

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**APRIL 7, 2015**

**COUNCIL CHAMBERS**

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

**ABSENT:** Frische

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

## **MINUTES:**

- Councilman Klein moved to accept the March 17, 2015 public hearing minutes for Township Road 99 and Technology Drive rezone as written. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.
- Councilwoman Spence moved to accept the March 17, 2015 Regular Session City Council meeting minutes as written. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

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

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

### **REPLACEMENTS:**

- Ordinance No. 2015-030  
Removed last two (2) appropriations and placed on new Ordinance No. 2015-032  
(**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS**)

### **ADD-ON:**

- Ordinance No. 2015-032  
(**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS**)

**PROCLAMATIONS:** - none.

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

**WRITTEN COMMUNICATIONS:** - none.

**ORAL COMMUNICATIONS:** - none.

## **PETITIONS:**

### **Alley vacation request – 701 Lima Avenue**

Ryan Switzer is requesting a vacation for Cord Street from the southerly right of way line of Lima Avenue to Stadium Drive, together with Stadium Drive from the easterly right of way line of Lake Cascades Parkway to the easterly right of way line of Cord Street. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

### **Zoning amendment request – 706 West Main Cross Street**

Philip Mills would like to change the zoning to R-3 Single Family High Density to M-1 Multi-Family Medium Density. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

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

### **Mayor Lydia Mihalik – Shade Tree Commission appointment**

Mayor Mihalik appointed Karl Farwig to the City of Findlay Shade Tree Commission. His appointment will be effective through December 31, 2017. This appointment does not require Council's confirmation. Filed.

**Findlay City Board of Health minutes – January 21, 2015, February 18, 2015.**

### **Discussion:**

Councilman Russel noted that in the February 18, 2015 minutes, there was a conversation about a Master's Trail Plan and the meeting that was held on March 12, 2105. He asked if the Service-Safety Director attended that meeting and if so, if he had any additional information on that plan. Service-Safety Director Schmelzer replied that meeting was not to review the plan, but to discuss how to go about best implementing different sections of the plan. Gary Pruitt called the meeting and discussed with Dr. Mills and Dr. Reed. The purpose of the meeting was to get some user groups involved to inventory where we are at and also from the user groups perspective which ones might be higher targets for implementation. He also talked to Gary Pruitt about the transportation alternative plan and what drives that from ODOT's perspective. We agreed that what we would do is take the input from the user groups and bring it back and try to look for funding opportunities with the Hancock Park District who is driving that effort. Councilman Russel then asked what the composition is for this user group. Service-Safety Director Schmelzer replied that they are existing groups of various individuals (runners, Hancock Handlebar, etc). It is not a new user group. It is existing groups of individuals that currently utilize the trails. Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Shastri Vandan LLC dba Southside Wolfies, located at 546 Sixth Street Findlay, Ohio for a C1 and C2 liquor permit. This requires a vote of Council.**

Gregory R. Horne, Chief of Police – Shastri Vandan LLC dba Southside Wolfies, located at 546 Sixth Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Girish N. Patel  
Rikenkumar N. Patel

Councilman Harrington moved for no objections be filed. Seconded by Councilwoman Spence. 8 Council members in favor, 1 opposed. Filed.

**City Auditor Jim Staschiak – City’s debt summary report**

As part of the continuing effort to fully disclose the current status of the City of Findlay’s finances, the City Auditor in the process of completing a report summarizing the debt of the City. This presentation to Council is the first of four (4) quarterly meetings that report detailed aspects of the City’s current financial position. These quarterly update meetings are an important component in maintaining the City’s favorable bond rating. The City Auditor would like to present this report during the next Appropriations Committee meeting or a Committee of the Whole meeting. Filed.

**Service-Safety Director Paul Schmelzer – Water Distribution truck repairs**

In 2014, a Water Distribution truck was damaged in a vehicle accident. Ordinance No. 2014-098 appropriated the insurance proceeds of \$18,594.53 to the Water Department budget in 2014. A portion of the repairs were completed and paid for in 2014. The balance of the insurance proceeds did not carry over to 2015 to pay for the remainder of the repairs being completed. An additional \$12,100.00 is needed to cover these repairs. Legislation to appropriate funds is requested. Ordinance No. 2015-030 was created.

FROM: Water Fund	\$ 12,100.00
TO: Water Distribution Department #25053000-other	\$ 12,100.00

Filed.

**Service-Safety Director Paul Schmelzer – WTP Paint SCU #1**

Solid Contact Unit #1 (SCU 1) is in dire need of repair and painting. This project was initially included on the 2015 capital plan with a cost estimate of two hundred thousand dollars (\$200,000.00) and a completion date of November 7, 2014. Last year, a bid was received for this project which was rejected due to the reference check. The possibility of bidding the blasting, metal work and painting as separate projects was explored, but the overlap in these phases will cause it to be rebid with a general contractor approach. Of the four (4) bids, the lowest bid was \$215,180.00. If it is determined to be the best bid and awarded, additional funds over the budgeted capital plan will be needed to cover the project costs as well as the inspection services and contingency fees.

There are a couple of issues that affect the scope and timeline for the project. First, the amount of metal work required cannot be fully determined until the sand blasting is done. Second, the consultant, Dixon Engineering has specified a twenty-eight (28) day cure time on the epoxy paint before total immersion is allowed. With this SCU being out of service, it cuts the treatment capability in half to eight (8) MGD, so we want to be positioned to start this project as soon as weather permits.

As is typical, a starter initial amount of ten thousand dollars (\$10,000.00) was appropriated for inspection and planning of the project. In the interest of time, an emergency appropriation is requested so that this project is completed on or before the completion date of June 19, 2015. Ordinance No. 2015-031 was created.

FROM: Water Fund	\$ 253,000.00
TO: WTP Paint SCU #1 (35731800)	\$ 253,000.00

Filed.

**Service-Safety Director Paul Schmelzer – MARCS radio system**

The MARCS radio project is behind schedule with a completion date that is months away. It appears the vendor that MARCS hired to put the network into place has experience unexpected technical issues, pushing their completion deadlines back. The 2015 Police Department budget did not include funds to pay AT&T for T1 line usage since the project was to be completed by the end of 2014. The Police Department has transferred \$1,212.00/month that was budgeted to cover AT&T invoices for January thru March. Work is anticipated to be done in the next couple of months, but the last coordination meeting with MARCS produced no definite completion date. Funds to cover this cost for the rest of the year is requested. Legislation to appropriate funds is requested. Ordinance No 2015-030 was created.

FROM: General Fund	\$ 10,908.00
TO: Police Dispatch #21015000-443105	\$ 10,908.00

Filed.

**Service-Safety Director Paul Schmelzer – Woods at Hillcrest water and sewer oversizing project #35754400 and 35654500**

On October 15, 2014, the Water and Sewer Committee approved the request of cost sharing for oversizing the water and sanitary sewer lines with construction of Woods at Hillcrest 8<sup>th</sup> Addition. In planning for future development, the City requested the developer to install a 20-inch waterline rather than an 8-inch line and a 12-inch sanitary sewer rather than an 8-inch. The cost difference between the standard-sized lines and the oversized lines should be paid by the City. Legislation to appropriate funds is requested. Ordinance No. 2015-030 and 2015-032 were created.

FROM: Water Fund	\$ 102,380.00
Sewer Fund	\$ 11,342.00
TO: Woods @ Hillcrest Waterline Oversizing Project #35754400	\$ 102,380.00
Woods @ Hillcrest Sanitary Sewer Oversizing Project #35654500	\$ 11,342.00

Filed.

City Planning Commission minutes – March 12, 2015; agenda – April 9, 2015. Filed.

City Income Tax Monthly Collection Report – March 2015. Filed.

Traffic Commission minutes – March 16, 2015. Filed.

Parks and Recreation Board minutes – March 16, 2015. Filed.

Findlay Police Department Activities Report – March 2015. Filed.

Precipitation and Reservoir levels report – January-March 2015. Filed.

### **COMMITTEE REPORTS:**

The **STREETS, SIDEWALKS, & PARKING COMMITTEE** met jointly with members of committees from The Alliance regarding the Downtown Main Street improvements to discuss mutual goals and concerns.

*We recommend the committee and the Alliance continue to communicate informally and schedule additional joint meetings as more specific downtown improvement plans become available. We recommend the Administration meet with the Council Committee to specify the role the committee and the Parking Authority should play, if any.*

Councilman Shindledecker moved to adopt the committee report. Councilman VanDyne seconded the motion. All were in favor. Filed.

An **AD HOC COMMITTEE** met on March 18, 2015 to discuss salaries for elected officials.

*We recommend continuing discussions on March 31, 2015 at 4:00pm. Meeting will be held in the Council Chambers.*

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

An **AD HOC COMMITTEE** met on March 31, 2015 to discuss salaries for elected officials.

*We recommend explore formation of Commission of Citizens to make recommendations on elected officials compensation.*

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

#### **Discussion:**

Councilman Harrington asked what the next step is. Councilman Russel replied that the committee wants to talk to the Law Director to check if there is anything in the statutes that would prohibit a committee of citizens to be formed and also the view of the rest of the Councilmembers.

Councilman Monday noted that a citizen committee can be done as he recalls a few years ago that former Councilmember Ward appointed a Citizens Review Committee to review salaries. Law Director Rasmussen added that it can be done, but is ultimately Council's decision. It would not be the first time that a committee has appointed citizens to come in and discuss and provide ideas.

Councilman Harrington asked what the next step is. Councilwoman Spence replied that another meeting will need to be scheduled. The Law Director was not available at the last meeting, so the committee was not able to get his input at that time.

Councilman Klein asked if any councilmember(s) have any issues with forming a citizens committee. Councilman Harrington replied that he feels it is an excellent idea to take input from citizens who Council works for. It also takes some of the burden off Council. Even if a pay raise is awarded to Councilmembers, it would not in effect for this body, unless re-elected. It would be important to set guidelines on who is chosen to be on the citizens committee to incorporate a range of citizens from all aspects to give their opinions.

Councilman Shindledecker agrees with Councilman Harrington. Filed.

A **COMMITTEE OF THE WHOLE** meeting was held on Tuesday, March 31, 2015, to discuss the completion of mandated Municipal Separate Storm Sewer System (MS4) legislation to gain compliance with EPA National Pollutant Discharge Elimination System (NPDES) requirements.

Councilman Monday moved to adopt the committee report. Councilman VanDyne seconded the motion. All were in favor.

#### **Discussion:**

Councilman Monday noted that the meeting met for about two and a half (2 ½) hours where the Service-Safety Director did a wonderful job explaining legislation related to the MS4 that we will be seeing soon. Filed.

### **LEGISLATION:**

#### **RESOLUTIONS:**

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

third reading

adopted

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

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

**RESOLUTION NO. 010-2015** *(No PO)*

**first reading** **adopted**

A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

Councilman Russel moved to adopt the resolution, seconded by Councilman Nichols. Ayes: Klein, Monday, Nichols, Niemeyer, Russel, Shindedecker, Spence, VanDyne, Harrington. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

**ORDINANCES**

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

**third reading** **adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman VanDyne. Ayes: Monday, Nichols, Niemeyer, Russel, Shindedecker, Spence, VanDyne, Harrington, Klein. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-019 and is hereby made a part of the record.

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

**third reading** **adopted**

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 DELCARING AN EMERGENCY.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman VanDyne. Ayes: Nichols, Niemeyer, Russel, Shindedecker, Spence, VanDyne, Harrington, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-020 and is hereby made a part of the record.

**ORDINANCE NO. 2015-025** *(YMCA operate Riverside Swimming Pool)*

**second reading**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT (CONTRACT) WITH THE YMCA TO OPERATE THE RIVERSIDE SWIMMING POOL FACILITY AND ASSOCIATED YMCA PROGRAMS FOR PUBLIC AND RECREATIONAL USE FOR THE CITY OF FINDLAY FOR THE 2015 SEASON, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2015-027** *(222 Center 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 222 CENTER STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R-3 SINGLE FAMILY HIGH DENSITY" TO "C-1 LOCAL COMMERCIAL".

Second reading of the Ordinance.

**ORDINANCE NO. 2015-028** *(YMCA swimming pool expenses)*

**first reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2015-029** *(MPC reimbursement)*

**first reading**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, HANCOCK COUNTY, STATE OF OHIO TO ENTER INTO 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. 2015-030**

**first reading** **adopted**

*(Water Distribution truck repairs; MARCS radio system)*

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Niemeyer, Russel, Shindedecker, Spence, VanDyne, Harrington, Klein, Monday, Nichols. The ordinance was given its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Russel, Shindedecker, Spence, VanDyne, Harrington, Klein, Monday, Nichols, Niemeyer,. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-030 and is hereby made a part of the record.

## AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Klein seconded the motion. Ayes: Shindledecker, Spence, VanDyne, Harrington, Klein, Monday, Nichols, Niemeyer, Russel,. The ordinance was given its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Spence, VanDyne, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-031 and is hereby made a part of the record.

## ORDINANCE NO. 2015-032 (Woods at Hillcrest water &amp; sewer oversizing project)

adopted during  
Old Business

## AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Councilman Monday made a motion to suspend the statutory rules and give Ordinance No. 2015-032 its second and third readings. Councilman VanDyne seconded the motion. Ayes: VanDyne, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence. The ordinance received its second and third readings. Councilman Nichols made a motion to adopt the Ordinance. Councilwoman Spence seconded the motion. Ayes: Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, VanDyne. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-032 and is hereby made a part of the record.

Councilman Monday noted that during tonight's meeting, there was a letter from the City Auditor requesting quarterly meetings with Council to discuss the City's current financial position either during an Appropriations Committee meeting or a Committee of the Whole meeting. He has no preference which one. He suggested the first meeting be during the Appropriations Committee meeting on April 14, 2015. No Councilmembers objected.

**APPROPRIATIONS COMMITTEE** meeting on April 14, 2015 at 4:00pm in the third floor conference room of the Municipal Building (CR1).

agenda: 1. City's financial position update from City Auditor

**NEW BUSINESS:**

Councilman Klein noted that an **AD HOC** meeting to discuss the N.E.A.T. Department is scheduled for April 8, 2015 at 4:00pm, but is cancelled. He will notify those involved when it is rescheduled. Possibly be rescheduled for April 15 or 16, 2015.

Councilman Klein asked for additional information about the snow emergency policy discussions that were noted in the Traffic Commission minutes. Especially after this last winter there were some side streets on the south end that were difficult to get down. Beech Street is a narrow street. Some of the wider streets that have parking on both sides were dangerous to get around. He suggested looking at what other communities are doing for snow policies. Service-Safety Director Schmelzer replied that it also involves parking enforcement, whether or not the street is paved or not, and what the street width is. If a twenty-six foot (26') face-to-face curve limit is set, that will be done for every street in the city. If two (2) cars are parked directly across from each other, there will be the same effect width as a narrow street. There are a lot of questions he wants to get answered (how it will be put in place, how it will be enforced, etc). He has asked the Street Department Supervisor to look at what some of the street widths are. This topic has been discussed at previous Traffic Commission meetings and he plans to revisit that.

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

Councilman Russel: **PLANNING & COMMITTEE** meeting on April 9, 2015 at 4:00pm in the Council Office, first floor of the Municipal Building (CO).

agenda: 1. 724 North Main Street rezone  
2. 306 West Bigelow Avenue rezone

Mayor Mihalik, along with several other local government officials and statewide associations, met with Treasurer Josh Mandel this morning where he announced the initiative to bring local governments, townships, City, County, School Districts onto ohiocheckbook.com. It was a broad collaboration between the Ohio Municipal League, The Ohio Township Association, and The Ohio Society of CPAs, and several other local government officials. Findlay was the only City represented and one of the first adopters of the program. As Findlay continues to have the vision for a strong, vibrant, best in class community, that having an engaged citizenry is a big part of it. Treasurer Mandel recognizes Findlay as a large transparency and accountability project that allows citizens to be engaged in what is being done. She is happy to be a part of it and represent our Flag City in Columbus.

President J Slough adjourned Council at 8:02pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL