

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**JUNE 2, 2015**

**COUNCIL CHAMBERS**

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

**ABSENT:** VanDyne

President Pro-Tem Monday opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

## **MINUTES:**

- Councilman Harrington moved to accept the May 19, 2015 public hearing minutes for the rezoning of 306 W Bigelow Avenue (Ordinance No. 2015-034). Seconded by Councilwoman Spence. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the May 19, 2015 public hearing minutes for the rezoning of 724 N Main Street (Ordinance No. 2015-033). Seconded by Councilman Klein. All were in favor. Motion carried. Filed.
- Councilwoman Spence moved to accept the May 19, 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:** - 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. 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. Filed.

### **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 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. 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

Filed.

**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

Councilman Nichols moved for no objections be filed. Seconded by Councilman Shindledecker. 8 Council members in favor, 1 opposed. Filed.

Discussion:

Councilman Nichols agrees with the Service-Safety Director's comments in the May 14, 2015 CPC minutes that building a drive through auto wash (item #5) to be located at 2215 Tiffin Avenue is not the best location for it. He asked if City Council can override City Planning Commission's decision. Law Director Rasmussen replied that there is a provision for that. Service-Safety Director Schmelzer noted that his primary concern for it was the hours of operation, the noise for the neighbors in the rear of the property which would be consistent with any other use, and not necessarily just a car wash.

Councilman Harrington was under the impression that their original proposal did not have any noise studies presented at the time, but did come back later with a revised proposal where some vacuums were moved to the front closer to Tiffin Avenue. Service-Safety Director Schmelzer replied that the noise study was not a factor for consideration. They did do a study that dealt with the ambient noise level coming from Tiffin Avenue compared to the noise that would be generated by the car wash. The study works if hours of operation are taken into consideration. If someone is able to wash & dry their vehicle at 2:00am, those noise levels would not be consistent with the ambient noise levels generated on Tiffin Avenue. He did not disagree with the noise study that was done, but without a restriction, there could be noise from something that can functionally run twenty-four (24) hours a day which should not be allowed there.

Councilman Russel noted that in the minutes, there was mention about whether or not City Planning Commission can place hours of operation restrictions on a property. He asked the Law Director for his feelings on that. Law Director Rasmussen replied that they met with the owner after the meeting who is willing to limit the hours of operation not only to himself, but also willing to put it in a deed restriction that ran with the land to go forward. He also agreed to put in some further screening on his property, and also agreed to contribute towards the screening issues on Spruce Drive. There was some discussions after the meeting. Council has the right to reject City Planning Commission's recommendations, but he feels further discussions with all of those pieces put in there is warranted.

Councilman Shindledecker asked if the deed restriction would be upheld with the three (3) restaurants' hours of operation. Law Director Rasmussen replied that is one of the discussions on how to draft it, but it would not apply to an indoor operation. The deed restriction would need to be reviewed carefully.

Councilman Harrington noted that there are some noise ordinances written for night clubs/taverns that were causing some late night noise that some of the neighbors to the south were complaining about. He asked if those ordinances would take effect for this situation or could it be rewritten/amended to include this issue. For example, if a band is playing in a barn next door until 2:30am, why couldn't a car wash be running until 2:30am as well. Law Director Rasmussen replied that the sound ordinances are related to sound amplification (electronically produce sound i.e. speakers outside, music too loud indoors), so it would not apply to this situation. There are some sections of the disorderly conduct code on unreasonable noise, but have never been applied to a business operation (i.e. a band or vacuum is too loud). Service-Safety Director Schmelzer added that this is one of the reasons why the restrictions would be written. The car wash operation, not necessarily any property use that would not be a conditional use, but a condition that is based on a property that restricts the hours of operation which restricts the noise generated from the use is better than what is there now. There were bands playing there a few years ago which was one a major issues in that neighborhood. They may not have necessarily violated a noise ordinance, but if your windows are open and a band is playing a street over, you are still going to hear it even if it is not violating a noise ordinance. He feels this is a good compromise given the property owner's willingness to place that restriction.

Councilman Russel asked if the proposed car wash is similar to the new one on Trenton Avenue. Service-Safety Director Schmelzer replied yes, but this is on West Trenton Avenue near Wal-Mart. Councilman Russel added that he thought this was the one by Jimmy Johns. Service-Safety Director Schmelzer replied it is not that one. They are owned by different people. Councilman Russel then asked if it is similar in style and function to the one by Jimmy Johns and asked if there have been any complaints on it. Service-Safety Director Schmelzer replied that he has not received any complaints on it, but does not know enough about it to know how it operates (man operation. runs 24-hours a day, etc). Filed.

**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

Referred to the Appropriations Committee. Filed.

**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.

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 preliminarily agreed to cover eighty-eight percent (88%) up to six hundred sixty thousand dollars (\$660,000.00) for work at that intersection. Ordinance No. 2015-050 was created. Filed.

**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.

**Discussion:**

Councilman Russel asked if there is a timeline on when these projects will be completed. Service-Safety Director Schmelzer hopes they will be completed yet this year, which is an aggressive schedule. The alley work is weather dependent more so than the waterline work. The grants are competitive. We could be awarded 1, 2 or none. The waterline will be easier to get done this year than the alleys, but it is possible to get them both done yet this year. Councilman Russel asked if the alleys are downtown alleys. Service-Safety Director Schmelzer replied they are. They are from Front Street to Lima. Councilman Russel then asked if residents are being contacted about the connections for the sanitary upgrade project at West Park. Service-Safety Director Schmelzer replied they were contacted. Councilman Russel then asked if residents are able to financially afford it. Service-Safety Director Schmelzer replied that he has not heard any comments back from the letters that were sent out last week.

Councilman Klein asked if the alley reconstruction includes any overhead wiring that is going to be buried or if it is part of the project. Service-Safety Director Schmelzer replied there is not enough money to accomplish that. This is focused strictly on improving drainage and addressing the pavement issues. Filed.

**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. Filed.

**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. Filed.

## 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.

Councilwoman Frische moved to adopt the committee report. Councilman Klein seconded the motion.

Discussion:

Councilwoman Frische asked if the addendum will be used when writing the ordinance. Councilman Monday replied that he has asked this to go to the Appropriations Committee next and then produce an ordinance from the recommendations of the committees. Councilwoman Frische feels the percentage and the way it reads for the Mayor and the Law Director is confusing. She would like some clarification on it. Before approving the ordinance on this when it comes to Council, she would like to address Ordinance No. 2007-085 before continuing the Law Director's salary. Councilman Monday asked what the 2007-085 ordinance entails. Councilwoman Frische replied it was when Council changed the Law Director's salary on how things have to be followed for full-time or part-time. She would like some clarification and either update the ordinance, or follow the current ordinance which would hinder the Law Director salary increase. Councilman Monday replied that it will next go to the Appropriations Committee where further discussion will be given. Whatever comes out of the Appropriations Committee will then go to an ordinance and can have further discussions during the three (3) readings during City Council meetings. Referred to the Appropriations Committee.

All were in favor. Filed.

## LEGISLATION:

### RESOLUTIONS:

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

second reading

adopted

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.

Councilman Russel moved to suspend the statutory rules and give the Resolution its third reading; Councilman Klein seconded the motion. Ayes: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence. The Resolution was given its third reading. Councilman Russel moved to adopt the Resolution, seconded by Councilman Klein. Ayes: Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

**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).

First reading of the Resolution.

### 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".

Second reading of the ordinance.

**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".

Second reading of the ordinance.

**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.

Second reading of the ordinance.

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

**second reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the ordinance.

**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.

Second reading of the ordinance.

**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).

First reading of the ordinance.

**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.

First reading of the ordinance.

**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.

First reading of the ordinance.

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

**first reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the ordinance.

**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.

First reading of the ordinance

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

**first reading**

**adopted**

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.

Councilwoman Spence moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Frische, Harrington. The ordinance was given its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Monday, Nichols, Niemeyer, Shindledecker, Spence, Frische, Harrington, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-051 and is hereby made a part of the record.

**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.

First reading of the ordinance.

**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.

Councilman Nichols moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Shindledecker seconded the motion. Ayes: Nichols, Niemeyer, Shindledecker, Frische, Harrington, Klein, Monday. Nays: Russel, Spence. The motion was defeated.

First reading of the ordinance.

## UNFINISHED BUSINESS

### OLD BUSINESS:

Councilman Monday noted that a Committee of the Whole meeting was requested to discuss quarterly estimated income tax. At that time, the majority of Councilmembers did not want to have a Committee of the Whole meeting. Since that time, there have been at least two (2) members who have indicated that they now want a meeting. He also asked a couple of other members who replied that they would not object to having a meeting, so he will schedule a meeting. He asked Council if they would like a meeting on June 25, 2015 at 4:00pm and if the Auditor, Mayor, and Income Tax Administrator could be in attendance. The Income Tax Administrator has agreed to explain the process and answer questions. City Auditor Staschiak replied he is unable to attend on that date and time. Councilman Monday noted that since the City Auditor is on the Income Tax Board, he will reschedule the meeting. He asked Council if there is another date and time that would work. A reschedule date and time was not determined, and Council will decide when to have the Committee of the Whole meeting and will announce it during the next City Council meeting on June 16, 2015.

### NEW BUSINESS:

Councilwoman Frische spoke with Dispatcher Wohlgamuth about panhandling who suggested installing No Panhandling signs in four (4) key areas in the community. Originally, he had asked for the request to go to the Traffic Commission, but realized it was something the Administration should find out what legally could be done. She has put up a sign that hung from the electronic sign at her business and has not had a panhandler there. Law Director Rasmussen replied it is an Administration issue and does not fall under Traffic Commission as it does not have anything to do with traffic. The Administration will have to decide if they are going to do this or not. Councilwoman Frische asked if the Law Director will notify Council if this can be done and what the signs can legally say. Law Director Rasmussen replied that there are some issues with how panhandling is defined. Those who are simply holding signs are not panhandlers and do not need to come to the Mayor's Office and get a permit because they are not panhandling. Right now, it is believed that they are panhandling, but hopefully tonight's discussion will clear it up. Panhandlers were getting a permit, so at least the City knew who they were, but were not actually panhandling. The issue is where the signs will be placed, how many signs are needed, and who will install them. Service-Safety Director Schmelzer added that the language on the sign will not stop the activity that is occurring. He would like to have the language that is to be put on the sign approved by the Law Director. The last conversation he had about the activity and what the language on the sign should legally say to stop that type of activity was a very lengthy conversation. No conclusion on what the sign could say had been made at the end of that meeting. He is not currently in a position to make a decision on the placement of the sign, nor what the sign should say. He suggested the Law Director craft the language that is able to be put on the sign, and also a process be developed that directs him where to place the signs. Law Director Rasmussen noted that the sign will say something to the effect of "No Panhandling" and a reference to the City Code Sections. The signs will not define what panhandling is.

Councilman Klein noted that the crossing lights on Broadway/Main Cross Street are a nice addition, but he has witnessed pedestrians having to dodge cars while walking in the crosswalk. He asked if any signs could be put up that would say "stop when flashing". He fears pedestrians might get hurt as they assume motorists will stop because the lights are flashing. Service-Safety Director Schmelzer replied that is one of the drawbacks to those types of signs that give the pedestrians the sense that they can push the button and still talk and text and that motorists are going to stop. Many different types of signs could be put up. There is a sign called a HAWK sign which is a large overhanging sign similar to the one by Glenwood. Councilman Klein added that pedestrians get a false sense of security walking across as they assume motorists will stop because the lights are flashing. Councilman Russel asked if there is any data to support that this has been an issue since the mid-block crossing upgrade. Service-Safety Director Schmelzer replied is unsure, but he is not aware of anyone being hit since it was put in. There were incidents with pedestrians before it was installed. Councilman Russel noted that this was one of the first projects for the mid-block crossing process. He asked if that after a year from the installation if there is enough information/data to determine if it was successful, especially as downtown areas are looked at for the similar mid-block crossings as part of the Downtown Revitalization Plan. Service-Safety Director Schmelzer replied there is accident data available. If there would be a similar rate of pedestrian incidents after the installation of it, then it is clearly not functioning. He does not feel that a year would be enough time to determine whether or not what was installed would be sufficient. If there even were any accidents after it was installed, it would be a low amount. We are much better off having it there than if there were nothing. Councilman Nichols agrees that pedestrians seem to have a false sense of security when crossing the street. They should stop and look before walking across to make sure motorists are stopping. He has seen some close calls there. Service-Safety Director Schmelzer replied that a sign could be put above the push button that says to look both ways before crossing. Councilman Russel added that there is a lot of information about pedestrians having accidents while being on their cell phones and walking into signs and telephone poles. The solution would not be to get rid of signs or telephone poles, or to put up another sign stating there is a telephone pole ahead. The easy solution is to stop texting and walking.

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

Councilman Harrington noted there is a time capsule buried near the grass area between the Lima Avenue exit off of 15/23 and Lima Avenue next to the Airport (across from the old sugar beet entrance) where a new entrance for a trucking firm has been put in. At one time, there was a school there. At the time the school was built, a time capsule was placed there and has never been removed. Due to the amount of construction that is going on in that area, a citizen contacted him wanting to make sure the time capsule is not lost, dug up or disregarded and suggested it be located and presented to the museum. It was brought to the Mayor's attention, but he is unaware if she has done anything on this and is unsure how to go about it. He suggested trying to locate it with a metal detector. He asked if any City departments have a metal detector that could be used for this. They anticipate it to be eighty (80) years old. Councilman Shindledecker also received the same request when meeting in the West Park area several months ago. He talked with the Hancock Historical Museum's Mark Donaldson as he is very knowledgeable about Hancock County. Mr. Donaldson cannot find any records of any capsule being placed there, but that does not mean it is not there, so there is no way of pinpointing exactly where it is. Service-Safety Director Schmelzer replied that radar can be used to find it.

Councilman Russel brought to Council's attention that the Flag City Honor Flight will be on their next tour to Washington D.C. on Thursday, June 4, 2015. There will be thirty plus (30+) WWII veterans, forty plus (40+) Korean War veterans, and two (2) Vietnam War veterans. Their return reception is the same night around 9:00pm at the Grand Air Terminal at Toledo Express Airport. Everyone is invited to attend. It is great to see the veterans come back to a welcome home ceremony of caring people.

Councilman Monday: **APPROPRIATIONS COMMITTEE** meeting on June 9, 2015 at 4:00pm in the third floor conference room of the Municipal Building (CR1).

- agenda:
1. Fostoria Ave drainage (Phase I) project
  2. Salaries for elected officials
  3. Sediment in dam at Riverside Park
  4. WTP radio upgrades (*Ordinance No. 2015-049*)
  5. Fire Chief severance payout

President Pro-Tem Monday adjourned Council at 8:26pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL PRO-TEM