

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

MAY 19, 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:

- Councilwoman Spence moved to accept the May 5, 2015 Regular Session City Council meeting minutes as written. Councilman Klein seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

REPLACEMENTS:

- Ordinance No. 2015-042
 - Added "Stadium Drive" to the first WHEREAS
 - Added "and being a part of the Kerper Addition to the City of Findlay" under SECTION 1:
- Ordinance No. 2015-043
 - Changed FROM:

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

WRITTEN COMMUNICATIONS:

Time Warner Cable Director of Government Relations Brian Young – Comcast/Time Warner Cable Transaction Terminated

More than a year ago, Time Warner Cable Inc. ("Time Warner Cable"), the ultimate parent of the cable franchisee in our community, and Comcast Corporation ("Comcast") entered into an agreement to merge and Comcast then agreed to transfer certain systems to Charter Communications. On April 24, 2015, Comcast terminated those agreements. Time Warner Cable will now continue as the operator of the cable system in our community. Time Warner Cable will remain financially and operationally strong, and are committed to continue to deliver great experiences to their customers. Contact (419) 429-7450 or email brian.young@twcable.com with any questions. Filed.

ORAL COMMUNICATIONS:

Ginny Clymer – Vet's Crosses

Ms. Clymer handed out photocopies of the veterans memorial crosses. On behalf of the veterans, Ms. Clymer would like to see the memorial crosses that are currently at the County Home be displayed throughout Hancock County to honor those who lost their lives for our freedom. There are approximately one hundred (100) crosses left. They are dirty and need to be cleaned. If anyone is interested in them, they can contact the Hancock County Veterans Service Office (419) 424-7036 x3 and ask for Kyle Frias. They were originally at the Maple Grove Cemetery, but were removed and a new memorial has been put in their place. She does not want them shredded or buried, and would like them displayed within Hancock County. Her son who lives in Gilboa is a four (4) year Airforce veteran and is putting two (2) at his place. Her daughter in Michigan is also taking two (2) because her father-in-law was a career Navy Officer. The crosses need to be kept and displayed because these individuals gave their lives so that we can be here tonight. Her husband was a Korean War Purple Heart Veteran. She will be attending a Veterans Council meeting on Tuesday, May 26, 2015 at 2:00pm to learn more about the crosses. She has also spoken with the townships and Fire Departments about them.

Discussion:

Councilman Klein asked how many crosses are left. Ms. Clymer replied there is about one hundred (100) left. Roger Neff took some to put at the memorial site at the corner of North Main Street and Center Street. She did not put her crosses at the cemetery because she puts up a monument every year in honor of her husband.

Mayor Mihalik asked who ultimately has possession/responsibility of them. Ms. Clymer replied the Veterans Council. Mayor Mihalik asked if Ms. Clymer is suggesting the City take up residency of the crosses. Ms. Clymer replied that she is just trying to make everyone aware of them and if they want any to contact her or the Hancock County Veterans Service Office. Mayor Mihalik then asked if they could be displayed at the cemetery. Ms. Clymer would prefer they be in various places throughout Hancock County instead of just one place (cemetery). She feels they would be better taken care of and wants people to be proud that they have one if they are spread throughout instead of just at the cemetery. Mayor Mihalik informed Ms. Clymer that she will look into this and will get back with her.

PETITIONS:

Zoning amendment request – 810 N Cory St

Kenneth Eckleberry would like to change the zoning to R4 Two Family. It currently is zoned as R2 Single Family. Referred to City Planning Commission and Planning & Zoning Committee.

Zoning amendment request – 101 Shinkle St

Philip Rooney, Rooney & Ranzau, Ltd., would like to change the zoning to M1 Multi Family, Medium Density. It currently is zoned as R2 Single Family, Medium Density. Referred to City Planning Commission and Planning & Zoning Committee.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Municipal Court Activities Report – April 2015. Filed.

Findlay Police Department Activities Report – April 2015. Filed.

City Planning Commission minutes – April 9, 2015. Filed.

Findlay W.O.R.C. Financial Analysis Report – January 1, 2015 through April 30, 2015. Filed.

City Auditor Jim Staschiak – summary financial reports

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

- Summary of Year-To-Date Information as of April 30, 2015
- Cash & Investments as of April 30, 2015
- Open Projects Report as of April 30, 2015
- Financial Snapshot for General Fund as April 30, 2015

Filed.

Treasurer's Reconciliation Report – April 30, 2015. Filed.

N.E.A.T. Departmental Activity Report – April 2015. Filed.

Findlay Fire Department Activities Report – April 2015. Filed.

Health Commissioner Stephen Mills – Local Government Innovation Program

At the request of the City/County Health Department Merger Committee, Barb Wilhelm applied for and obtained a Local Government Innovation Program Grant through the Ohio Development Services Agency. The purpose of this grant was to allow for a feasibility study to be completed regarding the facility to be used for the newly combined Hancock Public Health District. These dollars may be used for consulting fees, supplies, plan review and approval. The ultimate goal of the project will be to provide a well-designed, accessible, client friendly public health space that will fit the needs of the current public health demands for Findlay and Hancock County while positioning for accreditation and to address future public health needs.

The grant cycle for this award began on April 6, 2015 and will continue until complete or April 6, 2017. Emergency legislation to appropriate funds is requested. Ordinance No. 2015-044 was created.

FROM: Ohio Development Services Agency grant	\$ 39,000.00
TO: 2015 LGIF Grant <i>Project #31954700</i>	\$ 39,000.00

Filed.

Service-Safety Director Paul Schmelzer – City Street Department 350 West High Street

In 2002, the City closed an area of concern per an accepted closure plan that was submitted in 2003, however, there was another area left open to corrective action on the property. This was a small area approximately 50' x 50' that was at one point an area where dumping occurred. Over the past year, the Service-Safety Director has been working with TTL and the EPA to clear remaining environmental issues at the City Street Department property located on High Street. This is also the location of the City's green waste site.

The corrective action method consisted of quarterly ground water monitoring/sampling. The testing has shown that there is no evidence of impacts to the ground water zone resulting from the historic waste handling activities. The EPA has concluded that further investigation of the other unit is unnecessary as there is no evidence of a release of hazardous waste or constituents from the unit or any other area at the City's facility. Filed.

Service-Safety Director Paul Schmelzer – Fostoria Avenue Drainage (Phase I), Project 325843

In 2008, an application was made to OPWC for the Fostoria Avenue drainage project. The project is intended to provide drainage relief to the area between Tiffin and Fostoria Avenue. OPWC granted funds up to \$375,000 to help pay for what was at the time estimated to be a \$500,000 project. During the design phase, it was determined that the project could not be constructed due to a lack of easements and difficulty with crossing other underground utilities.

In 2013, Steve Wilson and the Service-Safety Director discussed an extension of the funding so that a constructible solution could continue to be worked on. Engineering worked with different property owners to negotiate easements and an alternate route for the storm sewer outlet was developed. OPWC has also previously granted \$252,500 for the construction of Phase II. Bids for this were received on May 11, 2015. The lowest and best bid was received from Helms & Sons Excavating of Findlay, Ohio for \$976,518. An additional appropriation of \$721,000 over the budget amount is needed to cover the contingency and construction of Phase I. The Capital Plan had already shown a contribution from the Storm Fund of \$135,000 but it has not yet been appropriated. The Stormwater Fund has approximately \$2,500,000 available.

Legislation for a first reading is requested. The scope will be reviewed during the next Appropriations Committee meeting. The Service-Safety Director recommends the City move forward with this project as the problem will still exist and the City will lose over \$600,000 in OPWC funding if not. OPWC has been willing to work with the City on this project, but they want confirmation on the City's direction. This will be in conjunction with paving on Tiffin Avenue. Ordinance No. 2015-043 was created.

FROM: Stormwater Fund	\$ 721,000.00
TO: Fostoria Ave Drainage (Phase I) <i>Project #32584300</i>	\$ 721,000.00

Referred to the Appropriations Committee. Filed.

Mayor Lydla Mihalik – appointment to Blanchard Valley Port Authority

Request for confirmation for reappointment of Gary Peiffer to the Blanchard Valley Port Authority through June 30, 2019. He has served as a joint City of Findlay appointment to the Port Authority since its inception in 2007.

Councilman Nichols moved to approve the appointment. Councilman Shindledecker seconded the motion. All were in favor. Filed.

Board of Zoning Appeals Minutes – April 9, 2015.

Discussion:

Councilman Harrington noted that the majority of the conversation in these minutes are on signage and digital signage. He asked that it be noted that they are currently reviewing some of the current zoning, which is why there have been lengthy discussions on digital signs (i.e. billboards) and the length they can stay on a specific message, how many times they can be changed, etc. He feels there will be a significant increase of digital signage with costs coming down. He noted that the Marathon Center for Arts is asking for what we're discussing. The minutes list discussion on both sides of the issue, so it is being discussed elsewhere. If anyone has an opinion, to let Council know. Filed.

COMMITTEE REPORTS: -

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

We recommend meeting on May 27, 2015 at 4:00pm to make specific salary proposals and to continue discussions about establishments of citizens compensation committee.

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

Discussion:

Councilwoman Spence noted that the time for the next meeting on May 27, 2015 will be 5:00pm instead of what is noted in this committee report. All were in favor. Filed.

The N.E.A.T. AD HOC COMMITTEE met on May 13, 2015 to discuss water regulations and planned ordinances.

We recommend adoption of Ordinance No. 2015-045 recommending the establishment of a Utility Review Board. Ordinance No. 2015-045 was created.

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

The PLANNING & ZONING COMMITTEE to whom was referred a request to rezone 706 West Main Cross Street from R-3 Single Family High Density to M-1 Multi-Family Medium Density.

We recommend to approve as requested. Ordinance No. 2015-040 was created.

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

The PLANNING & ZONING COMMITTEE to whom was referred a request to rezone 1769 Romick Parkway from I-1 Light Industrial to C-2 Commercial.

We recommend to approve as requested. Ordinance No. 2015-041 was created.

Councilwoman Spence moved to adopt the committee report. Councilman Harrington seconded the motion. Ayes: Frische, Harrington, Klein, Nichols, Niemeyer, Russel, Shindledecker, Spence, VanDyne. Abstain: Monday. Filed.

The PLANNING & ZONING COMMITTEE to whom was referred a request from Ryan Switzer to vacate 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.

We recommend to approve as requested. Ordinance No. 2015-042 was created.

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

The PLANNING & ZONING COMMITTEE to whom was referred a request to rezone the Ranzau/Jaqua annexation II I-1 Light Industrial District.

We recommend to approve as requested. An Ordinance will be on the June 2, 2015 agenda for its first reading. 60 day hold in Council Office still in effect.

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

Discussion:

Councilman Harrington noted that by doing this, they are going to shut down the shooting facility that is currently there. All were in favor. Filed.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 011-2015 (12.25% pick up FPD)

third reading

adopted

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF FINDLAY, OHIO TO COMPLY WITH SECTION 742.31 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the resolution, seconded by Councilman VanDyne. Ayes: Frische, 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. 012-2015 (12.25% pick up FPD)

third reading

adopted

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF FINDLAY, OHIO TO COMPLY WITH SECTION 742.31 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

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

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

first 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.

First reading of the Resolution.

ORDINANCES:

ORDINANCE NO. 2015-033 (724 N Main St rezone)

third reading

adopted

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 724 NORTH MAIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C-2 GENERAL COMMERCIAL" TO "R-2 SINGLE FAMILY RESIDENTIAL".

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 VV, Page 2015-033 and is hereby made a part of the record.

ORDINANCE NO. 2015-034 (306 W Bigelow Ave rezone)

third reading

adopted

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 306 WEST BIGELOW AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R-1 SINGLE FAMILY LOW DENSITY RESIDENTIAL" TO "O-1 INSTITUTIONS AND OFFICES".

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Niemeyer. Ayes: Monday, Nichols, Niemeyer, Russel, Spence, VanDyne, Frische, Harrington, Klein. Abstain: Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-034 and is hereby made a part of the record.

ORDINANCE NO. 2015-036 (new Section 931.06)

third reading

adopted

AN ORDINANCE ENACTING NEW CODIFIED SECTION 931.06, KNOWN AS THE DEFINITIONS FOR STORM WATER REGULATIONS FOR THE CITY OF FINDLAY, OHIO.

Councilman VanDyne moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Nichols, Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-036 and is hereby made a part of the record.

ORDINANCE NO. 2015-037 (new Chapter 935)

third reading

adopted

AN ORDINANCE ENACTING NEW CODIFIED CHAPTER 935 KNOWN AS THE ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) FOR THE CITY OF FINDLAY, OHIO.

Councilman Shindledecker moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Niemeyer, Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-037 and is hereby made a part of the record.

ORDINANCE NO. 2015-038 (new Chapter 937)

third reading

adopted

AN ORDINANCE ENACTING NEW CODIFIED CHAPTER 937 KNOWN AS DRAINAGE, EROSION AND SEDIMENT CONTROL FOR THE CITY OF FINDLAY, OHIO.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilwoman Spence. Ayes: Russel, Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-038 and is hereby made a part of the record.

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

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 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".

First reading of the Ordinance.

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

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 REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 1769 ROMICK PARKWAY REZONE) WHICH PREVIOUSLY WAS ZONED "I-1 LIGHT INDUSTRIAL" TO "C-2 COMMERCIAL".

First reading of the Ordinance.

ORDINANCE NO. 2015-042 (Cord St vacation)

first reading

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

First reading of the Ordinance.

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

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2015-044 (Health Dept local government innovation program)

first reading

**adopted during
OLD BUSINESS**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-045 (water service termination)

first reading

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

First reading of the Ordinance.

UNFINISHED BUSINESS

OLD BUSINESS: - none.

NEW BUSINESS:

Councilman Klein received some phone calls this week from business owners on East Sandusky Street area who are complaining about lost parking in that area. He asked if any of those spots from the south side of East Sandusky Street are going to come back. Service-Safety Director Schmelzer replied it is a possibility, but he needs to see how stacking goes after the stoplight and turning lanes become effective on Sandusky Street. That parking lane is now a straight thru lane. There are two (2) scenarios for how the traffic flows there. That parking lane throughout the day is required for stacking on that intersection. During non-peak times when the traffic is not moving through that intersection, parking is allowed so that it is a compromise between what we used to have (parking all day) to 2-hour intervals. If parking is allowed, there will be straight thru traffic stacking in the left turn lane which will bog down the intersection even more. There is a lot of traffic coming into downtown and traffic needing to get out. Councilman Klein feels part-time limit parking would be beneficial to downtown restaurants to get traffic into their businesses during the noon hour. Service-Safety Director Schmelzer agreed. Mayor Mihalik added that the City wants to maintain the level of safety for those who are traveling on Sandusky Street and Beech Street. Once traffic is allowed onto Beech Street there will be egress off of Beech Street out of the parking garage and a right or left turn out of there will be obligated. The parking lanes could potentially cause a problem. It is something the City will continue to evaluate as that intersection becomes fully operable. Service-Safety Director Schmelzer noted that the east side of the garage is not yet open. Councilman Nichols asked if traffic will have to go one way when it exists the new parking garage. Service-Safety Director Schmelzer replied it does not.

Councilwoman Spence made a motion to suspend the statutory rules and give Ordinance No. 2015-044 its second and third readings. Councilman Monday seconded the motion. Ayes: Shindledecker, Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel. The ordinance received its second and third readings. Councilwoman Spence moved to adopt the ordinance. Seconded by Councilman Klein. Ayes: Spence, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-044 and is hereby made a part of the record.

Councilwoman Frische requested a COMMITTEE OF THE WHOLE meeting to discuss City Income Tax, but would like to have the minutes from the last Income Tax Board meeting before this meeting. Councilman Monday replied that he is waiting to schedule a meeting until after the minutes are approved. Councilwoman Frische asked when the minutes will be approved. Mayor Mihalik replied they are approved at the next Income Tax Board meeting. Income Tax Board only meets quarterly, so it will be a few months before the minutes are approved. Councilwoman Frische would like to have a meeting before that. During the last Income Tax Board meeting, she raised concern with the income tax collection to which the Income Tax Administrator replied that he would be glad to have a COMMITTEE OF THE WHOLE meeting to explain how the income tax is currently collected to make some decisions on possible ordinance changes. Councilman Harrington noted that is up to the Council President to schedule COMMITTEE OF THE WHOLE meetings. Council President Slough asked how soon the Income Tax Board minutes would be ready. Councilman Harrington replied that they will not be approved until the next Income Tax Board meeting in August. Council President Slough asked if there could be a COMMITTEE OF THE WHOLE meeting without the minutes.

Councilwoman Frische replied that a meeting can be scheduled without the minutes. Councilman Harrington would like to have the information prior to the meeting so that he will be informed enough to contribute to the discussions in the meeting. Councilwoman Frische noted that she would like to request a COMMITTEE OF THE WHOLE meeting with the Income Tax Administrator in attendance to discuss the current ordinance in place since 2009, and also explain how the income tax is currently collected. Councilman Nichols asked why a COMMITTEE OF THE WHOLE meeting is being asked as he is not attending a meeting unless he knows ahead of time why he is coming to that meeting and if it is necessary. The City has been collecting income tax for years this way and he does not see any problems with how it is collected. He does not feel Council should interfere with how it is being handled now. Councilwoman Frische feels it is Council's responsibility to know how income tax is collected. Prior to 2009, there were no issues and everybody was treated the same. Now, some businesses are treated differently which has been a concern of hers since her first year on Council. For budgeting purposes, it is in Council's best interest to know how income taxes are collected for businesses on a quarterly basis and if everybody is paying on time. There needs to be a protocol in place on paper to follow the current policy for business income tax. It is Council's responsibility to know how it's collected and if changes need to be made if the City is not collecting it on time. She does not see a problem with having a discussion on this. Councilwoman Spence there was a large economic downfall in 2009 which is why the ordinance is currently in place. While she understands that Councilwoman Frische feels very strong about this subject as she has brought it up in several committee meetings, but knows how the City's income tax is collected because of several conversations with the Income Tax Administrator. If a COMMITTEE OF THE WHOLE meeting does take place, it will not change her opinion to hear the information again. Councilman Shindedecker understands that applications are necessary, but there are many reasons why businesses might not be able to pay their taxes on a quarterly basis. Some businesses run on a fiscal year rather than a calendar year, some have to have their payroll done by outside firms, and some do not have their corporate firms in Ohio. He sees no reason to have a COMMITTEE OF THE WHOLE meeting on this subject now. Originally, he did feel the need to have a meeting, but after discussions with a number of individuals, he sees no reason now. Councilwoman Frische appreciates Councilman Shindedecker's input, but there currently is no application on making a decision on how a business is deferred or not deferred on business income collections. There should be one which would be part of the discussion that would take place with the Income Tax Administrator's explanation during a COMMITTEE OF THE WHOLE meeting. Council President Slough asked the Law Director if a poll of Council should be taken to decide if a COMMITTEE OF THE WHOLE meeting should take place. Law Director Rasmussen replied that it is the Council President's choice if a poll is to be taken. Council President Slough polled Council to see if a COMMITTEE OF THE WHOLE meeting is needed. Ayes: Frische, Russel, VanDyne. Nays: Harrington, Klein, Monday, Nichols, Shindedecker, Spence. Abstain: Niemeyer. Motion for a COMMITTEE OF THE WHOLE meeting fails. Councilman Harrington noted that he understands Councilwoman Frische has a concern with this and he has no problem with it. At this point in time, it is not going any further, but can be brought up at a later date.

Councilman Monday received a complaint that the trees are overhanging on the south side of street on Country Club Drive and hitting cars and might scratch them. He asked whose responsibility it is to trim them. Service-Safety Director Schmelzer replied that if it is City property it would be our responsibility. Mayor Mihalik is familiar with that area and is uncertain if it is City property or individual property. She will evaluate it and will let Council know. She believes it is the property owners responsibility to trim them.

Councilman Harrington asked why the curb cuts in front of Marathon along Main Street have been lowered. Service-Safety Director Schmelzer replied that it is a temporary area for their shuttles to get off of Main Street.

Councilwoman Spence noted that during the last Shade Tree Commission meeting, there were some questions on size of trees that can be planted on City land. She asked the Service-Safety Director if he could attend the next Shade Tree Commission meeting to answer those questions. Service-Safety Director Schmelzer replied he will.

Councilman Russel: **PLANNING AND ZONING COMMITTEE** meeting on June 11, 2015 at 4:00pm in the first Council Office of the Municipal Building (CO):

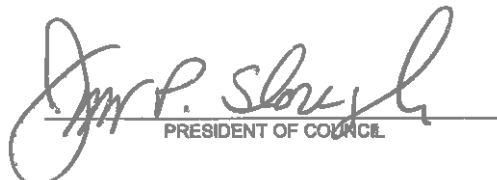
- agenda: 1. 810 Cord St rezone
- 2. 101 Shinkle St rezone

Councilman Russel noted that Phil Martin with the Blanchard River Watershed Partnership came before Council asking permission to pursue a grant from Fresh Water Futures for a study to remove sediment at the dam. He did not get the grant, so he along with Councilman Nichols discussed the matter and are now asking Council to consider funding some if not all the grant, which is around \$15,000. The grant would analyze best methods to remove sediment before a project would be implemented and would help obtain other funding sources for the project. He asked that this request be considered by the Appropriations Committee. Councilman Nichols added that this would help benefit the community by bringing beautification to the river making the water behind the dam more functional for fishing and recreation. Mr. Martin feels if the City would contribute, that some of the other parties in town (i.e. Community Foundation, County Commissioners) would also contribute. Mr. Martin will attend the Appropriations Committee meeting to explain it.

Auditor Staschiak extended an invitation for the Financial Smarts Program next week for City employees in preparations for changes that will be made in September. The meeting is being held on May 28, 2015 at 8:00am and 1:00pm.

President J Slough adjourned Council at 8:25pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL