

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

MARCH 3, 2015

COUNCIL CHAMBERS

PRESENT: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, VanDyne

ABSENT: none

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

MINUTES:

- Councilman Harrington moved to accept the February 17, 2015 Regular Session City Council meeting minutes as written. Councilman Niemeyer seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

CHANGE IN AGENDA ORDER:

- Ordinance No. 2015-012 (FCS Bigelow Ave/Broad Ave bus garage rezone) (**LEGISLATION** section)
Move up to be discussed now instead of during LEGISLATION portion of the meeting.

REPLACEMENTS:

- Resolution No. 009-2015 (**LEGISLATION** section)
Changed project #3194800 to now be #31948000
- Ordinance No. 2015-020 (**LEGISLATION** section)
Changed FROM: Capital Fund appropriation to now be FROM: General Fund

ORDINANCE NO. 2015-012 (FCS – Bigelow Ave/Broad Ave rezone)

third reading

denied

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 FINDLAY CITY SCHOOLS REZONE) WHICH PREVIOUSLY WAS ZONED "R-1 RESIDENTIAL" TO "I-1 LIGHT INDUSTRIAL".

Councilman VanDyne moved to deny the Ordinance, seconded by Councilwoman Frische.

Discussion:

Councilman VanDyne made the motion to deny this Ordinance because of traffic, safety, drainage, and various pollution concerns and that all of the abutting property owners Council has heard from are opposed to this. The school system, the Engineer and the Architect have all done a fantastic job on this. While they would be the best neighbors possible, there is no way they can overcome all of the problems and concerns to the satisfaction of the abutting property owners. He is unsure if changing the zoning from R-1 Residential to I-1 Light Industrial for this issue is a good idea as it would be putting industrial property up against someone's back yard. There was some discussion about tabling this, but he feels it should be decided on quickly to let both the school and the abutting property owners know the final decision.

Councilman Shindledecker asked for clarification if Council is following a correct process on this. He asked if the motion not to approve is a proper motion. Law Director Rasmussen replied it should be a motion to deny.

Councilman Harrington asked if his vote is aye, if he would be voting to deny this Ordinance. Law Director Rasmussen replied that the motion is to deny the rezone. An Aye vote would deny the rezone to I-1 Light Industrial.

Ayes: Frische, Harrington, Klein, Monday, Shindledecker, Spence, VanDyne. **Nays:** Nichols, Niemeyer, Russel. The Ordinance was denied.

Law Director Rasmussen clarified that the motion was approved denying the request.

PROCLAMATIONS:

Women in Construction Week proclamation – presented by Mayor Mihalik.

WHEREAS: Local chapters of the National Association of Women in Construction (NAWIC) have distinguished themselves as the voice of women in construction in Findlay, Ohio; and

WHEREAS: The work done by NAWIC has benefited numerous Findlay area citizens through community development and educational programs; and

WHEREAS: NAWIC has unceasingly promoted the employment and advancement of women in the construction industry; and

WHEREAS: The construction community, represented by NAWIC, has been a driving force in fostering community development through renovation and beautification projects, promotion of skilled trades careers, and a positive vision of the future.

NOW THEREFORE, I, Lydia L. Mihalik, Mayor of the City of Findlay, Ohio, do hereby proclaim March 1-7, 2015, as:

WOMEN IN CONSTRUCTION WEEK

In Findlay, and invite all in recognizing women as a visible component of the construction industry.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Findlay, Ohio, to be affixed this 1st day of March 2015.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 008-2015 (FFD meritorious conduct award)

adopted

first reading

A RESOLUTION COMMENDING FIRE CAPTAIN RODNEY PHILLIPS FOR THE ACTIONS HE TOOK WITH A HOUSE FIRE ON SOUTH BLANCHARD STREET ON JANUARY 8, 2015.

Councilman Harrington moved to adopt the Resolution, seconded by Councilman Russel.

Discussion:

Councilman Monday congratulated Captain Phillips. When he went over to him before tonight's meeting to congratulate him, he thought he was congratulating him on his retirement. He apologized for the error and told Captain Phillips that he can still look forward to his future retirement.

Ayes: Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindedecker, Spence, VanDyne, Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

WRITTEN COMMUNICATIONS:

Senior Homes of Findlay LLC Vice President Development Aaron Pechota – Senior Homes of Findlay

NRP Senior Homes of Findlay LLC plans to be the managing member of a residential rental development located in or within a one-half mile radius of our political jurisdiction, and they have submitted an application to utilize the multifamily funding programs of the Ohio Housing Finance Agency (OHFA) for the development of this property.

Senior Homes of Findlay is an affordable housing development targeted toward individuals 55 and older. The newly constructed building will consist of 62 units and will be affordable to those making thirty percent (30%), fifty percent (50%), and sixty percent (60%) of Area Median Income (AMI). Additional information can be accessed at www.seniorhomesoffindlay.com.

The proposed redevelopment/development will be financed with conventional first mortgage, Housing Credit proceeds, and deferred developer fees.

The project address is at the intersection of US Route 68 and South Main Street in Findlay.

Council has the right to submit comments to the agency regarding the proposed projects impact on the community and that objection to the project must be submitted in writing and signed by a majority of the voting members of the legislative body. Comments must be submitted within thirty (30) days of this notice and received by the agency with forty-five (45) days of this notice. OHFA will provide a written response to any objections submitted under the terms outlined above.

Discussion:

Councilman Monday asked if there is anything else Council needs to do further with this or if this is just for their information. Law Director Rasmussen replied there is nothing else Council needs to do, but does have the opportunity to submit comments back to them.

Councilman Nichols asked if this property is north of the Southside Family Restaurant. Service-Safety Director Schmelzer replied it is east of the Senior Living Center. Councilman Nichols asked if it is a flood area. Service-Safety Director Schmelzer replied it is not. Filed.

ORAL COMMUNICATIONS: - none.

PETITIONS: - none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Income Tax Board minutes November 5, 2014. Filed.

Service-Safety Director Paul Schmelzer – West Park Sanitary Sewer, Project No. 35632100

The Ohio Department of Development has notified the City that the Community Development Block Grant (CDBG) funds for fiscal year 2014 are now available. The funds will be used for installing sanitary sewer service in the West Park area east of Lima Avenue. The CDBG grant amount is \$104,000.00. The City's share for construction of the project is included in the 2015 Capital Improvements Plan and will be appropriated at a later date. Legislation to appropriate funds is requested. Ordinance No. 2015-019 was created.

FROM:	CDBG Grant Funds	\$ 104,000.00
TO:	West Park Sanitary Sewer CDBG FY2014, project #35632100	\$ 104,000.00

Discussion:

Councilman Russel asked if the homeowners who are affected by this will pay any type of connection fee. Service-Safety Director Schmelzer replied they will. There will be costs associated with tapping the sewer and running the lateral relative to the location where it needs to be connected to private property septic tanks, leech fields or wherever it is exiting the building to make that part of the connection to where the public sewer ends. Councilman Russel asked what the range of cost is for a typical homeowner in that area. Service-Safety Director Schmelzer replied that he spoke to a contractor and was told that because of the rock elevation, typical cost will be approximately \$1,500.00. Councilman Russel then asked if the affected property owners know this is coming. Service-Safety Director Schmelzer replied that a letter is being sent along with a request to have them locate and/or talk to one of our inspectors so they can determine the actual location of their connection point. The idea is to aggregate all of them. Although the City is not paying for this, we are going to try to save homeowners as much money as possible and be as economical as possible. Homeowners will be notified.. Councilman Russel asked if there are ways to assist in the actual payment for homeowners if this creates an economic burden for them or if they are unable to pay it all in one payment. Service-Safety Director Schmelzer replied that there are avenues available. He will wait to see how many property owners come forward with this concern and then will discuss options.

Councilman Nichols asked if each property will have a stubbed lateral. Service-Safety Director Schmelzer replied they will. Based upon the information from the property owner, the lateral will be put on the proper side of the home so it can be extended. He does not want to have a public lateral extended to the west side of the home and have the connection on the east side. They will use the information and then stub the lateral to the right-of-way. Councilman Nichols noted that is a big savings to the property owner. Filed.

Service-Safety Director Paul Schmelzer – Blanchard River Watershed Partnership (BRWP) Tree Planting Grant, Project No. 31954300
In cooperation with the BWRP, the City has the opportunity to participate in a tree planting grant program. The purpose of the grant is to plant one hundred (100) native trees along Eagle Creek in Firestone and Emory Adams Parks, as well as wetland areas in Swale Park to replace/recover from the damage done by emerald ash borer. The BRWP has requested the City's participation by fronting five thousand one hundred twenty dollars (\$5,120.00) and provide personnel to help with the tree planting. The five thousand one hundred dollars (\$5,120.00) will be reimbursed with grant funds. Legislation to enter into an agreement with BRWP and appropriate funds is requested. Ordinance No. 2015-020 was created.

FROM: General Fund	\$ 5,120.00
TO: BRWP Tree Planting Grant Project #31954300	\$ 5,120.00

Discussion:

Councilwoman Spence is on the Shade Tree Commission which includes a group of passionate individual who are very excited about this project and are looking forward to its approval after its third reading. Filed.

City Planning Commission minutes – February 12, 2015; agenda – March 12 2015. Filed.

Service-Safety Director Paul Schmelzer – Municipal Building Renovations/Court Expansion Project No. 31948000

Earlier this year, proposals were requested for design-build services for this project. Two (2) proposals were received and the contract will be awarded to ACI Construction of Alvada, Ohio. At this time, funds are needed for the design phase of the project. After the design is complete, consideration of the construction phase will be requested of Council. This project is included in the 2015 Capital Improvements Plan. Legislation to transfer funds is requested. Resolution No. 009-2015 was created.

FROM: Municipal Court Improvements Fund #24020000	\$ 40,000.00
TO: Municipal Building Renovations Project #31948000	\$ 40,000.00

Filed.

Service-Safety Director Paul Schmelzer – Downtown Revitalization Project #31942400

In 2014, five (5) consultants submitted Letters of Interest for design of this project. A selection committee consisting of the Service-Safety Director, Mayor Mihalik, Tim Mayle, Grant Russel, and Holly Frische reviewed the letters and determined DLZ Consultants to be the most qualified firm for designing the project. The scope of work and fee submitted by DLZ is consistent with the TAP proposal. Through a development agreement, Marathon Petroleum Company has committed to participate in the cost of design and construction of the Main Street improvements. If authorization to proceed is granted by Council, reimbursement under the terms of the development agreement will begin. Approximately \$2,400,000.00 or eighty percent (80%) of the construction phase will be paid by the Ohio Department of Transportation. This project is included in the 2015 Capital Improvement Fund. Legislation to appropriate funds and for the reimbursement of funds received from Marathon Petroleum Company is requested. Ordinance No. 2015-021 was created.

FROM: Capital Improvements – CIT Fund	\$ 340,000.00
TO: Downtown Revitalization Project #31942400	\$ 340,000.00

Filed.

Mayor Lydia Mihalik – Health District Licensing Council appointment

Mayor Mihalik requests Council's confirmation of the following appointment to the Health District Licensing Council: Samuel Fittante, owner Bistro on Main, 407 South Main Street. Mr. Fittante's appointment will fill the unexpired term of Jim Niemeyer. Term to expire December 31, 2016. This requires Council's confirmation.

Councilman Nichols moved to confirm this appointment, seconded by Councilman Monday. All were in favor. Filed.

Mayor Lydia Mihalik – Tax Incentive Review Council appointment

Mayor Mihalik requests Council's confirmation of the following appointment to the Tax Incentive Review Council: Dan Sheaffer and Chris Parriott. This requires Council's confirmation.

Councilman Klein moved to confirm this appointment, seconded by Councilman Shindledecker. All were in favor. Filed.

Service-Safety Director Paul Schmelzer – Capital Improvement Appropriation

The Service-Safety Director would like to discuss the transfer of \$1,500,000.00 from the General Fund to the Capital Improvement Fund at the next Appropriation meeting. It is the intent to bid projects early in the year to give a pricing advantage. On the 2015 Capital Plan is a planned appropriation for the \$1,500,000.00. It was originally thought that this could be done closer to the middle of the year, but are already prepared to contract and bid projects that would encumber the funds currently available in the Capital Improvement Fund. In order to keep moving forward, an appropriation is needed earlier in the year. Legislation to appropriate funds is requested. Ordinance No. 2014-022 was created. Referred to the Appropriations Committee.

FROM: General Fund	\$1,500,000.00
TO: City Income Tax – Capital Improvement Account	\$ 1,500,000.00

Filed.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 008-2015 (FFD meritorious conduct award)

See page 1 above.

RESOLUTION NO. 009-2015 (Muni Bldg renovations/Court expansion project)

first reading

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Resolution.

ORDINANCES

ORDINANCE NO. 2015-013 (*Street Dept equipment repairs*)

third reading

adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume WW, Page 2015-013 and is hereby made a part of the record.

ORDINANCE NO. 2015-016 (*Twp Rd 99 & Technology Dr 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 TOWNSHIP ROAD 99 AND TECHNOLOGY DRIVE REZONE) WHICH PREVIOUSLY WAS ZONED "C-2 GENERAL COMMERCIAL" TO "M-2 MULTIPLE FAMILY HIGH DENSITY".

Second reading of the Ordinance.

ORDINANCE NO. 2015-018 (*Tiffin Ave Signal Synchronization Project #32894000 ODOT PID #92452*)

tabled after first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-019 (*W Park Sanitary Sewer project*)

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2015-020 (*BRWP grant*)

first reading

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, HANCOCK COUNTY, STATE OF OHIO TO ENTER INTO AN AGREEMENT WITH THE BLANCHARD RIVER WATERSHED PARTNERSHIP (BRWP) FOR THE GREAT LAKES RESTORATION INITIATIVE (GLRI) USDA FOREST SERVICE GRANT FOR THE BLANCHARD RIVER WATERSHED EAB MITIGATION TREE PLANTING PROJECT NO. 31954300, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2015-021 (*Downtown Revitalization project*)

first reading

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, HANCOCK COUNTY, STATE OF OHIO TO ENTER INTO A CONSULTING AGREEMENTS FOR THE DESIGN PHASE OF THE DOWNTOWN REVITALIZATION PROJECT NO. 31942400, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2015-022 (*Capital Improvements*)

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS

OLD BUSINESS:

Councilman Harrington congratulated the Administration and all those who have finally accomplished the Health Department merger.

NEW BUSINESS: - none.

President J Slough adjourned Council at 8:02pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL