

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

JUNE 16, 2015

COUNCIL CHAMBERS

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

ABSENT: Spence

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

MINUTES:

- Councilman Klein moved to accept the June 2, 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 replace and add the following on tonight's agenda. Councilman Nichols seconded the motion. All were in favor. Motion carried. Filed.

REPLACEMENTS:

- Ordinance No. 2015-057
 - Added "CIT" to where the appropriation is going to (**LEGISLATION** section)
- Ordinance No. 2015-058
 - Added "Personal Services" to where the appropriation is going to (**LEGISLATION** section)

ADD-ONS:

- Letter from Hancock Regional Planning Commission Grant Administrator Aleta Foust – FY2015 CDBG allocation program (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS**)
- Resolution No. 016-2015 (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS**) – CDBG application & 2 Critical Infrastructure grants
- Resolution No. 017-2015 (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS**) – Hope House for the Homeless, Inc. to provide Fair Housing Services

Councilman Monday moved to adjourn into executive session regarding employee compensation and also a sale of City property. Seconded by Councilman Harrington. Council adjourned into executive session at 7:32 pm. Ayes: Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, VanDyne, Frische. Councilman Monday moved to reconvene into regular session at 8:08 pm. All were in favor.

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS: - none.

PETITIONS: - none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

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

Findlay Municipal Court Activities Report – May 2015. Filed.

Findlay W.O.R.C. Financial Analysis Report – January 1, 2015 through May 31, 2015. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for SAS 1 at Findlay LLC dba Stevi B's Pizza, located at 7535 Patriot Drive, Findlay, Ohio for a D1 and D2 liquor permits. This requires a vote of Council.

Gregory R. Horne, Chief of Police – for SAS 1 at Findlay LLC dba Stevi B's Pizza, located at 7535 Patriot Drive, Findlay, Ohio. A check of the records shows no criminal record on the following:
Tony Sachdeva

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

Findlay Police Department Activities Report – May 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 May 31, 2015
- Cash & Investments as of May 31, 2015
- Open Projects Report as of May 31, 2015
- Financial Snapshot for General Fund as May 31, 2015

Filed.

City Engineer Brian Thomas – ODOT FY16 Resurfacing (PID97385), Project No. 32847600

The City is eligible for Federal Urban Allocation Funds administered through the Ohio Department of Transportation (ODOT). This project is eligible for this type of funding. In 2015 and 2016, these funds were used for resurfacing with plans to use the funds for resurfacing again in 2016. The project is estimated at \$582,400 with eighty percent (80%) being funded by ODOT and twenty percent (20%) from the City. The City's matching share is included in 2016 of the 5-year Capital Improvement Plan. Legislation to authorize the Service-Safety Director to enter into the project agreement with ODOT is requested. Resolution No. 015-2015-054 was created. Filed.

City Auditor Jim Staschiak – Revenue Estimates for fiscal year 2016

Ohio clearly defines a budgetary process which includes the requirement that municipalities prepare an annual tax budget by July 20th. The County Budget Commission has not required the filing of a complete tax budget for many years and requires the City of Findlay only to provide the attached Estimated Revenues for submission to the Budget Commission for the next fiscal year. No action will be required at this meeting. In order to meet the statutory requirements for the distribution of the local government money, this document should be formally accepted by Council at the July 7th meeting so it can then be filed with the County Auditor by no later than July 20th. A motion for acceptance of the revenue estimates will be needed during the meeting on July 7th. A public hearing on July 7th public hearing will be scheduled. Filed.

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

Treasurer's Reconciliation Report – May 31, 2015. Filed.

Board of Zoning Appeals Minutes – May 14, 2015. Filed.

Hancock Regional Planning Commission Aleta Foust – FY2015 CDBG Allocation Program

The Ohio Department of Development has advised us that this year's Community Development Block Grant (CDBG) formula allocation for the City of Findlay is \$104,000. The City of Findlay is also eligible to apply for competitive set aside grants in the amount of \$300,000.00 each. We are requesting to apply for two (2) Critical Infrastructure grants that will each be for \$300,000.00. These grants will be written to include alley replacements and catch basin installations near Main Street in Findlay and also for waterline replacement in the WestPark neighborhood, specifically Elyria Street, Blaine Street, and Bliss Avenue. We are also requesting that City Council pass a resolution designating \$2,000 for fiscal year 2015 to the Hope House located in Findlay, Ohio to provide Fair Housing to the City of Findlay. Fair Housing services are a requirement under these programs.

As with the previous projects, these projects will be a design build with oversight by the City Engineering Office. Two (2) required public hearings on this matter have occurred at the HRPC Office, per the requirements of these grants. Council's consent to apply for said grants is requested. The deadline for filing the application is June 26, 2015. Resolutions 016-2015 and 017-2015 were created.

COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss appropriating funds for sediment removal at the dam at Riverside Park.

We recommend \$10,000 toward the project. Ordinance No. 2015-057 was created.

Councilman Monday moved to adopt the committee report. Councilman VanDyne and later Councilman Harrington seconded the motion.

Discussion:

Councilwoman Frische noted that after attending the Appropriations Committee meeting and listening to this grant application for \$15,000 to do the study to determine what the sediment is at Riverside, she noticed before that meeting that the County Commissioners had agreed to appropriate \$5,000. The next morning, she asked for a copy of the minutes from the County Commissioners. The funds that they are using are flood dollars. If they are putting in \$5,000 out of the flood fund, then the full \$15,000 should be appropriated and Council should address it with them before going ahead with the appropriation of \$10,000. She asked that either the Administration or Council talk to the Commissioners to work this out. If the Commissioners are using flood dollars for their portion of the project, then the entire appropriation should be from flood funds. After the study comes back a discussion could take place. Service-Safety Director Schmelzer replied that he will talk to the County Commissioners.

President Slough asked Council if they want to table this. Councilman Nichols replied that it is unknown what the County Commissioners are going to say, so it may be premature to table this. He feels this is a worthwhile study to conduct. He asked what will happen if the Commissioners say now. Service-Safety Director Schmelzer replied he is unsure, but that this could be given multiple readings and continue to move it down the process. He agrees with Councilwoman Frische in that if flood funds are being used by the County for this, then the City should also use flood funds. He will contact the County Commissioners and decide the rationale behind it. If Council gives the Ordinance its first reading and the Commissioners agree to it, then Council should take the appropriate steps thereafter.

All were in favor. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service-Safety Director to discuss an appropriation of funds for the Fostoria Avenue Drainage (Phase I) Project No. 32584300.

FROM: Stormwater Fund	\$ 721,000.00
TO: Fostoria Avenue Drainage (Phase I) Project #32584300	\$ 721,000.00

We recommend approval of the above. Ordinance No. 2015-043 received its first reading during the June 2, 2016 City Council meeting.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the salaries for elected officials. The Ad Hoc Committee met on this subject on March 18, 2015, March 31, 2015, May 6, 2015, and May 27, 2015. It was referred to the Appropriations Committee by City Council during the June 2, 2015 regular session City Council meeting.

The May 27, 2015 meeting recommended:

1. Mayor: restoring base salary of \$69,500 with a 2% increase per year in 2016, 2017, 2018, and 2019.

Auditor: base salary of \$69,418 with a 2% increase per year in 2016, 2017, 2018, and 2019.

Law Director: restore base salary to \$106,451 (Law Director salary in 2011) with a 2% Increase per year in 2016, 2017, 2018, and 2019.

2. Continue discussion on Citizen Compensation Commission.

We recommend approval of the above.

Councilman Monday moved to adopt the committee report. Councilman Klein seconded the motion. All were in favor. Referred back to the Ad Hoc Committee. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service-Safety Director to discuss appropriating funds for radio upgrades at the Water Treatment Plant.

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

We recommend approval of the request. Ordinance No. 2015-049 received its first reading during the June 2, 2015 City Council meeting.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service-Safety Director to discuss the Fire Chief severance payout.

We recommend \$10,360.60 be paid pursuant to ORC 124.39 Section B from General Fund to Fire Personnel. Ordinance No. 2015-058 was created.

Councilman Harrington moved to reject the committee report. Councilman Shindledecker seconded the motion. Aye: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Shindledecker, VanDyne. Nay: Russel.

Discussion:

Councilman Monday made a motion to refer this committee report back to the Appropriations Committee. Seconded by Councilman Nichols. All were in favor.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to rezone 101 Shinkle Street from R-2 Single Family Medium Density to M-1 Multi-Family Medium Density.

We recommend rezoning as R4 per City Planning Commission. Ordinance No. 2015-054 was created.

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

Discussion:

Councilwoman Frische noted that Councilman Niemeyer and VanDyne voted nay and Councilman Harrington and Russel voted aye on this committee report. This zone change would put a hardship on the property owner who purchased the property as a tri-plex multi-family dwelling over ten (10) years ago and has been trying to sell it because she now lives in another state. She has gone above and beyond with her due diligence in flying home to try to resolve this matter and is willing to fly home again, if needed, in order to get this changed. She has refinanced the property twice. It was never caught that the property was not zoned properly. She had a potential buyer but may have lost that buyer. She would like to have more discussion on this to possibly allow it to remain a tri-plex instead because it is not her fault.

Councilman Harrington noted that an ordinance has already been created for this which will allow for three (3) separate readings and a public hearing which will give plenty of time and effort to hear both sides and hopefully come to an agreeable outcome. He voted against this during the Planning & Zoning Committee meeting because of City Planning Commission's recommendation.

Mayor Mihalik clarified that the primary reason why the Planning Commission recommended R4 instead of M1 zoning was because it does not meet all the requirements for a M1 property, primarily because of parking. It also has something to do with available lot coverage.

Research should have been done prior to acquiring the property as it goes that way all through the bank and was purchased without knowing it wasn't a legal use to begin with. Due diligence is important in a case like this. While it is unfortunate that the property owner is in the situation she is in, but R4 is a better compromise than denying the request. There has been some consideration given to her hardship. R4 zoning in this neighborhood makes sense and is a better compromise than having to put it back to what it originally was supposed to be zoned as. This has happened where property owners have illegally converted single-family houses into duplexes which causes a lot of trouble. Before someone acquires a property or wants to do something with their property, they should check with their local zoning office first to make sure it is already zoned for what they want to do so that it is a legal use. This is especially true with Sheriff's auctions and foreclosure sales.

Councilman VanDyne added that the property owner did talk about possibly adding parking spaces in order to meet the requirements.

Councilman Harrington added that a tri-plex requires eight (8) parking spaces. This property has approximately four (4). In order to add parking spaces, this property owner would have to tear down the existing garage and pave the entire back yard. Some options were given to her and she was planning on contacting the Planning Department to decide if it is something she wants to pursue. She is aware that tri-plex parking does require eight (8) spaces even though where this is located, there is some off-street parking but it does not qualify. It is for public use and not for her tenants.

Service-Safety Director Schmelzer noted that this information should be discussed during the public hearing, but there is a distinct difference between those properties that have been legally converted and those that have not.

All were in favor of adopting the committee report. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to rezone 810 North Cory Street from R-2 Single Family to R-4 Two Family.

We recommend approve as requested. Ordinance No. 2015-055 was created.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Myreon Cobb, University of Findlay, to vacate the east-west alley between Lots 3244 and 3278 in the Scott Addition to the City of Findlay from North Main Street to the first north-south alley east of Main Street.

We recommend approve as requested. Ordinance No. 2015-056 was created.

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

LEGISLATION:

RESOLUTIONS:

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

second 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).

Second reading of the Resolution.

RESOLUTION NO. 015-2015 (*ODOT FY16 Resurfacing (PIE97385) Project No. 32847600*)

first reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AUTHORIZING THE USE OF FEDERAL URBAN ALLOCATION FUNDS FOR THE STREET RESURFACING PID97385 - PROJECT NO. 32847600, AND DECLARING AN EMERGENCY.

First reading of the Resolution

RESOLUTION NO. 016-2015 (*CDBG application & 2 Critical Infrastructure grants*)

first reading

adopted

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO FILE AN APPLICATION FOR FISCAL YEAR 2015 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Discussion:

Councilman Monday asked if this resolution requires only one reading. Law Director Rasmussen replied that it needs to receive three (3) readings. This is just part of the CDBG request that Council passed last meeting. When we contacted the HRPC office about this, they wanted it on a separate piece of legislation.

Councilman Monday moved to suspend the statutory rules and give the resolution its second and third readings. Seconded by Councilman Klein. Ayes: Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, VanDyne, Frische, Harrington. The Resolution received its second and third readings. Councilman Monday moved to adopt the Resolution. Seconded by Councilman Harrington. Ayes: Monday, Nichols, Niemeyer, Russel, Shindledecker, VanDyne, Frische, Harrington, Klein. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

RESOLUTION NO. 017-2015 (*Hope House for the Homeless, Inc. provide fair housing services*)

first reading

adopted

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, HANCOCK COUNTY, STATE OF OHIO TO EXECUTE AN AGREEMENT WITH FINDLAY HOPE HOUSE FOR THE HOMELESS, INC. TO PROVIDE FAIR HOUSING SERVICES FOR RESIDENTS OF THE CITY OF FINDLAY BEGINNING SEPTEMBER 1, 2015.

Councilman Russel moved to suspend the statutory rules and give the resolution its second and third readings. Seconded by Councilman VanDyne. Ayes: Nichols, Niemeyer, Russel, Shindledecker, VanDyne, Frische, Harrington, Klein, Monday. The Resolution received its second and third readings. Councilman Russel moved to adopt the Resolution. Seconded by Councilman Harrington.

Discussion:

Councilwoman Frische noted that there is a typo in the fourth (4th) WHEREAS. It states that the annual fee is two thousand five dollars and should be two thousand dollars. She moved to adopt the resolution as amended. Seconded by Councilman Harrington. Ayes: Russel, Shindledecker, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

ORDINANCES:

ORDINANCE NO. 2015-040 (706 Main Cross 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 706 WEST MAIN CROSS STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R-3 SINGLE FAMILY HIGH DENSITY" TO "M-1 MULTI-FAMILY MEDIUM DENSITY".

Councilman Monday moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Shindledecker, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-040 and is hereby made a part of the record.

ORDINANCE NO. 2015-041 (1769 Romick Pkwy 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 1769 ROMICK PARKWAY REZONE) WHICH PREVIOUSLY WAS ZONED "I-1 LIGHT INDUSTRIAL" TO "C-2 COMMERCIAL".

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: VanDyne, Frische, Harrington, Klein, Nichols, Niemeyer, Russel, Shindledecker. Abstain: Monday. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-041 and is hereby made a part of the record.

ORDINANCE NO. 2015-042 (Cord St vacation) **third reading** **adopted**
AN ORDINANCE VACATING A CERTAIN STREET (HEREINAFTER REFERED TO AS CORD STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, VanDyne. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-042 and is hereby made a part of the record.

ORDINANCE NO. 2015-043 (Fostoria Avenue Drainage (Phase I), Project 325843) **third reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, VanDyne, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-043 and is hereby made a part of the record.

ORDINANCE NO. 2015-045 (water service termination) **third reading** **adopted**
AN ORDINANCE ENACTING NEW CODIFIED SECTIONS 521.011, 521.012, AND 521.013 FOR THE CITY OF FINDLAY, OHIO.

Councilman Shindledecker moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, VanDyne, Harrington. Nay: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-045 and is hereby made a part of the record.

ORDINANCE NO. 2015-046 (Ranzau/Jaqua annexation II rezoning) **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 ZONING THE FOLLOWING DESCRIBED PROPERTY AS I-1 LIGHT INDUSTRIAL DISTRICT (HEREINAFTER REFERRED TO AS THE RANZAU/JAQUA ANNEXATION II).

Second reading of the Ordinance.

ORDINANCE NO. 2015-047 (Ranzau/Jaqua annexation II accept & approve) **second 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 REFERRED TO AS THE RANZAU/JAQUA ANNEXATION II), AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

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

Councilman Klein moved to suspend the statutory rules and give the Ordinance its third readings. Councilman VanDyne seconded the motion. Ayes: Monday, Nichols, Niemeyer, Russel, Shindledecker, VanDyne, Frische, Harrington, Klein. The Ordinance received its third reading. Councilman Klein moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Nichols, Niemeyer, Russel, Shindledecker, VanDyne, Frische, Harrington, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-048 and is hereby made a part of the record.

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its third readings. Councilman Nichols seconded the motion. Ayes: Niemeyer, Russel, Shindledecker, VanDyne, Frische, Harrington, Klein, Monday, Nichols. The Ordinance received its third reading. Councilman Nichols moved to adopt the Ordinance, seconded by Councilwoman Frische. Ayes: Russel, Shindledecker, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-049 and is hereby made a part of the record.

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

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.

Councilman Russel moved to suspend the Statutory Rules and give the Ordinance its third reading. Councilman Klein seconded the motion. Ayes: Shindledecker, VanDyne, Frische, Harrington, Klein, Monday, Nichols, Russel. Abstain: Niemeyer. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance. Seconded by Councilman VanDyne. Ayes: VanDyne, Frische, Harrington, Klein, Monday, Nichols, Russel, Shindledecker. Abstain: Niemeyer. Ordinance Volume VV, Page 2015-050 and is hereby made a part of the record.

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

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

First reading of the Ordinance.

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

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.

Second reading of the Ordinance.

ORDINANCE NO. 2015-054 *(101 Shinkle St rezone)*

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 101 SHINKLE STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R-2 SINGLE FAMILY MEDIUM DENSITY" TO "R-4 TWO FAMILY".

First reading of the Ordinance.

ORDINANCE NO. 2015-055 *(810 N Cory St rezone)*

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 810 NORTH CORY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R-2 SINGLE FAMILY" TO "R-4 TWO FAMILY".

First reading of the Ordinance.

ORDINANCE NO. 2015-056 *(Uoff alley vacation)*

AN ORDINANCE VACATING A CERTAIN STREET (HEREINAFTER REFERED TO AS UNIVERSITY OF FINDLAY 1315 AND 1319 NORTH MAIN STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2015-057 *(sediment removal at the dam at Riverside Park)*

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2015-058 *(Fire Chief severance payout)*

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Monday made a motion to table the Ordinance. Seconded by Councilman Nichols.

Discussion:

Councilwoman Frische asked for clarification on why this ordinance is being sent back to the Appropriations Committee. Councilman Monday replied it is being sent there because it was defeated. Per the request of Councilmembers, it needs to be further clarified and a committee report given to City Council authorizing the appropriation or not authorizing it. Ayes: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, VanDyne. The Ordinance is tabled.

First reading of the Ordinance.

UNFINISHED BUSINESS

OLD BUSINESS: - none.

NEW BUSINESS:

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

Mayor Mihalk updated Council on Findlay's recent flooding situation. Eagle Creek has crested and is on its way back down. The Blanchard River is still expected to crest at around 13.2 feet which is moderate flood stage. An update will be available after 1:00, but is not expect to change. More rain is predicted for tomorrow night into Thursday morning and Thursday afternoon. We are waiting to see what the path of the tropical storm is for the weekend.

Councilman Harrington asked if there is any prediction on the salt supply for this winter. Service-Safety Director Schmelzer replied that he has had some conversations on this topic and has participated with the summer salt bid which is around sixty dollars (\$60.00)/ton. The City will also participate in the winter bid. City Auditor Staschiak added that the state has worked out an agreement with some of the salt miners on settlements which will allow for potential money back. It is unsure right now how much. The records are old, so it is hopeful that retention schedules go back far enough that the City can request some settlement dollars.

Service-Safety Director Schmelzer informed Council that information on inundations or street closures is available on the Hancock County Auditor's website on the flood data link. It shows the different flood levels and feet above flood stage, and also what streets are impacted by those various flood stages. Councilman Russel added that on the City's website, there links to what the Service-Safety Director just mentioned and also maps and current flood information.

Councilman Nichols asked if there are audio signal notifications for walkers on the crosswalks uptown. Service-Safety Director Schmelzer replied there are. Councilman Nichols was out driving uptown the other day on Sandusky Street and noticed a vision impaired gentleman cross the street and almost hit him. The light on Main Street was green as he was crossing, but he had to stop for him. It might have been a malfunction, but he was crossing the street when he was not supposed to. Even his guide dog was looking around as if something wasn't right. Service-Safety Director Schmelzer replied that he knows the gentleman Councilman Nichols is referring to and has never seen him cross on a green light before.

President J Slough adjourned Council at 8:55pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL