerns of the department. Mayor Mihalik stated it was the job of the leaders of their divisions to not induce panic and try to get answers. She added Mr. Stuby has just been put in place as Implementation Coordinator and she feels the combined board is now moving quickly. She noted she had just texted three county officials to ask what the deductible is for the high deductible health plan. She added information should be derived directly from members of the board, Noah Stuby, Paul Schmelzer or Greg Arnette.

In a text that Mayor Mihalik received she read that the county has a \$4500 deductible on a high deductible health plan and \$6500 for the family plan. The county contributes \$55 per month to the HSA and matches up to \$132 per month contribution.

Mrs. Work commented that the people making the decisions are not the ones doing the everyday work and there is a gap and therefore questions will arise. She commented that is wonderful that these discussions are coming up. Mr. Cline suggested that everyone get answers from the new board and not the rumor mill. If you want the answers then you need to ask the questions. Dr. Mills stressed that the Findlay City Health Department has a really good team and he would not want any team members to be lost.

There is a meeting set up between both health department staffs and the new board of health members for April 28, 2015.

ENVIRONMENTAL HEALTH REPORT

1. **Mr. Cline motioned to approve the plans for Speedway, 752 W. Trenton Ave.** Seconded by Mrs. Work. **Motion carried 3-0.** Filed.

EMERGENCY RESPONSE / EPI REPORT

1. Mrs. Wilhelm explained that Mr. Masters is attending a national emergency preparedness conference in Atlanta this week. Money for this trip was provided by the Public Health Emergency Preparedness grant. She did report that Mr. Masters and the nursing division are just finishing up a 21 day monitoring period for a local individual who had traveled to one of the Ebola affected African countries. ODH has instituted a procedure for monitoring any travelers from one of the Ebola countries which includes twice daily temperatures. One temperature can be self-reported by phone and the second must be visually confirmed by a health department employee. This is being done via a video chat app, which is acceptable to ODH. The individual was traveling on business and was low risk. The individual did not display any symptoms. ODH has informed us that at the end of the current state fiscal year

we will receive some type of reimbursement for this but we do not know the amount as of yet.

2. The health department participated in a regional functional exercise on April 8, 2015. The scenario was a tornado event that destroyed our health department. This allowed us to test our Continuity of Operations Plan. Tim Murphy from the University of Findlay acted as our evaluator. Mr. Murphy has evaluated our exercises a number of times in the past and he felt we have definitely improved with our response and understanding of our individual roles. We will continue to exercise our response plans on a regular basis.

PLUMBING REPORT

1. Mr. Helms is currently scheduling his plumbing classes for journeymen and apprentices and these will take place over the next couple months. He is working on updating his curriculum to make it more interesting.
2. Mr. Helms will be testing city backflow systems throughout the summer as time allows. He is also looking at how the merger will affect the plumbing department and what information will be needed for the new board.

MEETING REQUESTS

Mrs. Work moved to approve the travel requests:

1. April 29, 2015: Barb Wilhelm to Health Policy Institute of Ohio's "Navigating Partnerships in Population Health Planning" Columbus, OH. No Cost.
2. May 19-20, 2015: Health Commissioner or designee to Spring Public Health Combined Conference Columbus Ohio. Cost: Registration \$195 Meals and Lodging \$150

Seconded by Mr. Alge. **Motion carried 3-0.** Filed.

OLD/UNFINISHED BUSINESS

Mr. Alge asked for further clarification and distribution information regarding the Naloxone grant. Mrs. Wilhelm explained that naloxone is the antagonist for an opiate overdose. Recent changes in the law have made it easier to obtain but the problem we are seeing is that it really has not become available in the community. We are trying to find a way to make the overdose kits more available; similar to what would happen with an Epipen. The pharmacies that we have

been talking to are not stocking the drug for a variety of reasons. We are also concerned that there be an education piece that would go with the drug. We want individuals obtaining the kits to know what treatment options are available for substance abuse, to know how to properly use the kit and follow up with 9-1-1. The drug is administered via a nasal inhaler. Mr. Alge asked if it would be appropriate to have a video and Mrs. Wilhelm noted that ODH already has a video available. Education could be done in the office/pharmacy and the video could be sent home with the individual. Dr. Mills asked if the drug can be freely given out but Mrs. Wilhelm noted that currently the drug must be prescribed. There is additional legislation being considered that would make this even easier so that a pharmacist could dispense the medication without a doctor's prescription. A grant opportunity would allow the health department to purchase the kits and begin distributing them without worrying about the reimbursement which Mrs. Wilhelm felt may be part of the reason the pharmacists are not stocking the drug. Dr. Mills noted he has seen the medication work firsthand. In the hospital it is given IM or IV so the result is rapid. Mrs. Wilhelm said it is actually a very safe drug and if given to someone who is not experiencing an opiate overdose basically nothing will happen. She also noted that we have just not ever been to a point in our society before where we felt the need to look at this. Mayor Mihalik shared that the local police and fire department have been asked if they would carry the drug but there is hesitation because of fear of potential combativeness of the patient. So far the Ottawa County Sheriff's Department is the only one she is aware of that are carrying the drug. Mr. Cline asked if the cost was keeping fire and police from carrying the drug but Mayor Mihalik said it was the outcome of a combative patient. Mr. Cline advised that time was crucial and delay could result in a dead individual. Mrs. Wilhelm shared that Portsmouth City Health Department was the first Project DAWN location in Ohio with multiple overdose reversals achieved. She will try to get some data regarding what experience they have seen regarding combativeness in individuals receiving the drug. Mayor Mihalik advised speaking with the Hospital regarding engaging Hanco in the use of Naloxone.

NEW BUSINESS


None

EXPENSES

Mrs. Work moved to approve the expenses as circulated, for payment by the City Auditor.
Seconded by Mr. Alge. **Motion carried 3 – 0.** Filed.

The meeting was adjourned at 8:17 A.M.

 , President

 , Secretary (Health Commissioner)

City of Findlay City Planning Commission

Thursday, May 14, 2015 - 9:00 AM
Municipal Building, Council Chambers

Minutes

(Staff Report Comments from the meeting are incorporated into the minutes in lighter text. Actual minutes begin with the DISCUSSION Section for each item)

MEMBERS PRESENT:

Mayor Lydia Mihalik
Paul Schmelzer
Jackie Schroeder
Dan Clinger

STAFF ATTENDING:

Matt Pickett, FFD
Matt Cordonnier, HRPC Director
Judy Scrimshaw, HRPC
Todd Richard
Don Rasmussen

GUESTS:

George Mills, James C. Koehler, Tom Shindledecker, Lou Willin, Phil Rooney, Jose Rivera, Dan Stone

CALL TO ORDER

ROLL CALL

The following members were present:

Mayor Lydia Mihalik
Paul Schmelzer
Jackie Schroeder
Dan Clinger

SWEARING IN

All those planning to give testimony were sworn in by Judy Scrimshaw.

APPROVAL OF MINUTES

Dan Clinger made a motion to approve the minutes of the April 9, 2015 meeting. Paul Schmelzer seconded. Motion to accept carried 4-0.

NEW ITEMS

1. PETITION FOR ZONING AMENDMENT #ZA-06-2015 filed to rezone 706 W. Main Cross Street from R-3 Single Family High Density to M-1 Multiple Family Medium Density.

HRPC

General Information

This request is located on the northwest of W. Main Cross Street and Western Avenue. The lot is zoned R-3 Single Family High Density. Parcels to the north, west and east are also zoned R-3. To the south is zoned C-1 Local Commercial. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

Parcel History

The building is listed as a two family residence on the Auditor's website. It was a residence and real estate office at one time.

Staff Analysis

The applicant is requesting to change the zoning of this parcel from R-3 Single Family to M-1 Multiple Family in order to add a third living unit. He stated in his narrative that when they had purchased the property there was one rental unit and an office and they had set aside some area for a potential 1 bedroom unit on the first floor.

At the time the property was purchased by the current owner it was zoned C Residential, which permitted all housing whether single, duplex or multi-family and office uses. In the conversion to the new zoning code, the map was changed and this entire neighborhood was classified as R-3 due to the average size of lots in the area.

The Findlay Zoning Ordinance requires a multi-family unit to provide 2 ½ off street parking spaces per unit. (8 spaces) The site has a two car garage as well as a three car wide driveway in front of the garage and a 27' x 42' asphalt paved area in front of the house. This should provide adequate space for parking of vehicles.

Staff met with the applicant prior to his filing the application to rezone. We discussed the fact that we are in the process of amending the code. In those amendments, we are proposing to add triplexes to the R-4 district. However, if he wishes to add the extra unit now his only option is to go to the multi-family category. Once amendments are adopted and the map changed this property will be suited for that district.

Staff Recommendation

HRPC Staff recommends that FCPC recommend to Findlay City Council to rezone **706 W. Main Cross Street from R-3 Single Family High Density to M-1 Multiple Family Medium Density.**

ENGINEERING

No objections

FIRE PREVENTION

No comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend to Findlay City Council to rezone **706 W. Main Cross Street from R-3 Single Family High Density to M-1 Multiple Family Medium Density.**

DISCUSSION

Dan Clinger asked what the current layout of the house would be. He asked if it is one office and one rental unit.

The owner of the property came forward and was sworn in by Judy Scrimshaw. He stated his name as George Mills of 932 S. Main Street. He stated that when he purchased the property McMillen Realty had the south half of the first floor and there is a two bedroom apartment on the second floor. There is approximately 650 square feet in the corner of the downstairs that was set aside for a potential living unit. Currently the downstairs is not rented and has just been used for storage. Mr. Mills responded that there is a two bedroom unit in the south half of the upstairs and the north half of the building is a two story two bedroom unit.

Mr. Clinger said he has some difficulty going to the M-1 zoning on this. He mentioned that there is nothing else in the vicinity that falls into that category. He asked if it were typical to use the space in front of a garage for parking. Ms. Scrimshaw stated that they do count. The code does count any spaces that are "off street". Mr. Mills stated that the garages are rather small and probably only subcompact cars would fit comfortably. Mr. Clinger reported that the code also requires one space for every two units for visitor. Ms. Scrimshaw responded that that is one of the issues with the gap between duplexes, triplexes and actual multi family developments. That is why we are working on allowing the triplexes in the R-4. Unfortunately, right now we only have the M-1 and M-2 districts to work with right now to allow him a third unit. Ms. Scrimshaw stated that they had discussed this with Mr. Mills and had let him know that he would fall into the R-4 district once that is adopted and that in the map change process we would definitely make his lot R-4.

Mr. Clinger asked if there are any other triplexes in the neighborhood. Judy Scrimshaw said she would not be surprised if there are others down Main Cross Street.

Mr. Schmelzer stated that he looks at the issue this way; we had a zoning code that permitted exactly what he wishes to do, we changed the code, we left a gap in the code and now we don't give him the opportunity to develop the property as he had intended. Mr. Schmelzer said he feels we have been fairly consistent in looking at these issues. We want people to invest, redevelop these properties. If this is M-1 now, whenever we get the code done, it will be R-4. A lot of times these types of conversions want to take place and they don't have anywhere near the appropriate parking. Mr. Schmelzer said he knows there are some immediate issues, but these are issues that we have created.

Mr. Clinger said that in the M-1 there is a 500 square foot minimum living unit. Mr. Mills replied that the new unit will be 650 square feet.

MOTION

Lydia Mihalik made a **motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-06-2015 filed to rezone 706 W. Main Cross Street from R-3 Single Family High Density to M-1 Multiple Family Medium Density.**

2nd: Jackie Schroeder

VOTE: Yay (4) Nay (0) Abstain (0)

2. PETITION FOR ZONING AMENDMENT #ZA-07-2015 filed to rezone 1769 Romick Parkway from I-1 Light Industrial to C-2 General Commercial.

HRPC

General Information

This site is located on the south side of Romick Parkway in the Deer Meadows Subdivision. It is zoned I-1 Light Industrial. Land on the north, east and west side is also zoned I-1. Land to the south across the railroad track is zoned C-2 General Commercial. It is not within the 100 year flood plain. The Land Use Plan designates the area as Regional Commercial.

Parcel History

This site is currently the location of a memorial built by the FOP.

Staff Analysis

The applicant wishes to rezone this parcel in order to construct a lodge building on the site. (The site plan is item #6 on today's agenda.) The industrial zoning does not permit such uses.

The Deer Meadows Subdivision was done as a combination Commercial/Industrial development. Lots in the northernmost part are zoned as Commercial. As stated above, the Land Use Plan shows the subdivision as Regional Commercial. Most of the lots in this subdivision are fairly small in relation to what other industrial lots are. A couple of the sites have had to purchase 2 lots in order to have the space necessary for their operations.

Staff Recommendation

HRPC Staff recommends that FCPC recommend **to Findlay City Council to rezone 1769 Romick Parkway from I-1 Light Industrial to C-2 General Commercial.**

ENGINEERING

No Objections

FIRE PREVENTION

No comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-07-2015 to rezone 1769 Romick Parkway from I-1 Light Industrial to C-2 General Commercial.**

DISCUSSION

None

MOTION

Paul Schmelzer made a **motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-07-2015 filed to 1769 Romick Parkway from I-1 Light Industrial to C-2 General Commercial.**

2nd: Dan Clinger

VOTE: Yay (4) Nay (0) Abstain (0)

3. REQUEST TO ZONE LAND UPON ANNEXATION TO THE CITY OF FINDLAY #ZA-08-2015 to zone 28.651 acres on the north side of E. Bigelow Avenue (Ranzau II annexation) to I-1 Light Industrial

HRPC

General Information

This land is located on the north side of E. Bigelow Avenue about midway between the railroad tracks and Crystal Avenue. It is zoned A-1 Agriculture in Marion Township. Land to the north and east is zoned I-1 Light Industrial in the City of Findlay. To the west is zoned M-1 Restricted Industrial in Marion Township. To the south is zoned a combination of B-3 General Business and R-2 Two Family Residential in Marion Township. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Industrial.

Parcel History

The site is the location of Jaqua's Gun Club and Range.

Staff Analysis

The land in this request is in the process of an expedited annexation. The City requires newly annexed land to have a zoning district assigned to it.

The applicant has requested I-1 Light Industrial to fit in with the surrounding industrial land. The City Land Use Plan agrees with this designation.

Staff Recommendation

HRPC Staff recommends approval of the **REQUEST TO ZONE LAND UPON ANNEXATION TO THE CITY OF FINDLAY #ZA-08-2015 to zone 28.651 acres on the north side of E. Bigelow Avenue (Ranzau II annexation) to I-1 Light Industrial**

ENGINEERING

No objections

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION

Staff recommends approval of **REQUEST TO ZONE LAND UPON ANNEXATION TO THE CITY OF FINDLAY #ZA-08-2015 to zone 28.651 acres on the north side of E. Bigelow Avenue (Ranzau II annexation) to I-1 Light Industrial.**

DISCUSSION

Paul Schmelzer made the comment that this could have been included with the previous annexation but was not. This makes it fit in with the overall plans for the industrial park. The revenue sharing agreement between the City and the Township is in the process.

MOTION

Paul Schmelzer made a **motion to recommend approval to Findlay City Council of REQUEST TO ZONE LAND UPON ANNEXATION TO THE CITY OF FINDLAY #ZA-08-2015 to zone 28.651 acres on the north side of E. Bigelow Avenue (Ranzau II annexation) to I-1 Light Industrial**

2nd: Jackie Schroeder

VOTE: Yay (4) Nay (0) Abstain (0)

4. ALLEY/STREET VACATION PETITION # AV-01-2015 filed by Cooper Tire & Rubber Company, 701 Lima Avenue to vacate Cord Street south of Lima Avenue.

HRPC

General Information

This is a 60' wide right of way running south off of Lima Avenue just east of the intersection of Lake Cascades Parkway. It also includes a 50' wide piece of right of way of Stadium Drive that ran west from Cord Street into Lake Cascades Parkway.

Parcel History

None

Staff Analysis

The rights of ways in this request are in the midst of land owned by Cooper Tire and Rubber Company. The street stubs are only used for Cooper business purposes. Cooper is the only abutting owner.

Staff Recommendation

HRPC Staff recommends approval of **ALLEY/STREET VACATION PETITION # AV-01-2015 filed by Cooper Tire & Rubber Company, 701 Lima Avenue to vacate Cord Street south of Lima Avenue.**

ENGINEERING

No objections however several City and private utilities are located within these rights of way; easements will need to be retained for these utilities should the vacation request be approved.

FIRE PREVENTION

Allow access to maintain sprinkler risers on the west side of building.

STAFF RECOMMENDATION

Staff recommends approval of **ALLEY/STREET VACATION PETITION # AV-01-2015 filed by Cooper Tire & Rubber Company, 701 Lima Avenue to vacate Cord Street south of Lima Avenue subject to the following:**

- **Several City and private utilities are located within these rights of way; easements will need to be retained for these utilities should the vacation request be approved. (ENG)**
- **Allow access to maintain sprinkler risers on the west side of building. (FIRE)**

DISCUSSION

Dan Clinger asked what happens if the company wants to expand a building over an area with underground utilities. He asked if they would have to reroute the utilities. Brian Thomas replied yes they could not build over them so they would have to relocate. Mr. Clinger asked if the utilities are only serving Cooper or would they be cutting off other persons. Paul Schmelzer stated that most of what is in this right of way is storm sewer. As a general rule, if there were lines here that served an area, they would have to reroute and make sure that the pressure and flow were maintained to serve that area.

Jackie Schroeder commented that there are existing street signs and stop sign there. She asked if these will be removed when the street is vacated. Mr. Schmelzer said the street sign could probably stay even if private. He said the stop sign could also if a matter of safety.

Dan Clinger asked if there was any need to barricade one end or the other. Mr. Schmelzer said no. Ms. Schroeder commented that she drove in there and there really isn't any reason for anyone else to be there.

MOTION

Paul Schmelzer made a motion to recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION # AV-01-2015 filed by Cooper Tire & Rubber Company, 701 Lima Avenue to vacate Cord Street south of Lima Avenue subject to the following conditions:**

- **Several City and private utilities are located within these rights of way; easements will need to be retained for these utilities should the vacation request be approved. (ENG)**
- **Allow access to maintain sprinkler risers on the west side of building. (FIRE)**

2nd: Dan Clinger

VOTE: Yay (4) Nay (0) Abstain (0)

5. APPLICATION FOR CONDITIONAL USE #CU-01-2015 filed by Moody Development Ltd., 321 Penbrooke Drive, Findlay, OH for a drive through Auto Wash to be located at 2215 Tiffin Avenue.

HRPC

General Information

This site is located on the south side of Tiffin Avenue west of the intersection of Spruce Court. The property is zoned C-2 General Commercial. Land to the north, east and west is also zoned C-2. Land to the south is zoned R-1 Single Family Low Density. It is not located within the 100 year flood plain. The Land Use Plan designates the area as Regional Commercial.

Parcel History

This is a former restaurant site. It has been Diamond River, Red Pig Inn and most recently LaScola.

Staff Analysis

The applicants are proposing a car wash on this site. Car washes are a conditional use in the C-2 General Commercial zoning district. They are requesting the Conditional Use today and will need to submit a formal site plan at a later meeting. Conditions listed in the City Ordinance are:

- Vacuums only permitted in the I-1 district
- Hours of operation can be 24 hours if attended
- Screening requirements must be met

Planning Commission can require other conditions they deem appropriate or if they feel the use is not appropriate in general for the site they can deny.

The applicant states that they intend to reuse most of the existing structure and modify it to create the car wash. New pavement will be required to create the lanes necessary for the new traffic patterns around and through the building.

The car wash is a staffed operation with limited hours of operation. When not in operation it will be secured at the access points with gates and the equipment will be turned off.

The applicant is having a noise study done for the site. This is not yet available.

We had a similar type of car wash developed on Trenton Avenue at Bolton recently. It is also in a C-2 General Commercial area. The main difference would be that the land to the rear of the Trenton Avenue site is zoned I-1 Light Industrial whereas this abuts an R-1 Single Family Residential area. The applicants are also planning to construct a car wash off Trenton Avenue west of WalMart. That site is completely surrounded by Commercial zoning and uses.

Without the noise study results, the fact that the site abuts residential property and due to the nature of all the other types of businesses along this corridor, Staff feels this is not the most suitable place for a car wash operation.

Staff Recommendation

HRPC Staff recommends denial of **APPLICATION FOR CONDITIONAL USE #CU-01-2015 for a drive through Auto Wash to be located at 2215 Tiffin Avenue.**

ENGINEERING

No objections

FIRE PREVENTION

Apply for all necessary permits with Wood County Building Department

STAFF RECOMMENDATION

Staff recommends denial of **APPLICATION FOR CONDITIONAL USE #CU-01-2015 for a drive through Auto Wash to be located at 2215 Tiffin Avenue.**

DISCUSSION

Paul Schmelzer stated that he agreed with the HRPC recommendation. He said that even in light of the acoustical study that he didn't think it was an appropriate site. Dan Clinger said that he agreed primarily because it is a conditional use and does abut a residential area.

Phil Rooney came forward as a representative of Moody Development. Mr. Rooney said they have struggled with this stretch of ground for nearly 20 years since it was developed. Ever since it started there were conflicts on what could go there because it abutted a residential development. Mr. Rooney said that that residential development is only 400 feet from the busiest street in Findlay. He commented that if you look at the code, there is nowhere else to put a car wash except in C-1 or C-2. It is conditional in both. Mr. Rooney commented that yes the one on Trenton Avenue backs up to Industrial, but just east of that is residential. He said he doesn't understand why you can't put a commercial use on the busiest street in town just because there are homes behind it. Those people knew when they bought those houses that there was commercial abutting them. He doesn't think this will be any more noise than loading docks at GFS or Aldi's or the gas station down the street.

Paul Schmelzer said he disagreed on a couple of points. Many of those people lived there before Spruce Drive was installed and if you would ask them if they wanted commercial behind them they would have said absolutely not. Number two, he said, the buffer that was put in was supposed to be maintained by the commercial properties and has not been. He said they are now looking at a project to try to rectify that situation. Number three, he said, is this is a conditional use primarily because of the vacuums. Mr. Schmelzer also said that this could become a 24 hour operation if it is attended. None of the others are a 24 hour operation. Mr. Rooney asked then why would this one become so. Mr. Schmelzer stated that if it would become profitable to operate it could be. Mr. Rooney commented that this is a commercial area. It is the same story from 20 years ago when John Anning lived back there and didn't want signs up. You had to use very low rise signs or none in the rear.

Matt Cordonnier said he would contend that if this was proposed on the other side of the street we would not be having any of these concerns or issues. He said he just feels there are better places you can do this. Mr. Rooney asked why it is any different than a gas station. There will be cars driving in and out all the time. There is a gas station a few lots away. Mr. Cordonnier replied that a gas station does not have industrial blowers or vacuums. Mr. Rooney replied that they have done an acoustical study and it is not going to be that noisy. He said the board has ignored that. Mr. Schmelzer said he hasn't ignored it he just doesn't buy it. Mr. Schmelzer stated he also still does not feel it is appropriate for a potentially 24 hour use. He said that they may not be operating it as a 24 hour use right now but it could be. Phil Rooney said the Commission should make it a condition of approval to not operate 24 hours. Mr. Schmelzer said he was not sure if they could put a restriction on a business's hours of operation. Mr. Rooney replied that they have put conditions on a lot of things like times a sign can change a message, etc. Paul Schmelzer asked Law Director Rasmussen if it is legal to put restrictions on what hours they could operate.

A gentleman spoke from the audience. He said he could tell the Commission that this would not operate 24 hours. He said he has 19 of these and none are run 24 hours a day. Mr. Schmelzer said he is not saying that he does, but that the possibility does exist. The gentleman replied that there is zero possibility. Mr. Schmelzer responded that from a code perspective it is not impossible. Lydia Mihalik asked Mr. Rasmussen if we legally had that ability. Mr. Rasmussen said he didn't know if they do. The problem would be with a subsequent owner that comes in. They might purchase and want to run 24 hours. He said he doesn't know if this can be accomplished through zoning. Dan Clinger responded that even if you aren't running 24 hours, but maybe go to midnight and open at 6 a.m. that is an inconvenience for the neighbors.

Mr. Rooney replied that if the City can put the conditions as listed on a project they can put on others if they want to. Mayor Mihalik asked Ms. Scrimshaw if we had notified the adjoining property owners. Ms. Scrimshaw replied that she had sent the letters to the abutting owners. Only two of the residences are technically abutting this lot. She said she had not heard from anyone. The gentleman in the audience that had been speaking said he was still waiting for the time for audience members to speak. Ms. Mihalik replied that he is an applicant so he can come up front and speak at any time. The applicant said he swore to tell the truth and he will not be open 24 hours a day. And he stated that he will not sell the location. He stated his name as Jose Rivera of Orange Beach, Alabama.

Mr. Rivera stated he has 19 of these Zippy's carwashes. He said he does not operate 24 hours, he doesn't close at midnight, and he doesn't open at 6. Mr. Rivera said his hours are 8 to 8 summer hours and 8 to 7 winter hours. Mr. Rivera said this is the first he is doing in the north in Ohio. He has washes in Alabama, Texas, Georgia, and Tennessee. He said he has not, nor will he run 24 hours. He said it is not economical, it's not feasible. He said also that he deals with neighbors on a daily basis at all of their locations. He says most locations do back up to residential. Most of the time if residents come in and say they don't want his business there he moves on. Mr. Rivera said that here he hasn't seen anyone objecting to his application. Mr. Rivera said he has met the noise requirements; they have a street between them and the homes. He said if they have to they will take care of the barrier that was talked about that wasn't done. It doesn't matter to them, they will do it. Mr. Rivera stated that they are here to serve the public. He said everywhere they have gone they have wanted them there and they have served. He replied that the first one here just opened up a couple months ago. If you go by the decibel level of the vacuums is no louder than the blower in the restroom here. He said the vacuums are enclosed, the garbage cans are enclosed, and it is attended every day.

He said he hires 6 people that are there while it is open. He hires a local manager. He has part time help from the high school or college. He said he has had a couple issues with a couple cities where they had to get a supplemental use permit on a couple locations. He said even after they opened if a neighbor had an issue they have his cell number. He said they call him direct and say what has happened and we take care of it. If you don't take my word for it you can call any of those locations in Lufkin, Nacogdoches or Waxahachie, TX, Woodstock GA, or Cullman, AL and talk to them. Mr. Rivers said his company is an asset, they bring business, they join the local Chamber of Commerce, and they do what is right for the city. They don't want to bring an eyesore. He understands the vacuums in older car washes and they were often unattended and open 24 hours. He had those. He has either sold them or knocked them down and built the new versions. He stated that no one in the express car wash business is going to stay open 24 hours. He said it is just not lucrative. You cannot use these washes without an attendant. Mr. Rivera again stated that he did the acoustical study and brought the gentleman with him if there are questions. He stated that it does meet all the ambient noises there. He thought this would be a slam dunk and there would not be any issues. He commented that this is in commercial, it is on the busiest road, it meets the noise levels, and there is a street buffer behind them. He stated that he did not hear one negative comment from any neighbors today. He said if they are not here complaining, you don't live there, why would you care. Mayor Mihalik said in all fairness, they do represent the neighborhood whether or not we live there. Mr. Rivera replied that wouldn't they tell you if they were opposed to it.

Phil Rooney stated that the Conditional Use section already restricts hours of use. He said the Commission can just say a condition is that they can only operate certain hours. Mr. Schmelzer had Mr. Rooney quote the condition use section in regard to an attended facility can be open 24 hours. Mr. Schmelzer then replied that he did not see that he can limit the hours if it says it can operate 24 with attendants. Mr. Schmelzer told Mr. Rivera that he is not here trying to say that he is not telling the truth. He said his point is that he can't take his word and have it enter into the decision. Mr. Schmelzer said that once that use is there, they could modify the car wash someday. Mr. Rooney insisted that they can put conditions on the hours. Mr. Schmelzer asked Don Rasmussen if Mr. Rooney is correct in saying that he could place a condition on the hours of operation. Mr. Rivera asked that if he says he is attended until 8 and unattended until 11 could he do that. Mr. Schmelzer said the bottom line is the ambient noise level during business hours matches. If you are going to run the blowers at any point in time, that could be 24 hours a day, the decibel level would exceed that ambient noise level for the neighborhood. Mr. Schmelzer said that if they can restrict that and say you can only run your business during these hours, regardless of whether attended or not, then it will match the ambient noise level and then he doesn't care. Mr. Rooney again said he thinks it is fine to put an hours of operation condition on the property. Mr. Schmelzer said what if they come in and put coin operated vacuums that are accessible all day? Ms. Mihalik noted that it still also says that the vacuums are only permitted in I-1.

Matt Cordonnier quoted the Planning Commission section 1113.20.

The Planning Commission may apply conditions on the application if the effect is to:

1. Allow a less intensive use or zoning district than indicated in the application,
2. Reduce the impact of the development or;
3. Reduce the amount of land area included in the application.
4. Provide for the public's safety and general welfare.

Mr. Cordonnier said he interprets that to mean the Planning Commission has authority to place additional conditions for any of these four reasons.

Mr. Rasmussen stated that he still thinks we need to take a look at the actual code that says if attended it can have 24 hour operation. Sometimes it hasn't worked out very well where we tried to put some conditions like up by Glenwood School and those were violated. Mr. Rooney said if you look at 1161.15 it states these are factors you may want to look at but not definite restrictions. If the problem is that you don't want noise for the neighbors, the client is willing to do whatever is needed to make that happen. Mr. Schmelzer said his main issue is the ambient noise and as long as we can take care of it for any owner here he would be comfortable with the car wash. He can see it as an improvement over what is there now. If this use can be restricted somehow regardless of the property owner to what this gentleman has said will be the hours of operation, he would call it an improvement and be in favor of it. Mr. Schmelzer said he is just not sure we can place that restriction and it will be binding and if he will work with us on the screening then he can be comfortable with it. Mayor Mihalik asked what the mechanism is to ensure that if the car wash changes hands the hours of operation are the same. Mr. Rasmussen replied that it could probably be done in a deed restriction. Mr. Rooney said there will be a record of the use of this property with that condition in it. Mr. Rivera asked if any of the have ever been to a car wash that is open 24 hours. His is attended. He has doors that are closed and locked up. Phil Rooney said if you want a deed restriction that is fine, but he thinks the record of a condition of approval is a better mechanism. Paul Schmelzer said he thinks a deed restriction would be beneficial because during title work it will come up. Mr. Rivera said he had no problem with it.

Dan Clinger asked what the screening requirements would be here. He asked Paul if the screening he was referring to was on the south side of Spruce. Paul replied that it is. He explained that when that overlay was approved there were requirements for the buffer that was to be maintained by the association of the business owners. The association has since gone defunct. Ms. Scrimshaw stated that it was also a private street at the time. All efforts from this administration and he believes prior ones as well, to get that association to be responsible and get that buffer back in shape have failed. Mr. Rivera asked what the buffer consisted of. Mr. Schmelzer said it was supposed to be a pine row and mound. Mr. Rivera asked if they wanted him to put something on his property to give it more of a buffer. Mr. Schmelzer said if we can deal with the deed restrictions and restrictions on the hours of use, and he can sit down with Mr. Rivera and talk about what we plan to do with that entire buffer, and get some participation there that would be perfect. Mr. Rivera said he has no problem with that. He's here to work with the City.

MOTION

Paul Schmelzer made a motion to approve **APPLICATION FOR CONDITIONAL USE #CU-01-2015 for a drive through Auto Wash to be located at 2215 Tiffin Avenue with the following conditions:**

- **The hours of operation are restricted to not allow 24 hour operation**
- **Deed Restrictions on the land shall so state the limited hours of operation**
- **The applicants agree to work with the City on screening along Spruce Drive to the south of the site.**

2nd: Lydia Mihalik

VOTE: Yay (4) Nay (0) Abstain (0)

6. SITE PLAN APPLICATION #SP-09-2015 filed by Fraternal Order of Police #20, PO Box 1395, Findlay for a lodge at 1769 Romick Parkway.

HRPC

General Information

This site is located on the south side of Romick Parkway in the Deer Meadows Subdivision. It is zoned I-1 Light Industrial. Land on the north, east and west side is also zoned I-1. Land to the south across the railroad track is zoned C-2 General Commercial. It is not within the 100 year flood plain. The Land Use Plan designates the area as Regional Commercial.

Parcel History

This site is currently the location of a memorial built by the FOP. A request to rezone to C-2 General Commercial was the second item on today's agenda

Staff Analysis

The applicant is proposing to construct a 1600 square foot lodge building for the Findlay FOP #20 behind the existing memorial site.

Setbacks in the C-2 General Commercial district are 45' front yard, 30' rear yard, and 15' side yards. The building location exceeds all of these requirements.

Access to the site is through the existing drive for the memorial. The pavement will be extended to the south and 7 additional parking spaces will be added along the east side of the building. There are 20 existing parking spaces at the north end of the lot. The general parking standard in the C-2 District is one space per 375 square feet of area. This would only calculate to 5 required parking spaces. There is no signage indicated on the plans.

There is a landscape island at the northwest corner of the new parking area and foundation plantings indicated on the east side and part of the north side of the building. The code requires two (2) shrubs or ornamental trees per every 12 lineal feet of building circumference. At 164 lineal feet of circumference there are 14 required. The plan has 12 between the front and north side. Applicants need to add two more preferably on the north side as it is the visible "front" of the building. Due to the fact that there are storage units on the east side of the parking lot we see no reason to provide any screening here.

Staff Recommendation

HRPC Staff recommends approval of **SITE PLAN APPLICATION #SP-09-2015 for the FOP lodge at 1769 Romick Parkway subject to the additional landscaping as required.**

ENGINEERING

Access – Existing access will remain in place

Water & Sanitary Sewer – Sanitary sewer and water services were built beneath the parking lot for the memorial. Both of these services will be extended to serve the proposed building. They will need both water and sanitary sewer permits. Lines were installed in 2005 but not connected. ERU's for sanitary will only be 1 (one) based on usage at current Fishlock facility.

Stormwater Management – Detention is provided by a regional pond so on site detention is not required.

Sidewalks – When the memorial site plan came through in 2005, sidewalk installation was a condition of approval. The city does not normally require sidewalks in industrial platted subdivisions. However, the applicant is requesting to change the zoning classification to General Commercial which normally does require sidewalks. There are no other sidewalks on the road at this time. The lots on either side of this parcel are developed for storage units. Would a sidewalk here serve any purpose?

Recommendation: Approval of the plan

The following permits may be required prior to construction:

- An approved Stormwater Pollution Prevention Plan
- Sanitary sewer permit
- Water tap permit

FIRE PREVENTION

- Apply for all necessary permits with Wood County Bldg. Dept.
- A Knox Box will be required if a hood suppression system, sprinkler or fire alarm is installed.

STAFF RECOMMENDATION

Staff recommends approval of **SITE PLAN APPLICATION #SP-09-2015 for Fraternal Order of Police #20 lodge at 1769 Romick Parkway subject to the following conditions:**

- **Addition of two (2) more shrubs or trees along the north side of the building (HRPC)**
- **Apply for all necessary permits Wood County Bldg. Dept. (FIRE)**
- **Knox Box will be required if a hood suppression system, sprinkler or fire alarm is installed (FIRE)**

DISCUSSION

Dan Clinger stated that depending on how the building is laid out or used it may require two means of egress and it only shows one. He stated as a comment from the aesthetic standpoint, with the nice memorial out there why not have an entrance on that side. With the 1600 square foot size you can have an occupancy load of more than 50 which would require the second exit.

Dan Stone replied that the drawings provided were a generic from the builder. They will address code issues on the final design.

Mr. Schmelzer commented on the sidewalk issue. We have had this question in the past and will have it again. Why do I have to put in a sidewalk when it doesn't go anywhere? If we never start then we never get a sidewalk anywhere. He questions the case of a parcel that is surrounded by industrial development that is already there. If the industrial was not developed he believes he would still want them to install the sidewalk in case there was a zoning change. In this instance with the industrial uses developed he does not see any reason to install the sidewalk at this time.

Judy Scrimshaw said she was confused on the sidewalk issue here. She had seen the minutes from before on this site and they stated that the sidewalk installation was a condition of approval. There is a conflict because the City has a sidewalk ordinance separate from everything else. In the subdivision regulations, it states that a subdivision, not designating residential, commercial, or industrial, shall have sidewalks. If you plat a subdivision the sidewalks are required. She said she could agree that one lot in the middle is not going to serve much purpose. Ms. Scrimshaw stated she would just like to see it go to everyone puts in sidewalks. In this day and age with everyone walking even in an industrial subdivision like Tall Timbers, it probably isn't unheard of that employees may go out for a walk on a nice day during lunch. Mayor Mihalik said she often thinks of going down E. Melrose and seeing people walking from the apartments to the gas station through the field. She said not everyone has the ability to travel by car. Ms. Mihalik said we should have sidewalks and any time we have the opportunity to put them in we should.

Jackie Schroeder stated that she noticed that the water and the sanitary both stub toward the south. She said she was wondering if there are any plans to do something on the rest of the lot. Dan Stone replied that when they first laid this out they had a concept of potentially doing another building. They are trying to keep everything open for potential growth whether parking or another building.

MOTION

Paul Schmelzer made a motion to approve **SITE PLAN APPLICATION #SP-09-2015 for Fraternal Order of Police #20 lodge at 1769 Romick Parkway subject to the following conditions:**

- **Addition of two (2) more shrubs or trees along the north side of the building (HRPC)**
- **Apply for all necessary permits Wood County Bldg. Dept. (FIRE)**
- **Knox Box will be required if a hood suppression system, sprinkler or fire alarm is installed (FIRE)**
- **Installation of sidewalks on Romick Parkway**

2nd: Jackie Schroeder

VOTE: Yay (4) Nay (0) Abstain (0)

7. SITE PLAN APPLICATION #SP-10-2015 filed by Investek Holdings, LLC, 1090 W South Boundary, Suite 100, Perrysburg, OH for an apartment complex on Technology Drive.

HRPC

General Information

This site is located on the west side of Technology Drive south of Heartland Court. It is zoned M-2 Multiple Family High Density. To the north and east is zoned C-2. To the south is zoned M-2 Multiple Family High Density and land to the west is in Allen Township and has no zoning. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Office.

Parcel History

Findlay Commerce Park was originally platted as a PUD (Planned Unit Development). It was laid out for various Business, and Residential uses. The existing Horizon at Hillcrest apartment complex is on a part of Lot 1 also and was originally designated as Business. This part of Lot 1 was rezoned earlier this year to M-2.

Staff Analysis

This site is 19.333 acres in size. The applicant is proposing to develop the site as multiple family with a mix of ranch villas and 2 story apartments in one and two bedroom size. There will be a total of 152 rental units on the site and ten garage structures. No more than 40% of the site can be in impervious surfaces. We calculated the site to have approximately 37% of lot coverage. The number of units permitted is calculated on the net area of the site after the deduction of any dedicated right of way and private streets. The 152 units proposed is well under the maximum permitted.

All of the apartment buildings are more than 20' apart as required by zoning. Some of the garage structures on the north and south side of the development however are only separated by 18'. All required yard setbacks are met.

Parking is required on the basis of 2.5 spaces per dwelling unit plus one per every 2 units for visitors. This would calculate to 456 spaces for the complex. With the accessory garage buildings accounting for 104 spaces, each of the 48 ranch villa units providing a 2 car garage plus 2 spaces in the driveways for another 192 spaces, and general surface parking accounting for 163 spaces, the total parking provided is 517 spaces.

There is no freestanding signage indicated on the plan. We assume that some type of identification sign will be placed near the entry from Technology Drive. The location and detail will have to be approved by the zoning inspector prior to permit approval.

Elevation drawings show a combination of stone, brick and vinyl siding used for the facades of the structures. The apartment buildings are 2 story and the villas are single story. The landscaping plan shows the plantings being provided around the perimeters of the site, near the ponds and in the parking bump outs. There is no foundation planting plan provided.

Staff Recommendation

HRPC Staff recommends approval of **SITE PLAN APPLICATION #SP-10-2015 for an apartment complex on Technology Drive subject to the following conditions:**

- **Correct spacing between garage buildings**
- **Approved foundation planting plan**
- **Sign location and detail approved by zoning inspector**

ENGINEERING

Access – One (1) access is proposed onto Technology Drive

Water & Sanitary Sewer – Final locations of waterlines, sanitary and storm sewers, and easements are being discussed with Water Distribution and Engineering.

Stormwater Management – The site will be served by an existing regional detention facility.

Sidewalks – Sidewalks will be installed.

Recommendation: Conditional approval of the plan subject to review of utility locations and easements.

The following permits may be required prior to construction:

- An approved Stormwater Pollution Prevention Plan
- Water permit(s)
- Sanitary sewer permit(s)
- Storm sewer permit(s)
- Curb cut permit
- Sidewalk permit

FIRE PREVENTION

- Apply for all necessary permits with Wood County Building Department.
- The Fire Department Connections (FDC) locations shall be decided by FFD. Outside notification shall be a horn/strobe working on water flow only. The area in front of the FDC's shall be kept clear of landscaping, parking, etc. for each building.
- If required to alter the proposed water lines, maintain proper hydrant locations as shown.
- A Knox Box will be required for the complex.

STAFF RECOMMENDATION

Staff recommends approval of **SITE PLAN APPLICATION #SP-10-2015 for an apartment complex on Technology Drive** subject to the following conditions:

- **Correct spacing between garage buildings (HRPC)**
- **Approved foundation planting plan (HRPC)**
- **Sign location and detail approved by zoning inspector (HRPC)**
- **Review of utility locations and easements (ENG)**
- **Apply for all necessary permits with Wood County Building Department (FIRE)**
- **The Fire Department Connections (FDC) locations shall be decided by FFD. Outside notification shall be a horn/strobe working on water flow only. The area in front of the FDC's shall be kept clear of landscaping, parking, etc. for each building. (FIRE)**
- **If required to alter the proposed water lines, maintain proper hydrant locations as shown. (FIRE)**
- **Knox Box will be required for the complex. (FIRE)**

DISCUSSION

Dan Clinger stated he always has a concern when they have a drive entrance on a curve. He stated that in addition to that they have the higher density to the west side of the site and so there will be a high concentration of traffic going past the villas. If it was flipped with the apartments to the east side it would be better in his opinion. He said if the entry would be up across from Midwest Ct. it would be across from another intersection, it puts the entry on a straight part of the road and it puts the traffic for the apartments only past a few of the villas.

Dan Stone replied that the architects and developers agreed on this layout. He said he is concerned about pushing the entry up there. It cannot line up directly with Midwest Ct. it would have to be offset. He said they have positioned it site wise in a good spot. If the property across the road would ever develop, it would line up there.

Mr. Clinger said Bright Road is a good example of drives on curves. Mr. Stone said this cannot be compared with the traffic on Bright Road. Mr. Clinger agreed, but said once some trees are in the boulevards site lines can be impaired. Mr. Stone replied that the boulevards will be an issue with trees. There is so much fiber optic, electric and gas in there so there will probably not be much area suitable for planting. Mr. Clinger said if he was an owner of one of the villas, he would appreciate less traffic flow around his unit. That is why he came up with the idea of moving the entry drive. Mr. Stone commented that the big ditch there is going to be moved. There will be a 36' pipe there and if the main drive was there and there was a problem, they would have to tear up that drive.

Mr. Clinger had questions on the drainage. Mr. Stone stated that the pond was designed when the development started here. It was designed to handle everything from I-75 over. The ditch was cut to save some time and cost so now they will pick it up and bring it into the pond, then back out of the pond. This new pond is more of an aesthetic feature. Water will still go in and out of it and it will have a water feature.

Mr. Schmelzer asked about the description as being part of Lot 1. Ms. Scrimshaw said that Lot 1 was very large and now includes the 2 apartment developments and still has more land to the north. Mr. Schmelzer asked if there are separate legal descriptions. Ms. Scrimshaw replied yes, we wanted good legals for the zoning request to identify what is actually zoned for multi-family.

MOTION

Lydia Mihalik made a motion to approve **SITE PLAN APPLICATION #SP-10-2015 for an apartment complex on Technology Drive subject to the following conditions:**

- **Correct spacing between garage buildings (HRPC)**
- **Approved foundation planting plan (HRPC)**
- **Sign location and detail approved by zoning inspector (HRPC)**
- **Review of utility locations and easements (ENG)**
- **Apply for all necessary permits with Wood County Building Department (FIRE)**
- **The Fire Department Connections (FDC) locations shall be decided by FFD. Outside notification shall be a horn/strobe working on water flow only. The area in front of the FDC's shall be kept clear of landscaping, parking, etc. for each building. (FIRE)**
- **If required to alter the proposed water lines, maintain proper hydrant locations as shown. (FIRE)**
- **Knox Box will be required for the complex. (FIRE)**

2nd: Paul Schmelzer

VOTE: Yay (4) Nay (0) Abstain (0)

Lydia L. Mihalik
Mayor

Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

City of Findlay City Planning Commission

Thursday, June 11, 2015 - 9:00 AM

AGENDA

CALL TO ORDER

ROLL CALL

SWEARING IN

APPROVAL OF MINUTES

NEW ITEMS

1. **PETITION FOR ZONING AMENDMENT #ZA-08-2015 filed to rezone 101 Shinkle Street, Findlay from R-2 Single Family Medium Density to M-1 Multiple Family.**
2. **ALLEY/STREET VACATION PETITION #AV-02-2015 to vacate an east/west alley between 1315 & 1319 N. Main Street Findlay.**
3. **SITE PLAN APPLICATION #SP-13-2015 filed by Liberty Ridge Investments, LLC, 7300 TR 136, Findlay, OH for Liberty Ridge Apartments to be constructed on Thimbleberry Ln. in Liberty Township.**
4. **SITE PLAN APPLICATION #SP-14-2015 filed by BVMA Investment Association, Ltd., 200 W. Pearl Street, Findlay for expansion of a parking lot at 200 W. Pearl Street.**
5. **SITE PLAN APPLICATION # SP-15-2015 filed by Blanchard Valley Port Authority c/o Marathon Petroleum Corporation, 539 S. Main Street, Findlay for proposed streetscape, reconfiguration of surface parking lots and roadway improvements in the Marathon Campus area.**
6. **SITE PLAN APPLICATION #SP-16-2015 filed by Findlay City Schools, 1100 Broad Avenue, Findlay for a parking lot to be located at 323 Baldwin Avenue.**

ADMINISTRATIVE APPROVALS

SITE PLAN APPLICATION #SP-17-2015 filed by Hamlet Protein Inc., 5289 Hamlet Drive, Findlay for a proposed building expansion.

ADJOURNMENT



Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

Honorable City Council
Findlay, OH 45840

May 26, 2015

RE: Water Treatment Plant Radio Upgrade

Dear Council Members:

The Water Treatment Plant telemetry system is in need of a planned upgrade. The telemetry allows for data transfer from both water towers and the reservoir. From the towers, we receive pressure readings, chlorine residual and water elevation levels. At the reservoir, we have the capability to turn the pumps on/off, receive pumping rates and elevation levels. Our sodium permanganate building also communicates through the telemetry system. We have the capability to monitor this system and also turn on/off feed pumps. The feed pumps are paced by the Water Treatment Plant flow, so it is vital that the communication is operating correctly.

The capital equipment plan estimated \$25,500 for new radios for our telemetry system. This was based on updating radios for the 900mhz non-licensed system.

During the process to finalize the project scope, the department worked with Sgt. Mike Swope because of his knowledge with the City radio systems. Three different vendors and systems were examined. The system that we were planning to upgrade to has not met with great reviews from other communities. The best long term solution is to utilize a microwave system. The microwave system has much more additional capacity, and the functionality will be seamless with instant response. This system will allow for future expansion, if needed, and allow the WTP to build and add more features or new technology for security reasons or any other items that may be needed to be linked back to the plant.

The microwave system is approximately \$50,000. This is double the estimated original cost, but our research leads us to believe the cheaper alternative is not money well spent. Jeff Newcomer has checked with the City of Dayton, and they are very pleased with the installation and performance of this system. We investigated doing the project in multiple phases, but the second phase was much smaller in cost and is not worth splitting.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate the funds as follows:

FROM:	Water Fund	\$25,000	
TO:	Water Treatment Plant, #25050000-other		\$25,000

Please give the legislation a first reading and consider referring it to the Appropriations Committee for further discussion.

Sincerely,


Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

pc: Don Rasmussen
Jeff Newcomer
Jim Staschiak, II



Office of the Mayor

Lydia L. Mihalik

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Honorable City Council
Findlay, OH 45840

May 27, 2015

RE: Signal upgrades in collaboration with ORDC

Dear Council Members:

Over the past year, I have been working with the Ohio Rail Development Commission (ORDC) and Norfolk Southern to improve signalization for the rail crossings at Western Ave and Lima Ave, as well as Western Ave and Sandusky Street.

In the case of the Western/Lima intersection, the ORDC has agreed to reimburse the City up to 100% of eligible costs. The eligible costs and scope are outlined in the attached agreement. Note that this is a reimbursement agreement. The City will need to contract for design and construction under normal bidding procedures, and subsequently invoice the ORDC for said work.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to authorize me to enter into this agreement with the ORDC. I will come back to Council for an appropriation when bids are obtained.

In the future, I also hope to see an agreement with the ORDC for the Western/Sandusky intersection. This intersection is significantly more complicated. We are still working to resolve conceptual design issues with ORDC and Norfolk Southern. The ORDC has preliminarily agreed to cover 88% up to \$660,000 for work at that intersection. I will keep you informed.

Sincerely,


Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

pc: Don Rasmussen
Jim Staschiak, II
Cathy Stout, ORDC

AGREEMENT

This AGREEMENT (“AGREEMENT”), made and entered into this ____ day of _____ 2015, by and among the STATE OF OHIO, OHIO RAIL DEVELOPMENT COMMISSION (ORDC), (hereinafter referred to as “ORDC”), 1980 West Broad Street, Columbus, Ohio 43223, and City of Findlay (hereinafter referred to as the “CITY”), with principal offices at 318 Dorney Plaza, Findlay, Ohio 45840.

WITNESSETH:

WHEREAS, Ohio Revised Code (“ORC”) Section 4981.03 charges the ORDC with the development, promotion, and support of safe, adequate, and efficient rail service throughout the State; and

WHEREAS, ORC Sections 4981.03(A)(3) and 4981.14(B)(5) charge the ORDC to undertake, or cause to be undertaken, maintenance of any rail service project by private corporations;

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and the covenants and AGREEMENTs herein contained, the parties hereto agree as follows:

Article 1: DESCRIPTION: The PROJECT pursuant to this AGREEMENT is the modification of highway traffic signals at the intersection of Lima Avenue and Western Avenue and interconnect with the railroad circuitry for the NS grade crossing DOT# 476 830U for the purpose of controlling traffic at the grade crossing.

The PROJECT is a transportation activity eligible to receive federal funding. The purpose of this AGREEMENT is to set forth requirements associated with the federal funds available for the PROJECT and to establish the responsibilities for the local administration of the PROJECT. The local administration of the project is limited to the traffic signals and interconnection to the railroad at a pull box to be installed by the City.

Section 1.01 The CITY shall be responsible for traffic signal design, labor, materials, and equipment to:

- Prepare design plans, bid, manage, and inspect the work included in Section 1.01. Submit design plans to ORDC for review prior to bidding project. The design shall meet all the requirements contained in Part 8 – Rail Grade Crossings in the Ohio Traffic Engineering Manual.
- Coordinate the location of all poles, conduits, pull boxes, etc. with the railroad.
- Coordinate with ORDC to facilitate final inspection and approval of preemption operations by ORDC or its contractors.
- Upgrade the existing traffic signal controller unit per the Ohio Traffic Engineering Manual. Program the traffic signal for railroad preemption. The traffic signal should be programmed to transition to all-red signal indications once the notification is

received from the railroad equipment that a train is present. The “no right turn” (symbol) LED blank-out signs should also be activated. The traffic signal indications should remain all-red until the train clears the crossing.

- Install, or ensure appropriate functioning and/or placement of vehicle detection if needed, traffic signs, and pavement markings in areas affected by this project.
- Install 6 pair #19 AWG interconnect cable between the traffic signal controller and the railroad equipment case/cabinet.
- Install conduit(s) and pull-box(s) per design. Install new conduits from the proposed pull-box(s) to the proposed railroad equipment case/cabinet.
- Ensure the following circuits are connected and operating per design:
 1. Preemption circuit with supervision
- Install battery backup and cabinet for the traffic signal system
- Install one LED blank-out R3-1 (no right turn symbol) sign including TRAIN legend for eastbound Lima Ave at Western Ave.
- Install one LED blank-out R3-1 (no right turn symbol) sign including TRAIN legend for southbound Western Ave at Lima Ave
- Provide roadway and pedestrian traffic control as needed for the work included in Section 1.01
- If needed, any cost for railroad flagging needed to complete the traffic signal construction should be included in project.

Section 1.02 The Railroad shall be responsible for work to:

- Install railroad circuitry, train detection.
- Install preemption cable from railroad bungalow to pull box installed by the City.

Any work not detailed above will be ineligible for reimbursement unless an ORDC approved change order has been issued.

The work described in Section 1.01 above shall be completed within eighteen (18) months of the date of execution of this AGREEMENT unless otherwise agreed to by ORDC.

After completion of the PROJECT, the CITY shall maintain the traffic signals and interconnection cable from the control box to the pull box to design standards and provide adequate maintenance activities for same, unless otherwise agreed to by ORDC. The PROJECT must remain under public ownership and authority for 20 years, unless otherwise agreed to by ORDC. Nothing stated herein shall deny the CITY the right to seek reimbursement of the costs for the maintenance and renewal of the PROJECT and other of its facilities constructed or changed under the terms of this AGREEMENT, if such reimbursement is then provided for by Federal Highway Administration (“FHWA”) regulations and/or the ORC.

Article 2: PLANS AND SPECIFICATIONS: The CITY shall design and construct the PROJECT in accordance with a recognized set of written design standards. The PROJECT will also conform to the Ohio Department of Transportation’s Highway-Rail Grade Crossing Warning System Interconnection Standard. Further, it will conform to relevant standards of (the railroad).

Article 3: COMPETITIVE BIDDING: CITY agrees to pursue the PROJECT in a manner that is cost effective for both the CITY and ORDC.

Section 3.01 If the PROJECT work will be performed by contract, the CITY shall secure the contract for the PROJECT through a competitive bidding process as described below:

- The CITY may conduct letter solicitations to contractors which they normally use.
- The CITY shall secure bids from at least three (3) contractors.
- The bid documents and the contractor bids must be supplied to the ORDC by the CITY prior to contractor selection by CITY.
- The CITY will verify that all contractors working on the PROJECT are neither suspended nor debarred from working on Federal aid projects at:
<http://www.dot.state.oh.us/Divisions/ContractAdmin/Pages/default.aspx>

The CITY **shall not** advertise for bids prior to the receipt of the “Authorization to Advertise” notification from ORDC. Should advertising or work commence prior to the receipt of the “Authorization to Advertise” notification, ORDC shall immediately terminate this AGREEMENT and cease all Federal funding commitments.

Any use of sole source or proprietary bid items must be approved by the applicable ORDC district. All sole source or proprietary bid items should be brought to the attention of the CITY Coordinator as soon as possible so as not to cause a delay in the plan package submission process. Bid items for traffic signal and highway lighting projects must be in conformance with ORDC’s Traffic Engineering Manual.

Once the CITY receives ORDC/Federal authorization to advertise, the CITY may begin advertising activities. Advertisements shall be in accordance with local bidding requirements. Whenever local advertisement requirements differ from Federal advertisement requirements, the Federal requirements shall prevail. The PROJECT shall be advertised for three (3) consecutive weeks. The period between the first legal advertising date and the bid opening date shall be a minimum of twenty-one (21) calendar days. The CITY shall submit to ORDC any addendum to be issued during the advertisement period that changes estimates or materials. ORDC shall review and approve such addendum for project eligibility. All addenda shall be distributed to all potential bidders prior to opening bids and selling the contracts.

The CITY shall incorporate Form FHWA-1273, Required Contract Provisions, a set of contract provisions and proposal notices that are required by regulations promulgated by the FHWA and other Federal agencies, in all contracts, as well as appropriate subcontracts and purchase orders.

Section 3.02. If the PROJECT work will be performed by CITY forces, the CITY shall secure any materials needed for the PROJECT through a competitive bidding process and shall secure

bids from at least three (3) suppliers. The bid documents and the supplier bids must be supplied to the ORDC by the CITY prior to acceptance of a bid by the CITY. In order for CITY to use its own forces for the construction the CITY must demonstrate to the ORDC's satisfaction that this is the most cost effective method of performing the work and ORDC must preapprove in writing the use of CITY forces.

Article 4. METHOD OF PAYMENT

Section 4.01 The total cost for the PROJECT is estimated to be \$135,000.00. ORDC shall provide to the CITY 100% of the eligible costs up to a maximum amount of \$135,000.00 in federal funds ("Funds"). Additional eligible costs may be approved if authorized prior to being incurred, subject to federal approval.

Section 4.02 The Funds awarded pursuant to this AGREEMENT shall be used for obligations incurred in the performance of the AGREEMENT and shall be supported by contracts, invoices, vouchers, and other data as appropriate, evidencing the costs incurred. If the Funds are not expended in accordance with the terms, conditions and a time period set forth in this AGREEMENT or the total amount of the Funds exceed the eligible costs of the PROJECT, the amounts improperly expended or not expended shall be returned to the ORDC within thirty (30) days after the expiration or termination of this AGREEMENT.

Section 4.03 The CITY may invoice ORDC monthly, or periodically when its allowable costs for the PROJECT work exceed \$1,000, for 100% of the PROJECT work completed, up to the maximum amount specified in Section 4.01 of this AGREEMENT. The invoice shall substantiate, to the satisfaction of the ORDC, PROJECT costs incurred. The adequacy and sufficiency of such invoices shall be determined solely by the ORDC. The ORDC shall not pay the CITY for any PROJECT work not included in Article 1 of this AGREEMENT. To facilitate ORDC's final inspection, all materials installed must be marked in such a way to be easily identifiable by the ORDC, and the CITY's final invoice shall include an inventory of installed materials by milepost or other segmentation of the PROJECT that is satisfactory to the ORDC. ORDC reserves the right to reject any invoice which does not segment the inventory of installed materials in a manner acceptable to ORDC.

Section 4.04 Payment shall be made within forty-five (45) days from the date of ORDC's approval of CITY's invoice. The ORDC shall have thirty (30) days from the receipt of the invoice to either approve or reject the invoice. If any invoice is rejected, ORDC shall immediately provide CITY with a notice and opportunity to correct any deficiency or error.

Article 5. TERM OF AGREEMENT/SUSPENSION/TERMINATION: This AGREEMENT shall terminate at the end of the present biennium, June 30, 2015. If obligations specified under this AGREEMENT are not completed by that date, it is the expressed intention of the parties to renew this AGREEMENT on each successive biennium period until such time as all obligations specified under this AGREEMENT has been satisfactorily completed.

Section 5.01 ORDC Termination: The ORDC shall have the right to terminate this AGREEMENT in the event of a material breach of this AGREEMENT by the CITY. The ORDC shall provide the CITY thirty (30) days written notice in advance of the exercise of its

rights under this provision, unless the ORDC determines that substantial noncompliance cannot be corrected within a reasonable time, then the ORDC may immediately terminate this AGREEMENT.

Section 5.02 Suspension of Funding or Termination by the ORDC: The ORDC shall have the right to suspend funding of the PROJECT authorized under this AGREEMENT at any time in the event of any material breach or default by CITY, and for so long as the CITY fails substantially to comply with material terms and conditions of this AGREEMENT.

Article 6. PROJECT INSPECTION

Section 6.01 The CITY shall allow, upon reasonable notice, the inspection of and access to, the PROJECT by the ORDC. ORDC will notify the CITY if the nature of the work requires ORDC to have an inspector on the PROJECT site whenever the CITY is working.

Section 6.02 The CITY shall furnish written notification no later than five (5) working days prior to the date work will start at the PROJECT site to Don Damron, Project Manager, at 1980 West Broad Street, Mail Stop 3140, Columbus, Ohio, 43223, Cell (614) 614-917-8466, or email at don.damron@dot.ohio.gov with copy to cstout@dot.ohio.gov. The CITY shall also notify the same of the details of any work stoppages, the subsequent resumption of the work activity, and the date work on which the PROJECT was completed. If the work is not inspected due to the lack of contractor notification to ORDC, that work may not be reimbursed with the Funds.

Section 6.03 The CITY shall provide and maintain competent and adequate project management covering the supervision and inspection of the development and construction of the PROJECT. The CITY shall bear the responsibility of ensuring that construction conforms to the approved plans, surveys, profiles, cross sections and material specifications, if applicable.

Article 7. AUDITS: At any time during normal business hours upon ten (10) days written notice and as often as the ORDC may deem necessary and in such a manner as not to interfere with the normal business operations, the CITY shall make available to the ORDC, for examination, and to appropriate state agencies or officials, all of its records with respect to matters covered by this AGREEMENT including, but not limited to, personnel and employment data, financial reports, rail car loading data, job creation data, derailment data, and all other relevant information and shall permit the ORDC to audit, examine and make excerpts or transcripts from such records. The CITY must retain all records associated with this AGREEMENT for a period of five (5) years after final payment has been made by the ORDC. The CITY must also ensure that all source documentation described above is maintained and made available to the ORDC for any sub consultants or outsourced work for the same time period.

The CITY is responsible for compliance with 49 CFR 18, *Uniform Administrative Requirements for Grant and Cooperative Agreements to State and Local Governments* and 2 CFR 225, *Cost Principles for State, Local and Indian Tribal Governments*. These federal regulations establish minimally acceptable requirements for financial accounting systems, cost standards, and reporting that must be maintained in order to administer a federally-funded project.

Article 8. REPRESENTATIONS AND WARRANTIES

Section 8.01 The CITY warrants and represents the following:

- (a) CITY has the power and authority to enter into this AGREEMENT; and
- (b) CITY has the authority to carry out its obligations under this AGREEMENT; and
- (c) No personnel of the CITY, any subcontractor of the CITY, nor to the CITY's knowledge, any public official, employee or member of the governing body of the particular locality where the PROJECT shall be completed, who exercises any functions or responsibilities in connection with the review or approval of the work completed under this AGREEMENT, shall prior to the completion of said work, voluntarily or involuntarily acquire any personal monetary interest, direct or indirect, which is incompatible or in conflict with the discharge or fulfillment of his functions or responsibilities with respect to the completion of the work contemplated under this AGREEMENT. Any person who, prior to or after the execution of this AGREEMENT, acquires any such personal monetary interest, involuntarily or voluntarily, shall immediately disclose his interest to the ORDC in writing. Thereafter, such person shall not participate in any action affecting the work under this AGREEMENT unless the ORDC determines that, in light of the personal monetary interest disclosed, his participation in any such action would not be contrary to the public interest.

Section 8.02 The ORDC represents and warrants that it has the power and authority to enter into this AGREEMENT and to carry out its obligations under this AGREEMENT.

Article 9. OUTSTANDING LIABILITIES: The CITY affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio (the "State") or a political subdivision of the State; (2) any monies to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other monies to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Article 10. NOTICES: All notices, consents, demands, requests and other communications which may or are required to be given hereunder shall be in writing and shall be deemed duly given if personally delivered or sent by United States mail, registered or certified, return receipt requested, postage prepaid, or sent by electronic mail with delivery confirmation to the addresses set forth hereunder or to such other address as the other party hereto may designate in written notice transmitted in accordance with this provision.

If to the CITY:	ADDRESS
If to the ORDC:	Ohio Rail Development Commission 1980 West Broad Street, Mail Stop #3140 Columbus, Ohio 43223 Attention: Secretary-Treasurer
If to the CITY:	City of Findlay 318 Dorney Plaza

Findlay, Ohio 45840 Attention: Safety-Service Director

Article 11. INSURANCE, INDEMNIFICATION AND RELEASE: This AGREEMENT is without force and effect until such time that the CITY demonstrates to the satisfaction of the ORDC that it has commercial general liability insurance covering bodily and property insurance coverage, in an amount not less than FIVE MILLION DOLLARS (\$5,000,000) per each individual claim in regard to CITY's performance pursuant to this AGREEMENT. The CITY shall provide to the ORDC, within thirty (30) days of the effective date of this AGREEMENT, evidence of such coverage.

Article 12. UNUSUAL CIRCUMSTANCES AFFECTING PERFORMANCE: In the event that the CITY cannot meet any or all of the obligations placed upon it by the terms of this AGREEMENT, (1) the CITY shall immediately notify the ORDC in writing, and (2) the ORDC may, at its sole discretion, make reasonable efforts to assist the CITY in meeting its obligations under the AGREEMENT and If the CITY is unable to comply with its obligations under this AGREEMENT for a period no less than thirty (30) days, the CITY may seek modification in accordance with the procedures set forth in this AGREEMENT, including but not limited to, the extension of the term of this AGREEMENT. Such extension shall be within the sole discretion of the ORDC unless outside of the CITY's control.

Article 13. CONTINGENCIES: It is expressly understood by the parties that none of the rights, duties, and obligations described in this AGREEMENT shall be binding on any party until all statutory provisions of the ORC, including but not limited to Section 126.07 and 126.08 have been complied with, and until such time that all necessary funds are made available and forthcoming from the appropriate state agency and such expenditure of funds is approved, if necessary, by the Controlling Board of the State of Ohio pursuant to Section 127.16 of the ORC.

Article 14. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS: The CITY agrees to comply with all applicable federal, state, and local laws, regulations, executive orders, and applicable ODOT manuals and guidelines. CITY accepts full responsibility for payments of all unemployment compensation, insurance premiums, workers' compensation premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by CITY on the performance of the work authorized by this AGREEMENT.

Further, if the CITY has knowingly made a false statement to the ORDC to obtain these funds, the CITY shall be required to return all funds immediately pursuant to ORC Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to O.R.C. Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to O.R.C. Section 2921.13(D)(1), which is punishable by a fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

Article 16. ORDC DISCLAIMER: The ORDC shall have not have or acquire any right, title or interest in the PROJECT or any materials therein by virtue of the providing of funds for the performance of this AGREEMENT.

Article 17. THIRD PARTY BENEFICIARY: It is specifically agreed between the parties executing this AGREEMENT that it is not intended by any of the provisions hereof or of any other document to create in the public, or any person whomsoever, a third party beneficiary, or to authorize anyone not a party to this AGREEMENT to maintain a suit for personal injuries, property damage or for loss, damage or delay of cargo or shipment by reason of, or under the terms or provisions of, this AGREEMENT. The duties, obligations and responsibilities of the parties to this AGREEMENT with respect to third parties shall remain solely as imposed by law.

Article 18. DISPUTE RESOLUTION: In the event the CITY desires clarification or explanation of, or disagrees with, any matter concerning the AGREEMENT, or the interpretation or application of any and all federal or state statutes, rules, regulations, laws or ordinances, the matter must be submitted in writing to the ORDC. After review and consultation with the CITY, the ORDC shall decide the matter. If the dispute cannot be resolved, and the CITY has failed to comply materially with the terms and conditions of this AGREEMENT, then procedures for suspension and/or termination may be instituted as provided for under this AGREEMENT, or this matter may be submitted to a court of competent jurisdiction for final determination.

Article 19. NONDISCRIMINATION:

Section 18.01. In performing this AGREEMENT, the CITY shall not discriminate against any employee, applicant for employment, or other person because of race, color, religion, gender, national origin (ancestry), military status (past, present or future), disability, age (40 years of age or older), genetic information, or sexual orientation. The CITY will ensure that applicants are hired and that employees are treated during employment without regard to their race, color, religion, gender, national origin (ancestry), military status (past, present or future), disability, age (40 years of age or older), genetic information, or sexual orientation. The CITY shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all such subcontracts.

Article 20. REMEDIES: No remedy herein conferred or reserved by the ORDC is intended to be exclusive of any other available remedy, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under the AGREEMENT now or hereafter existing at law or in equity, which in any event shall not exceed the amount of the Funds.

Article 21. NO WAIVER: No delay or omission to exercise any right or option accruing to ORDC upon any breach by the CITY shall impair any such right or option or shall be construed to be a waiver thereof, but any such right or option may be exercised from time to time and as often as may be deemed necessary by the ORDC. Further, if any term, provision, covenant or condition contained in this AGREEMENT is breached by either party and thereafter such breach

is waived in writing by the other party, such waivers shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.

Article 22. CONSTRUCTION: This AGREEMENT shall be governed by the laws of the State of Ohio as to all matters, including but not limited to, matters of validity, construction, effect and performance.

Article 23. FORUM AND VENUE: All actions regarding this AGREEMENT shall be in a forum and venue in a court of competent subject matter jurisdiction in Franklin County, Ohio.

Article 24. SEVERABILITY: Whenever possible, each provision of this AGREEMENT shall be interpreted in such manners as to be effective and valid under applicable law, but if any provision of this AGREEMENT is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this AGREEMENT.

Article 25. ENTIRE AGREEMENT: This AGREEMENT and any documents referred to herein constitute the complete understanding of the parties and merge and supersede any and all other discussions, AGREEMENTs and understandings, either oral or written, between the parties with respect to the subject matter hereof.

Article 26. CAPTIONS: The captions in this AGREEMENT are for the convenience of reference only and in no way define, limit or describe the scope or intent of this AGREEMENT or any part hereof and shall not be considered in any construction hereof.

Article 27. ASSIGNMENT: Neither this AGREEMENT, nor any rights, duties or obligations described herein, shall be assigned or subcontracted without the prior advance written consent of the ORDC, which shall not be unreasonably withheld. In the event the ORDC approves an assignment, each and all of the terms and conditions of this AGREEMENT shall extend to the benefit of the respective successors and assigns.

Article 28. AMENDMENTS OR MODIFICATIONS: Any party may at any time during the term of this AGREEMENT request amendment or modification. Requests for amendment or modification of this AGREEMENT shall be in writing to the other parties and shall specify the requested changes and the justification for such changes. All parties shall then review the request for modification. Should the parties all agree to modification of the AGREEMENT, then an amendment shall be drawn, approved, and executed in the same manner as this AGREEMENT.

Article 29. EFFECTIVE DATE: This AGREEMENT shall become effective on the date it is fully executed by all parties which will be termed the "effective date."

**Article 30. BUY OHIO/BUY AMERICAN PROVISIONS; OFFSHORE
OUTSOURCING PROVISION:**

Section 30.01 The Grantee shall use its best efforts to purchase goods from other companies doing business in the State of Ohio, for the purpose of performing work under this AGREEMENT. Further, in the performance of the work contemplated under this

AGREEMENT, the Grantee and all contractors, subcontractors, material men, or suppliers, shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States.

Section 23.02 The Grantee affirms to have read and understands Executive Order 2011-12K and shall abide by those requirements in the performance of this AGREEMENT.

Notwithstanding any other terms of this AGREEMENT, the Grantor reserves the right to recover any funds paid for services the Grantee performs outside the United States for which it did not receive a waiver from the Director of the Ohio Department of Administrative Services.

Article 31. STATE PROPERTY DRUG-FREE WORKPLACE COMPLIANCE: In accordance with applicable State and Federal laws, rules, and policy, the CITY shall make a good faith effort to ensure that its employees and its contractors will not purchase, transfer, use, or possess alcohol or a controlled substance while working on State property.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed as of the day and year first above written.

CITY:

City of Findlay

ORDC:

STATE OF OHIO
OHIO RAIL DEVELOPMENT COMMISSION

BY: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

Matthew R. Dietrich,
Executive Director

DATE: _____

APPROVED AS TO FORM WITH REGARD
TO OHIO RAIL DEVELOPMENT
COMMISSION ONLY:

Assistant Attorney General Alan H. Klodell

Date _____



May 26, 2015

Findlay City Council
318 Dorney Plaza
Findlay, Ohio 45840

Attention: James P. Slough, President

RE: Commitment of Matching CDBG Grant Funds

Honorable Members of Council:

Hancock Regional Planning Commission is preparing two grant applications on behalf of the City of Findlay to the State of Ohio for critical infrastructure. The value of each grant is \$300,000.

The first grant is to reconstruct the east and west alleys that run north and south parallel to Main Street. The project will improve drainage, allow for some separation of combined sewer, and replace the pavement. The total cost of the project is \$458,606.

The second grant is located on Blaine, Smith, and Oak Street in the West Park Neighborhood. The project will loop and replace the existing 1 1/2 inch water line. The new water line will improve water quality and will allow for fire hydrants to be installed improving public safety. The total cost of the project is \$446,443.

The Critical Infrastructure grant program has specific criteria that need to be met in order to score well against other grants. The City needs to contribute Allocation Grant dollars, City Revolving Loan Fund money, and a contribution of the City's own funds.

	Critical Infrastructure Grant	Allocation	City RLF	City Commitment	Project Total
Grant 1	\$280,000	\$41,600	\$1,000	\$136,006	\$458,606
Grant 2	\$280,000	\$41,600	\$1,000	\$123,443	\$446,600

In order to apply for the grant the City of Findlay must provide the State of Ohio with a letter committing the funds to the proposed projects as part of the grant application.

I am requesting that the City of Findlay commit \$136,006 and \$1,000 from the City Revolving Loan Fund for the Main Street Alley grant application. Additionally I am requesting the City of Findlay commit \$123,443 and \$1,000 from the City of Findlay RLF for grant application 2, the West Park Waterline Project.

Sincerely,

Matt Cordonnier, Director
Hancock Regional Planning Commission



AUDITOR'S OFFICE

318 Dorney Plaza, Room 313
Findlay, OH 45840-3346
Telephone: 419-424-7101 • Fax: 419-424-7866
www.findlayohio.com

JIM STASCHIAK II
CITY AUDITOR

May 29, 2015

The Honorable Council
Findlay, Ohio

SUBJECT: Revenue Estimates for fiscal year 2016

Dear Council Members,

This letter is to inform you I will be providing the Estimated Revenues for the fiscal year 2016, for your meeting on 6/16/15. No action will be required at this meeting.

In order to meet the statutory requirements for the distribution of the local government money, this document should be accepted by council at the July 7th meeting, so it can then be filed with the County Auditor by no later than July 20th. Unfortunately your meeting on July 21st falls after the statutory deadline of July 20th. A motion for acceptance of the revenue estimates will be needed during your meeting on July 7th. I have asked Ms. DeVore to schedule a public hearing for that night before your meeting.

Respectfully submitted,

Jim Staschiak II
City Auditor



AUDITOR'S OFFICE

318 Dorney Plaza, Room 313
Findlay, OH 45840-3346
Telephone: 419-424-7101 • Fax: 419-424-7866
www.findlayohio.com

JIM STASCHIAK II
CITY AUDITOR

Thursday, May 28, 2015

The Honorable Council
Findlay, Ohio

Dear Council Members,

There is legislation on your agenda which authorizes the City to participate in the Bureau of Workers Compensation group retrospective rating program. It is necessary to have Council's approval each year to enroll in the program. The Ordinance must be passed by the 1st meeting in July with the emergency clause so it is in effect for a 07/31/14 filing deadline. The deadline is earlier this year due to changes implemented by the State.

The financial benefits of each program the Bureau offers are reviewed and analyzed throughout the year by my office with the assistance of Compmanagement, Inc., the City's third party administrator for worker's comp issues. Consideration was given to each option, and it has been determined that the group retrospective rating program would best serve the needs of the City in 2016. This is the third year we will have participated in this particular program.

There have been some question with regard to the City 'self-insuring'; however, it is clear from an analysis the City could expect significant premium increases, increased claim losses, and a more than significant increase in claims liability. Additionally, the City would have to make direct payment for things such as nurse case management, independent medical exams, and vocational rehabilitation services while losing handicap reimbursement dollars. All in all, 'self-insuring' is not a good choice for the City at this time.

Council can be assured we will work diligently to continue to put the best options forward as has been demonstrated by the hundreds of thousands of dollars in savings over the last several years.

Respectfully,

Jim Staschiak II
City Auditor

CC: Donald Rasmussen

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

An AD HOC COMMITTEE met on May 27, 2015 to discuss salaries for elected officials. This meeting is a continuation of the March 18, 2015, March 31, 2015, and May 6, 2015 meetings.

We recommend

①

MAYOR: ^{RESTORING} ~~USING~~ BASE salary of \$69,500, increase 2% / year in 2016, 2017, 2018 & 2019

AUDITOR: BASE salary of \$69,418 increase 2% / year in 2016, 2017, 2018 & 2019

LAW DIRECTOR: ^{RESTORE} ~~CHANGE~~ BASE salary to \$106,451 (LAW DIRECTOR SALARY in 2011) - increase 2% / year in 2016, 2017, 2018 & 2019

CITY COUNCIL : NO RAISES

NOTE: ATTACHED WORKSHEET WILL PROVIDE DETAILS

② CONTINUE DISCUSSION ON CITIZEN COMPENSATION ~~COMMITTEE~~ COMMISSION

Aye Nay

ABSENT
Anne Spence, Chairman

Aye Nay

Thomas W. Klein
Thomas Klein

LEGISLATION: _____

Aye Nay

Grant C Russel
Grant Russel

DATE: May 27, 2015

COMMITTEE: AD HOC

Findlay City Council Ad-hoc Committee on Elected Officials Compensation (addendum)

Mayor:

	Base Salary	Percentage Increase	Increase Amount
2015	\$ 68,110		
2016	\$ 70,890	2%	\$ 2,780.00
2017	\$ 72,308	2%	\$ 1,417.80
2018	\$ 73,754	2%	\$ 1,446.16
2019	\$ 75,229	2%	\$ 1,475.08
Total Increase Over Four Years			\$ 19,740.79

Note:

2016 salary is calculated on a base salary of \$69,500 + 2%. \$69,500 represents the Mayor's base salary prior to Mayor Mihalik's voluntarily two percent salary reduction in 2012.

Auditor:

	Base Salary	Percentage Increase	Increase Amount
2015	\$ 69,418		
2016	\$ 70,806	2%	\$ 1,388.36
2017	\$ 72,222	2%	\$ 1,416.13
2018	\$ 73,667	2%	\$ 1,444.45
2019	\$ 75,140	2%	\$ 1,473.34
Total Increase Over Four Years			\$ 14,164.06

Law Director:

	<u>Base Salary</u>	<u>Percentage Increase</u>	<u>Increase Amount</u>
2015	\$ 100,312		
2016	\$ 108,580	2%	\$ 8,268.02
2017	\$ 110,752	2%	\$ 2,171.60
2018	\$ 112,967	2%	\$ 2,215.03
2019	\$ 115,226	2%	\$ 2,259.33
Total Increase Over Four Years			\$ 46,276.28

Note:

2016 salary is calculated on a base salary of \$106,451 + 2%. \$106,451 represents the base salary paid to the Law Director in 2011 prior to a \$6,139 salary reduction implemented prior to Law Director Rasmussen’s first term in office.

City Council:

The committee recommends no change of salary in 2016-2017.

Four Year Budget Impact of Proposal:

	<u>Mayor</u>	<u>Auditor</u>	<u>Law Director</u>	<u>City Council</u>	
2016	\$ 2,780	\$ 1,388	\$ 8,268	\$ -	\$ 12,437
2017	\$ 4,198	\$ 2,804	\$ 10,440	\$ -	\$ 17,442
2018	\$ 5,644	\$ 4,249	\$ 12,655	\$ -	\$ 22,548
2019	\$ 7,119	\$ 5,722	\$ 14,914	\$ -	\$ 27,755
	\$ 19,741	\$ 14,164	\$ 46,276	\$ -	\$ 80,182

**FINDLAY CITY COUNCIL
CARRY-OVER LEGISLATION
June 2, 2015**

RESOLUTION NO. 013-2015 (*629 grant program continuation*)

second reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO SEEK FUNDING THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) JOBS AND COMMERCE GRANT PROGRAM AND THE DEVELOPMENT SERVICES AGENCY ROADWORK DEVELOPMENT (629) GRANT PROGRAM FOR THE PURPOSE OF INFRASTRUCTURE UPGRADES WITHIN AND AROUND THE CITY OF FINDLAY, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-040 (*706 Main Cross St rezone*)

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 706 WEST MAIN CROSS STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R-3 SINGLE FAMILY HIGH DENSITY" TO "M-1 MULTI-FAMILY MEDIUM DENSITY".

ORDINANCE NO. 2015-041 (*1769 Romick Pkwy rezone*)

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 1769 ROMICK PARKWAY REZONE) WHICH PREVIOUSLY WAS ZONED "I-1 LIGHT INDUSTRIAL" TO "C-2 COMMERCIAL".

ORDINANCE NO. 2015-042 (*Cord St vacation*)

second reading

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

ORDINANCE NO. 2015-043 (*Fostoria Avenue Drainage (Phase I), Project 325843*)

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-045 (*water service termination*)

second reading

AN ORDINANCE ENACTING NEW CODIFIED SECTIONS 521.011, 521.012, AND 521.013 FOR THE CITY OF FINDLAY, OHIO.

City of Findlay

Office of the Director of Law

318 Dorney Plaza, Room 310
Findlay, OH 45840
Telephone: 419-429-7338 • Fax: 419-424-7245

Donald J. Rasmussen
Director of Law

JUNE 2, 2015

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, JUNE 2, 2015 MEETING.

RESOLUTIONS

014-2015 A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND SITUATED IN THE NORTHEAST FOURTH (1/4) OF SECTION 6, T1N, R11E, A TRACT OF LAND CONSISTING OF 28.651 ACRES OF LAND, MORE OR LESS (REFERRED TO AS RANZAU/JAQUA ANNEXATION II).

ORDINANCES

- 2015-046 AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY AS I-1 LIGHT INDUSTRIAL DISTRICT (HEREINAFTER REFERRED TO AS THE RANZAU/JAQUA ANNEXATION II).
- 2015-047 AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF MARION, COUNTY OF HANCOCK, STATE OF OHIO, AND SITUATED IN THE NORTHEAST FOURTH (1/4) OF SECTION 6, T1N, R11E, A TRACT OF LAND CONSISTING OF 28.651 ACRES OF LAND, MORE OR LESS AND FURTHER DESCRIBED HEREIN, AND TO PETITION THE COUNTY COMMISSIONERS TO ALTER THE BOUNDARIES IN ACCORDANCE WITH SECTION 503.07 (HEREINAFTER REFERED TO AS THE RANZAU/JAQUA ANNEXATION II), AND DECLARING AN EMERGENCY.
- 2015-048 AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, WITH OPTION YEARS, FOR THE PURCHASE OF THE MATERIALS, CHEMICALS, AND SERVICE AGREEMENTS NEEDED BY THE VARIOUS DEPARTMENTS OF THE CITY OF FINDLAY, OHIO COMMENCING JANUARY 1, 2016, AND DECLARING AN EMERGENCY.
- 2015-049 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.
- 2015-050 AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, OHIO RAIL DEVELOPMENT COMMISSION (ORDC) FOR RAIL CROSSING SIGNALIZATION IMPROVEMENTS AT WESTERN AVENUE/LIMA AVENUE, PROJECT NO. 32852900.
- 2015-051 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, HANCOCK COUNTY, STATE OF OHIO TO FILE TWO (2) GRANT APPLICATIONS FOR THE FISCAL YEAR 2015 CRITICAL INFRASTRUCTURE GRANT PROGRAM, TO SIGN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT WITH THE OHIO DEPARTMENT OF DEVELOPMENT FOR CRITICAL INFRASTRUCTURE IMPROVEMENTS TO RECONSTRUCT ALLEYS, SEPARATE COMBINED SEWERS, REPLACE PAVEMENT AND REPLACE WATERLINE IN THE WEST PARK NEIGHBORHOOD, AND DECLARING AN EMERGENCY.
- 2015-052 AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH VOLUNTEER ENERGY SERVICES, INC. TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND NOVEMBER 2015 WHEN THE CURRENT SUPPLY AGREEMENT ENDS, AND DECLARING AN EMERGENCY.
- 2015-053 AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKER'S COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 014-2015

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND SITUATED IN THE NORTHEAST FOURTH (1/4) OF SECTION 6, T1N, R11E, A TRACT OF LAND CONSISTING OF 28.651 ACRES OF LAND, MORE OR LESS (REFERRED TO AS RANZAU/JAQUA ANNEXATION II).

WHEREAS, Ohio Revised Code 709.03 (D) requires a statement from the municipal legislative authority stating what services, if any, that will be provided to the territory proposed to be annexed upon annexation, and approximately when they will be furnished, and;

WHEREAS, it is the desire of this Council to provide said statement in compliance with said Revised Code Section.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Findlay, State of Ohio:

SECTION 1: The Hancock County Commissioners have approved the petition for annexation of the subject property referenced above. It is the intent of this Council to make available the following services:

- a) street lighting
- b) street maintenance
- c) water distribution system
- d) sanitary sewer system
- e) storm sewer system
- f) engineering services
- g) full-time police protection
- h) full-time fire protection

All of which services will be available to said property upon completion of the annexation.

SECTION 2: That the purpose of this Resolution is to represent that this property like all other property within the incorporated limits of the City of Findlay, Ohio, shall be afforded the same services.

SECTION 3: This Resolution shall take effect and be in force from and after the earliest period provided by law.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2015-046

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY AS I-1 LIGHT INDUSTRIAL DISTRICT (HEREINAFTER REFERRED TO AS THE RANZAU/JAQUA ANNEXATION II).

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That the following described parcel:

Situated in the City of Findlay, County of Hancock, State of Ohio:

See attached Exhibit A

Be and the same is hereby rezoned from its respective zoning classifications to I-1 Light Industrial District classification.

SECTION 2: That from and after the effective date of this ordinance, said parcel above described herein shall be subject to I-1 Light Industrial District regulations.

SECTION 3: This Ordinance shall be in full force and effect from and after the earliest period provided by law.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

EXHIBIT "A"

ENGINEERING • SURVEYING • GPS/GIS CONSULTING

Findlay, OH • P.O. Box 612 • 419.423.5630

Charlotte, NC • P.O. Box 621524 • 704.604.4124

VAN HOEK



HOOVER

Legal Description

For: Ranzau

Pt. NE1/4,
Section 6,
T1N, R11E
28.651 Acres

Situated in the Township of Marion, County of Hancock, State of Ohio and being a part of the NE1/4 of Section 6, T1N, R11E, a tract of land bounded and described as follows:

Commencing at a Monument found marking the southwest corner of the NE1/4 of Section 6;

Thence along the west line of said NE1/4, N 01°25'20" E, a distance of 40.00 feet to a 5/8" Rebar set on the north right-of-way line of East Bigelow Avenue, also known as County Road No. 95, (80' R/W), thence along said right-of-way line S 88°23'31" E, a distance of 1172.49 feet to a 5/8" rebar set marking the PRINCIPAL POINT OF BEGINNING of the tract to be herein described;

Thence, N 00°51'12" E, a distance of 851.00 feet to a 5/8" Rebar set;

Thence S 88°20'39" E, a distance of 1466.80 feet to a 5/8" Rebar set on the east line of Section 6;

Thence along said east line S 00°51'20" W, a distance of 851.00 feet to a 5/8" Rebar set on the north right-of-way line of East Bigelow Avenue, also known as County Road No. 95;

Thence along said right-of-way line N 88°20'19" W, a distance of 1319.08 feet to a 5/8" Rebar set;

Thence continuing along said right-of-way N 88°23'31" W, a distance of 147.69 feet to the PRINCIPAL POINT OF BEGINNING and containing 28.651 Acres of land, more or less, subject to any prior easements of record.

NOTE: All bearings are based on the Ohio North, 3401 Zone, State Plane Coordinate System.

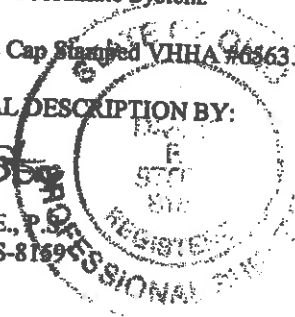
NOTE: All 5/8" Rebars called as set are 30" Long with an Orange Plastic Cap Stamped VHHA #6563.

DATE: 25-Feb-2015

SURVEY & LEGAL DESCRIPTION BY:

Daniel R. Stone

Daniel R. Stone, P.E., P.S.
Reg. No. E-63843, S-81599



ORDINANCE NO. 2015-047

AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF MARION, COUNTY OF HANCOCK, STATE OF OHIO, AND SITUATED IN THE NORTHEAST FOURTH (1/4) OF SECTION 6, T1N, R11E, A TRACT OF LAND CONSISTING OF 28.651 ACRES OF LAND, MORE OR LESS AND FURTHER DESCRIBED HEREIN, AND TO PETITION THE COUNTY COMMISSIONERS TO ALTER THE BOUNDARIES IN ACCORDANCE WITH SECTION 503.07 (HEREINAFTER REFERED TO AS THE RANZAU/JAQUA ANNEXATION II), AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That upon the unanimous application of all the owners of the following described territory, for annexation of the following described territory, situated in the Township of Marion, County of Hancock and State of Ohio, to the City of Findlay, Ohio, and being described as follows:

Situated in the Township of Marion, County of Hancock, State of Ohio:

See Exhibit "A" attached hereto as if fully rewritten herein.

Said annexation be and the same hereby is accepted.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to accept and approve aforementioned annexation on an emergency basis in order to promote job creation, job retention, and the economic stability of the community,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

EXHIBIT "A"

ENGINEERING • SURVEYING • GPS/GIS CONSULTING

Findlay, OH • P.O. Box 612 • 419.423.5630

Charlotte, NC • P.O. Box 621524 • 704.604.4124

VAN HORN



THEY...

Legal Description

For: Ranzau

Pt. NE1/4,
Section 6,
T1N, R11E
28.651 Acres

Situated in the Township of Marion, County of Hancock, State of Ohio and being a part of the NE1/4 of Section 6, T1N, R11E, a tract of land bounded and described as follows:

Commencing at a Monument found marking the southwest corner of the NE1/4 of Section 6;

Thence along the west line of said NE1/4, N 01°25'20" E, a distance of 40.00 feet to a 5/8" Rebar set on the north right-of-way line of East Bigelow Avenue, also known as County Road No. 95, (80' R/W), thence along said right-of-way line S 88°23'31" E, a distance of 1172.49 feet to a 5/8" rebar set marking the PRINCIPAL POINT OF BEGINNING of the tract to be herein described;

Thence, N 00°51'12" E, a distance of 851.00 feet to a 5/8" Rebar set;

Thence S 88°20'39" E, a distance of 1466.80 feet to a 5/8" Rebar set on the east line of Section 6;

Thence along said east line S 00°51'20" W, a distance of 851.00 feet to a 5/8" Rebar set on the north right-of-way line of East Bigelow Avenue, also known as County Road No. 95;

Thence along said right-of-way line N 88°20'19" W, a distance of 1319.08 feet to a 5/8" Rebar set;

Thence continuing along said right-of-way N 88°23'31" W, a distance of 147.69 feet to the PRINCIPAL POINT OF BEGINNING and containing 28.651 Acres of land, more or less, subject to any prior easements of record.

NOTE: All bearings are based on the Ohio North, 3401 Zone, State Plane Coordinate System.

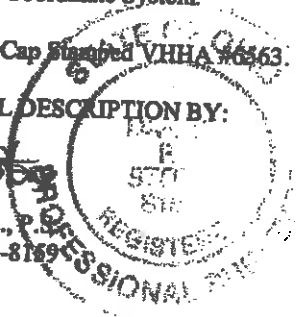
NOTE: All 5/8" Rebars called as set are 30" Long with an Orange Plastic Cap stamped VHHA #6363.

DATE: 25-Feb-2015

SURVEY & LEGAL DESCRIPTION BY:

Daniel R. Stone

Daniel R. Stone, P.E., P.S.
Reg. No. E-63843, S-8169



ORDINANCE NO. 2015-048

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, WITH OPTION YEARS, FOR THE PURCHASE OF THE MATERIALS, CHEMICALS, AND SERVICE AGREEMENTS NEEDED BY THE VARIOUS DEPARTMENTS OF THE CITY OF FINDLAY, OHIO COMMENCING JANUARY 1, 2016, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Service-Safety Director of the City of Findlay, Ohio, be and he is hereby authorized to advertise for bids and enter into contracts with a one year renewal option for the purchase of the materials, chemicals and service agreements needed by the various departments of the City of Findlay, Ohio, commencing January 1, 2016.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio and for the further reason that it is immediately necessary to furnish new materials, chemicals and service agreements for the various operating departments of the City of Findlay to continue their various essential services to its inhabitants;

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2015-049

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	General Fund (donation)	\$ 3,300.00
TO:	Parks Maintenance #21034000-other	\$ 3,300.00
FROM:	Water Fund	\$ 25,000.00
TO:	Water Treatment Plant #25050000-other	\$ 25,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that the Parks Maintenance Department may utilize the funds received towards the reimbursement of expenses for the Neighborwoods Project, and so that upgrades to the Water Treatment Plant radio may be made,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2015-050

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, OHIO RAIL DEVELOPMENT COMMISSION (ORDC) FOR RAIL CROSSING SIGNALIZATION IMPROVEMENTS AT WESTERN AVENUE/LIMA AVENUE, PROJECT NO. 32852900.

WHEREAS, the intersection of Western Avenue and Lima Avenue is in need of a signalization upgrade to interconnect with the railroad circuitry located at the intersection for the purpose of controlling traffic at the grade crossing, and;

WHEREAS, ORDC has agreed to reimburse the City of Findlay, up to one hundred percent (100%) of eligible costs for the Western Avenue/Lima Avenue intersection which approximates one hundred thirty-five thousand dollars (\$135,000.00), and;

WHEREAS, the City of Findlay is desirous to enter into aforementioned agreement for rail crossing signalization improvements at the aforementioned location.

NOW, THEREFORE, BE IT RESOLVED by the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Service-Safety Director of the City of Findlay, Ohio, be and he is hereby authorized to sign the aforementioned agreement with ORDC so that rail crossing signalization improvements at said location may proceed, and so that the costs of said upgrade, including design, labor, materials and equipment may be reimbursed to the City of Findlay.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2015-051

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, HANCOCK COUNTY, STATE OF OHIO TO FILE TWO (2) GRANT APPLICATIONS FOR THE FISCAL YEAR 2015 CRITICAL INFRASTRUCTURE GRANT PROGRAM, TO SIGN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT WITH THE OHIO DEPARTMENT OF DEVELOPMENT FOR CRITICAL INFRASTRUCTURE IMPROVEMENTS TO RECONSTRUCT ALLEYS, SEPARATE COMBINED SEWERS, REPLACE PAVEMENT AND REPLACE WATERLINE IN THE WEST PARK NEIGHBORHOOD, AND DECLARING AN EMERGENCY.

WHEREAS, HRPC is desirous of applying for two (2) grants, one grant to reconstruct the east and west alleys that run north and south parallel to Main Street to improve drainage, allow for separation of combined sewer, and replace pavement, and a second grant to loop and replace the existing one and a half inch (1 ½ ") waterline on Blaine Street, Smith Street, and Oak Street in the West Park neighborhood, and;

WHEREAS, each of the projects are eligible for three hundred thousand dollars (\$300,000.00) in CDBG Critical Infrastructure Grant funds, and;

WHEREAS, the City of Findlay will be required to contribute Allocation Grant dollars, City Revolving Loan Fund money, as well as additional City funds in order to submit a competitive grant application.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Mayor of the City of Findlay, Ohio, Hancock County, State of Ohio be and she is hereby authorized to file an application for the Fiscal Year 2015 Critical Infrastructure Grant Program, sign the Community Development Block Grant (CDBG) Agreement with the Ohio Department of, and sign an agreement with Hancock Regional Planning Commission for facilitation and preparation of the Critical Infrastructure Plan.

SECTION 2: That the Mayor of the City of Findlay, Ohio, Hancock County, State of Ohio be and she is hereby authorized to execute all necessary documents with the Ohio Department of Development for the Critical Infrastructure Grant Program, and with Hancock Regional Planning Commission.

SECTION 3: That the City of Findlay agrees to commit Allocation funds, City Revolving Loan Fund monies, and additional City funds as set forth below should the grant application be successful.

	Critical Infrastructure Grant	Allocation	City RLF	City Commitment	Project Total
Grant 1	\$280,000	\$41,600	\$1,000	\$136,006	\$458,606
Grant 2	\$280,000	\$41,600	\$1,000	\$123,443	\$446,600

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to authorize the signing of said grant agreement so that critical infrastructure improvements may proceed expeditiously;

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2015-052

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH CONSTELLATION ENERGY GAS CHOICE, INC. TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND NOVEMBER 2015 WHEN THE CURRENT SUPPLY AGREEMENT ENDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation ("H.B. No. 9") which authorizes the legislative authorities of cities to aggregate the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas, and;

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually, and;

WHEREAS, this Council finds and determines that it is in the best interest of the City, its residents, businesses and other Natural Gas consumers located within the limits of the City to continue its Natural Gas opt-out Aggregation Program subject to the conditions of a Natural Gas Supply Agreement that will take effect on or about December 1, 2015, and;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: The Mayor of the City of Findlay is hereby authorized to enter into a Master Service Agreement for Natural Gas Supply Services with Volunteer Energy Services, Inc., to facilitate the sale and purchase of Natural Gas to consumers in the City's opt-out program.

SECTION 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to execute said agreement so that the aforementioned governmental natural gas aggregation program may continue,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2015-053

AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKER'S COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor of the City of Findlay, Ohio, with the assistance of CompManagement, Inc., the City's third party administrator for Workers Compensation issues have completed their review and analysis of the financial benefits of each of the programs that the Bureau of Workers Compensation (BWC) offers, and;

WHEREAS, it has been determined that the Ohio Municipal League Group Retrospective Rating Plan would best serve the needs of the City of Findlay, Ohio in 2016.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Auditor of the City of Findlay, Ohio, Hancock County, State of Ohio be and is hereby authorized to enroll the City of Findlay in the Ohio Municipal League Group Retrospective Rating Plan approved by the Ohio Bureau of Workers Compensation, commencing January 1, 2016.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to authorize the Auditor of the City of Findlay, Ohio to enroll the City of Findlay in said plan on or before July 7, 2015 so that the July 31, 2015 filing deadline can be met.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____