

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

August 4, 2015

COUNCIL CHAMBERS

PRESENT: Frische, Klein, Monday, Nichols, Niemeyer, Shindledecker, Spence, Van Dyne

ABSENT: Harrington, Russel

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

MINUTES:

- Councilman Klein moved to accept the July 21, 2015 public hearing minutes for the rezoning of 101 Shinkle Street (Ordinance No. 2015-054). Seconded by Councilman Van Dyne. All were in favor. Motion carried. Filed.
- Councilman Shindledecker moved to accept the July 21, 2015 public hearing minutes for the rezoning of 810 N Cory Street (Ordinance No. 2015-055). Seconded by Councilman Nichols. All were in favor. Motion carried. Filed.
- Councilwoman Spence moved to accept the July 21, 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 add the following to tonight's agenda. Councilman Klein seconded the motion. All were in favor. Motion carried. Filed.

ADD-ONS:

- Ordinance No. 2015-070 (**LEGISLATION**)
– CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES – created by Walter Drane Co

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

ORAL COMMUNICATIONS: - none.

PETITIONS:

Street vacation request – Clinton Street

Valerie Obenour is requesting a vacation for the north-south alley adjacent to Lots 4 and 5 in Block 7 of the Cory's Briggs Avenue Addition to the City of Findlay (length 200 feet). Referred to City Planning Commission and Planning & Zoning Committee.

Zoning amendment request – 115 E Pine Avenue

Jodie Wofford would like to change the zoning to R3 Single Family High Density. It currently is zoned as C2 General Commercial. Referred to City Planning Commission and Planning & Zoning Committee.

WRITTEN COMMUNICATIONS:

William Clark – signage regulations/City beautification

Mr. Clark is not happy with The Courier's recent article suggesting that Council is considering further amendments to the sign regulations contained in the City Zoning Code. He expressed his opinion about this portion of the Zoning Code as recommended by the prior Planning Director. He recommended at that time that the City get out of the sign regulation business in commercial districts all together. Business owners are faced with enough regulations and to be told by someone who has no idea what signage they can afford or will be best for their business is beyond ridiculous.

He pointed out in previous letters that the sign rules of the downtown have left them with the situation where there are a dozen restaurants from Lincoln to the bridge on Main and side streets, but someone from out of town approaching Main at Main Cross can stop and look both ways on Main Street and have no clue there is a restaurant in either direction.

Council's only action regarding signs should be repeal of all portions of the ordinance with exception of the provisions at intersections to prevent lockage of the view of traffic. Safety is a factor to always be considered and requiring all business to have only placards along the street constitutes the safety hazard of drivers constantly slowing or coming to a stop to read the minute signs.

He feels this is a good place for Council to start cleaning up and eliminating unneeded regulations.

During discussions on City beautification and past mistakes, consideration should be given to correct other past mistakes like putting Court Street and its 24 parking places back around the Courthouse and taking the curve out of Broadway and re-establishing the 37 parking places lost in front of the Library. He would like to narrow sidewalks in the downtown area to pre 1963 width and reinstate angle parking on both sides of the street. This would probably eliminate trees and benches, but narrow sidewalks crowded with people are more beautiful than those that are tree lined and empty.

Hancock County Performing Arts Center Board Chairman Ed Reading;Executive Director Jim Kreutzberg – appropriation of funds for parking

Construction of the Hancock County Performing Arts Center (HCPAC) continues to make progress in Downtown Findlay. Installation of the on-site parking lot has started and is scheduled to be completed within the next couple of months. The HCPAC parking lot will not only serve as parking for events and programs inside the HCPAC, but it can also be used as festival grounds to host outside community events. Since the HCPAC is a community center, a portion of the parking spaces should be open to the public when the parking lot is not otherwise being utilized.

The HCPAC is proposing to open 86 parking spaces on weekdays from 8am-5pm with a vision that employees of downtown businesses can utilize the spaces. These parking spaces should reduce the need for downtown employees to park along the streets and alleys. With additional available parking in the streets and alleys, downtown customers can have access to street parking closer to the businesses they are visiting.

The City of Findlay will realize additional community benefits with an investment in this parking lot. Mainly, the City will have the ability to partner with the HCPAC during festivals. There are a number of community events that could use the HCPAC parking lot as an event grounds. These events could be partnered with performances and programs inside the building to provide the community with additional entertainment and education.

This proposal aligns with the Downtown Revitalization initiative that Council originally appropriated funds to earlier this year. That funding has since been reimbursed by Marathon Petroleum's downtown expansion leaving the original Downtown Revitalization appropriation as a potential funding source for our proposal.

City Council's consideration to appropriate \$255,155 from the Capital Improvements Fund to reimburse a portion of the construction costs of the parking lot is requested.

Discussion:

Councilman Nichols asked if there will be a way to monitor the parking if the community parks there during the day and then if there is an event that evening. He asked if there is a way to get cars removed in time for the event that evening. Service-Safety Director Schmelzer replied that he cannot answer that, but thinks that there would be a varying size of events and this is only a portion of that parking lot. Brian Hurt from Marathon who was in the audience tonight added that there are over 200 parking spots and that parking permits would be issued to those who have permission to utilize them. Service-Safety Director Schmelzer added that there might be a lot of the events that might overlap that space would be held on Saturdays. Referred to the Appropriations Committee. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Fire Department Fire Chief Josh Eberle – Hancock Wood Electric Cooperative donation

On behalf of the Findlay Fire Department and the Findlay Fire Fighters, Chief Eberle thanked Hancock-Wood Electric Cooperative for their \$200.00 donation. The Fire Department, in cooperation with Findlay Firefighters Local 381, operates a smoke detector program that aims to provide city residents with smoke detectors at no cost. The \$200.00 donation from Hancock-Wood will assist the Findlay Fire Department in this endeavor and will be used to purchase smoke detectors which will increase safety for area residents. A reallocation of \$200.00 from the General Fund to the Fire Department #332300 for the purchase of smoke detectors is requested. Ordinance No. 2015-068 was created. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Guru Kirpa Enterprises LLC, dba Punjabi Kitchen, located at 15085 Flag City Drive, Findlay, Ohio for a D1 liquor permit. This requires a vote of Council.

Gregory R. Home, Chief of Police – for Guru Kirpa Enterprises LLC, dba Punjabi Kitchen, located at 15085 Flag City Drive, Findlay, Ohio. A check of the records shows no criminal record on the following:
Jasvir Bajwa

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

City Engineer Brian Thomas – 2015 Sewer Cleaning (Large Diameter) Project No. 35652400

By authorization of Ordinance 2015-010, a bid opening was held for this project on July 24, 2015. One bid was received from Lake County Sewer of Willowick, Ohio. In addition to the base bid, four (4) alternates were also submitted. By combining the base bid of \$125,819.50 plus Alternate 1 of \$19,500.00, the contract amount totals \$145,319.50. The three (3) remaining alternates combine for a total of \$15,870.00.

The project is included in the 2015 Capital Improvement Plan with the budgeted amount of \$150,000.00. In January of this year, \$10,000.00 was appropriated for project design and startup. \$140,000.00 is requested to cover the contract, inspection, and contingency. Legislation to appropriate funds is requested.

FROM: Sewer Fund	\$ 140,000.00
TO: 2015 Sewer Cleaning #35652400	\$ 140,000.00

Ordinance No. 2015-069 was created. Filed.

Health Commissioner Stephen Mills - child and family health services grant

The Findlay City Health Department is pleased to announce that they have been awarded a Child and Family Health Services grant from the Ohio Department of Health. This award will enable them to continue the work begun in their previous grant period which includes completing their 2015 Community Health Assessment, as well as develop a new three (3) year community health improvement plan in conjunction with their community partners. They will continue to provide nutrition and physical activity programs, as well as their new Baby & Me Tobacco Free Program.

The grant cycle for this award year began on July 1, 2015, however, they just received their Notice of Award. Emergency appropriation of \$50,589 to Project #3195500 2016 Child and Family health Services Grant is requested so they can begin work on this project as soon as possible. The NOA is attached as verification. Ordinance No. 2015-068 was created. Filed.

Health Commissioner Stephen Mills – University of Findlay donation

The Findlay City Health Department has been an active partner in the Hancock County Opiate Abuse Task Force since its inception in 2010. Many important initiatives have been developed as a result of this vital task force and I am pleased to announce the latest: Project DAWN. Project DAWN stands for Deaths Avoided With Naloxone and will allow them to provide the opiate overdose reversal drug naloxone to first responders and at risk individuals in Hancock County. This program will lower overdose deaths in our community as just one piece of a multifaceted effort to address the drug abuse issue that we face.

The University of Findlay College of Pharmacy, another important partner in the Opiate Task Force, has provided a \$1,500.00 donation to begin implementation of the program. The check has already been received and deposited, so an appropriation of the \$1,500.00 donation to Project #31955500 Project DAWN is requested by emergency so that they may begin work on this program as soon as possible. Ordinance No. 2015-068 was created.

Discussion:

Councilman Van Dyne asked for a tally of the numbers of grants and other fund-raising efforts that the Health Department has done and the total dollar amount is so far this year. Service-Safety Director Schmelzer replied that is hundreds of thousands of dollars each year. He will provide Council with a summary of what was obtained last year and 2015. Filed.

Findlay Water Treatment Plant Superintendent Jeff Newcomer – Cyanotoxin testing equipment grant

Resolution #019-2015 was adopted allowing the Water Treatment Plant to apply for a grant through the OEPA for Cyanotoxin testing equipment. This grant has been approved and legislation to appropriate the grant funds to purchase the testing equipment is requested.

FROM: OEPA grant \$ 30,000.00
TO: Cyanotoxin testing equipment #35754600 \$ 30,000.00

Ordinance No. 2015-068 was created. Filed.

Traffic Commission minutes –July 20, 2015.

Discussion:

Councilman Shindledecker asked that the request from Marathon for six (6) parking spaces along South Main Street to south of Hardin Street be referred to the Streets, Sidewalks, Streetlights & Parking Committee. Filed.

Parks and Recreation Board minutes – July 20, 2015. Filed.

COMMITTEE REPORTS:

An AD HOC COMMITTEE met on July 27, 2015 to discuss sick pay accrual payout upon retirement from the City of Findlay. We recommend the Law Director be charged with revising the definition of retirement as shown in paragraph of D and E of Section 20 of the City Ordinances to bring the definition in compliance with State Law and submit the proposed changes to the Ad Hoc Committee for additional consideration.

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

A COMMITTEE OF THE WHOLE meeting was held on Wednesday, July 29, 2015 to discuss the City's annual debt review.

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

LEGISLATION:

RESOLUTIONS: - none.

ORDINANCES:

ORDINANCE NO. 2015-059 (salaries for elected officials) **third reading** **adopted**
AN ORDINANCE ESTABLISHING THE SALARIES AND BENEFITS FOR ELECTED OFFICIALS OF THE CITY OF FINDLAY, OHIO, BEGINNING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2019, REPEALING ALL ORDINANCES IN CONFLICT, AND DECLARING AN EMERGENCY.

Councilman Klein moved to adopt the Ordinance, seconded by Councilman Van Dyne. Nays: Frische. Ayes: Klein, Monday, Nichols, Niemeyer, Shindledecker, Spence, Van Dyne. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2015-059 and is hereby made a part of the record.

ORDINANCE NO. 2015-067 (Indigent Defense agreement) **second reading**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT FOR CALENDAR YEAR 2015 WITH THE HANCOCK COUNTY PUBLIC DEFENDER COMMISSION FOR A TOTAL OF NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) FOR SAID CALENDAR YEAR, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2015-068

first reading

adopted

(FFD smoke detectors donation; WTP Cyanotoxin testing equipment; Health Dept grant & donation)
 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Spence moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Van Dyne seconded the motion. Klein, Monday, Nichols, Niemeyer, Shindledecker, Spence, Van Dyne, Frische. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance, seconded by Councilman Nichols. Ayes: Monday, Nichols, Niemeyer, Shindledecker, Spence, Van Dyne, Frische,, Klein. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-068 and is hereby made a part of the record.

ORDINANCE NO. 2015-069 *(2015 sewer cleaning)*

first reading

adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Nichols seconded the motion. Ayes: Nichols, Niemeyer, Shindledecker, Spence, Van Dyne, Frische, Klein, Monday. The Ordinance received its second and third readings. Councilman Monday moved to adopt the Ordinance, seconded by Councilman Van Dyne. Ayes: Niemeyer, Shindledecker, Spence, Van Dyne, Frische, Klein, Monday, Nichols. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-069 and is hereby made a part of the record.

ORDINANCE NO. 2015-070 *(2014 Codified Ordinances updates)*

first reading

adopted

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilwoman Frische seconded the motion. Nays: Spence. Ayes: Shindledecker, Van Dyne, Frische, Klein, Monday, Nichols, Niemeyer. The Ordinance received its second and third readings. Councilman Nichols moved to adopt the Ordinance, seconded by Councilman Monday. Ayes: Spence, Van Dyne, Frische, Klein, Monday, Nichols, Niemeyer, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-070 and is hereby made a part of the record.

UNFINISHED BUSINESS:**NEW BUSINESS:**

Service-Safety Director asked what committee Councilman Shindledecker would like the Marathon parking spaces request be referred to. Councilman Shindledecker replied to the Streets, Sidewalks, Streetlights & Parking Committee. Service-Safety Director Schmelzer then asked if this is for all future parking requests. Councilman Shindledecker replied he would also like to have the parking spaces along East Sandusky Street and East Crawford Street be considered by the committee. Service-Safety Director Schmelzer asked for clarification if it is just East Crawford Street or all of Crawford Street. Councilman Shindledecker replied all of Crawford Street. Service-Safety Director Schmelzer then asked if this request is under a separate motion because the Traffic Commission has already reviewed the Crawford Street request. Councilman Shindledecker replied that he feels the committee should also review it. Service-Safety Director Schmelzer asked if it will be in lieu of or in additional to. Councilman Shindledecker replied this and the East Sandusky Street projects would be in addition to. He is unsure if the Traffic Commission is considering the parking spaces on South Main Street and if they will have little or no effect on the traffic situation, but the committee should be able to consider those as well. Mayor Mihalik added that the reason the Traffic Commission considers these is because that is how our ordinances are written and on-street parking is a function of the Traffic Commission. Councilman Shindledecker does not object to it going to the Traffic Commission. Mayor Mihalik then asked if Councilman Shindledecker would like parking and on-street parking requests be reviewed by the Traffic Commission and also the Street, Sidewalks, Streetlights & Parking Committee. Councilman Klein noted that there is also Parking Authority and asked when that committee would be utilized. Mayor Mihalik replied the Parking Authority considers off-street parking situations. There is a Parking Authority Committee and Traffic Commission. Parking Authority handles off-street parking, fees for parking violations, and different strategies to accommodate off-street parking. On-street parking is a function of the Traffic Commission. She recommended Council review the designation for that committee with the Law Director. Parking was added by former Councilman Schedel in order to try and move some things forward. She is uncertain if parking is an official title of that committee. There are other entities per ordinance, not necessarily Council rules, but ordinances that review parking. If Council would like to review parking, they will need to decide which types of parking they would like to review in the Streets, Sidewalks, Streetlights & Parking Committee. Councilman Van Dyne asked if Street, Sidewalks, Streetlights & Parking Committee members are only Councilmembers. Mayor Mihalik replied they are. Councilman Van Dyne noted that from an efficiency standpoint, these requests should not be heard more than once by two different groups of Councilmembers. Any Councilmember can attend any committee meeting they want to. He suggested a better way to handle these requests is for the Traffic Commission to review it with any Councilmember interested in the request, attend the Traffic Commission meeting instead of having another separate committee meeting. He agrees that more individuals may have an opinion about this, and while more input is better, only one meeting on the subject is needed. Service-Safety Director Schmelzer added that he wants to be able to give direction to the applicants on what process will take place. Mayor Mihalik noted that she will be happy to review this with the Law Director. Councilman Shindledecker decided to leave this request as it is and will be certain to attend the next Traffic Commission meeting.

OLD BUSINESS:

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

Councilman Klein received a phone call this afternoon from a constituent on Hancock Street letting him know that he was very impressed with the contractor who did the curb work. They have the west side done. Service-Safety Director Schmelzer replied that he will relay the message.

Councilman Nichols received a complaint from a resident on 19th Street that there are a lot of cars parked in the street causing the school bus to stop, back up and go down another street to get through to Main Street. It is especially difficult in the winter with snow piled on the sides of the street. It is a very narrow street. The complainant is asking if it could be changed to parking on only one side of the street. Service-Safety Director Schmelzer asked if this should be considered a formal request for parking on one side of the street. Councilman Nichols replied yes. Service-Safety Director Schmelzer asked Councilman Nichols for the contact information of the complainant so he can put this on the agenda.

Councilman Nichols noted that some citizens are concerned about the storm sewers around the elementary schools and the University. They are concerned about Dazel Ditch and if there is a connection with the capacity of Dazel Ditch and the storm sewers if there is any correlation between the two. Service-Safety Director Schmelzer replied that there isn't a direct correlation in the capacity of the pipe. When the downstream section of the storm sewer system is not carrying as much flow as it can, it will fill up faster and surcharge all the storm sewers that are connected to it. There is a connection between what storm event will surcharge the system, and how clean Dazel Ditch is. This is one of the reasons why there have been discussions about getting those projects all done and various stages of being completed either in the petition process with the County or at EPA review. It is a discipline, but they are already not being cleaned which is the process that they are working through. It is his hopes that by late this year, or at the very latest spring of next year, Dazel Ditch will be clean. While it will not completely eliminate all incidents of surcharging, some of the streets and some of the neighborhoods that see it now are seeing it more frequently than they used to. It will not eliminate it, but it will decrease the frequency with which it occurs.

Mayor Mihalik congratulated Councilman Monday and his wife Vicki on their 53rd wedding anniversary.

President J Slough adjourned Council at 8:07 pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL