

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

October 6, 2015

COUNCIL CHAMBERS

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

ABSENT: none

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 September 15, 2015 public hearing minutes for the rezoning of 115 East Pine Avenue (Ordinance No. 2015-075). Seconded by Councilman Russel. All were in favor. Motion carried. Filed.
- Councilman Russel moved to accept the September 15, 2015 Regular Session City Council meeting minutes as written. Councilman Nichols seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Nichols moved to add the following to tonight's agenda. Councilman Shindledecker seconded the motion. All were in favor. Motion carried. Filed.

ADD-ONS:

- Daniel Monday – ROW/alley vacation for 401 Oakland Avenue/Park St (**PETITIONS section**)

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

REMOVAL:

- Airport Manager Matt McVicker – City of Findlay Airport updates (**ORAL COMMUNICATIONS section**)

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

ORAL COMMUNICATIONS:

WRITTEN COMMUNICATIONS:

Arts Partnership

The Arts Partnership has been instrumental in presenting arts education, enrichment and entertainment programming in our community since 1979. It is because of your support that The Arts Partnership will be able to increase this programming and positively impact the lives of nearly 18,000 area youth and adults this coming year through our educational programs and add immensely to our quality of life by offering community enrichment events.

To that end, I would appreciate the opportunity to share with the City Council about the impact of our educating programming. Therefore, I am requesting to attend the Appropriations Committee on Tuesday, October 13 to present information about how we are directly impacting the lives of the students and adults in our community.

Please let me know at your earliest convenience whether or not this is possible. If you have any questions, or need additional information from me, please contact me at (419) 422-3412, ext. 4 or director@artspartnership.com. Referred to the Appropriations Committee.

PETITIONS:

Right-of-way vacation request – 401 Oakland Avenue

Daniel Monday is requesting a vacation for the right-of-way area for 401 Oakland Avenue. Referred to City Planning Commission and Planning & Zoning Committee.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Parks and Recreation Board minutes – August 17, 2015 and September 21, 2015. Filed.

Findlay City Board of Health minutes – August 19, 2015. Filed.

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

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

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

City Planning Commission agenda – October 8, 2015. Filed.

Service-Safety Director Paul Schmelzer – OPWC Application, Areas B-4 & B-6 Sewer Separation, Project No. 32556000

The City is preparing to submit a grant application for funding from the Ohio Public Works Commission (OPWC). The application will cover a sewer separation project on East Foulke Avenue, Allen Avenue, Midland Avenue, Garfield Avenue, and George Street (referred to as B-4 and B-6 areas). The project will be included in the 2016 Capital Improvements Plan. Legislation authorizing to sign the grant application and agreement for funding is requested. Ordinance No. 2015-089 was created. Filed.

City Engineer Brian Thomas – Lima Avenue/Western Avenue Intersection Project No. 32852900

In June 2015, Ordinance No. 2015-050 approved entering into an agreement with the Ohio Rail Development Commission (ORDC) for upgrades to this intersection. ORDC has agreed to pay one hundred percent (100%) of the costs associated with design and construction of the project. At this time, the estimated project cost is \$135,000.00. Legislation to appropriated funds is requested. Ordinance No. 2015-090 was created.

FROM: ORDC \$ 135,000.00
TO: Lima Ave/Western Ave Intersection *Project #32852900* \$ 135,000.00

Filed.

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

Traffic Commission minutes – September 21, 2015.

Discussion:

Councilman Russel asked if an emergency policy is being developed by the City's Street Department for this upcoming winter and how citizens will be informed of it before vehicles will be towed that are left on the streets, and if a communication plan is being developed. Mayor Mihalik replied that this subject comes up every year. A lot of motorists have been left stranded for one reason or another because they haven't been able to move their vehicles before the plows come through. A communication plan will be developed. A variety of methods will be used. Our media partners will assist the City with notification. The City's Everbridge system will be utilized for this. It is the system the City uses to contact individuals in emergency situations. The City does not have a lot of trouble with this, but can be very man-powering intensive, especially for the Police Department (they have to go to the area, mark the cars, follow-up, etc.). Twenty-four (24) hours or more can go by before another snow plow could go through, etc., which affects the situation. There is a plan that is being developed and she will share it with Council when it is completed. Filed.

COMMITTEE REPORTS:

An **AD HOC COMMITTEE** met on September 21, 2015 to discuss the waiving of sanitary sewer permit fees for the upcoming sanitary sewer project, per the request from the residents and business owners in the West Park area.

This is a continuation of the **WATER AND SEWER COMMITTEE** August 31, 2015 meeting.

We recommend a one-time payment of \$400.00 or \$600.00 at \$100 per year for six (6) years. \$400.00 represents 2/3 of the total tap fees.

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

Discussion:

Councilwoman Frische asked if the \$400 or \$600 option is the residents' choice and if there is any qualifications on how they want to do it. Mayor Mihalik suggested the Ad Hoc Committee discuss it with the Water & Sewer Committee on how to go about it. Homeowners will be notified individually and will be given information dependent on what Council decides tonight. Councilwoman Frische noted that Council is only accepting or denying the committee report tonight. She asked if this will be implemented going forward for other areas who are asking for something like this. She feels the committee report is too vague.

Auditor Staschiak noted that this will not be tracked through the City Auditor's Office. It will be a function of Engineering. They will have some challenges, particularly with properties that are paying the \$100/year over six (6) years.

Councilman Harrington asked how it was determined who will handle this. Auditor Staschiak replied the City Auditor's Office does not normally handle these situations unless it is an assessment. This is not a typical assessment.

Councilman Klein asked if the Water & Sewer Department will be tracking this as they already distribute bills and have a good method of tracking payment. Mayor Mihalik replied that it more than likely will be something that is coordinated between Engineering and Utility Billing. Auditor Staschiak added that historically, the Engineering Department is involved with something like this.

Councilman Russel attended the Ad Hoc Committee meeting as an interested bystander, not as a member of the committee. Because of the six hundred dollar (\$600.00) charge being put on the residents in that area for the tap fee in which the City is allowing two (2) different ways to pay it: either one hundred dollars (\$100.00) per year for six (6) years, or a four hundred dollar (\$400.00) one-time payment. The reasoning for the four hundred dollars (\$400.00) fee is because it makes life simpler from the City's standpoint because the resident receives a statement and pays it, then everything is done. The one hundred dollars (\$100.00)/year over six (6) years spreads the payment out, but also adds a burden for the City to track it. It was done as a way to alleviate some of the financial burden that is being placed on the homeowners. It was looked at as a compromise offer to their request for the City to absorb one hundred percent (100%) of the tap fees. Mayor Mihalik added that not only do the homeowners have to pay the tap fee for something the City is forcing them to do, but they are also required to connect to the sewer from their private property which will cost between one thousand to one thousand five hundred dollars (\$1,000.00-\$1,500.00). The request from the homeowners to waive the tap fee is similar to Habitat homes, which is a similar situation to this because this area of town has its challenges, so it is appropriate to have these payment options available since the City is forcing homeowners to tap into the sewer line.

Councilman Van Dyne asked how many residences will be affected by this. Councilman Monday replied forty-two (42).

Ayes: Frische, Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindlecker, Van Dyne. Abstain: Spence. Filed.

A **COMMITTEE OF THE WHOLE** meeting was held on Tuesday, September 22, 2015, to discuss 2016 budget schedules. Councilman Nichols moved to adopt the committee report. Councilman Klein seconded the motion. All were in favor. Filed.

LEGISLATION: RESOLUTIONS:

RESOLUTION NO. 025-2015 (*over PO amount*) **first reading** **adopted**
A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

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

ORDINANCES:

ORDINANCE NO. 2015-084 (*2016 HSA*) **second reading**
AN ORDINANCE AUTHORIZING THE AUDITOR TO MAKE PAYROLL DEDUCTIONS FOR THOSE EMPLOYEES WHO HAVE ELECTED TO ENROLL IN THE HEALTH SAVINGS ACCOUNT (HSA) PLAN AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2015-086 (*CR 99 waterline project*) **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2015-088 (*Corporate One Benefits renewal*) **first reading**
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY TO ENTER INTO A CONTRACT WITH CORPORATE ONE BENEFITS TO PROVIDE BROKER SERVICES AS IT RELATES TO THE CITY OF FINDLAY HEALTH INSURANCE PLAN, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2015-089 (*OPWC application, areas B-4 & B-6 sewer separation project #32556000*) **First reading** **tabled**
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO EXECUTE THE NECESSARY GRANT APPLICATION(S) AND/OR AGREEMENT(S) TO RECEIVE GRANT FUNDS FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE EAST FOULKE AVENUE, ALLEN AVENUE, MIDLAND AVENUE, GARFIELD AVENUE, AND GEORGE STREET (REFERRED TO AS B-4 AND B-6 AREAS) SEWER SEPARATIONS PROJECT NO. 32556000, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the rules and give the Ordinance its second and third readings. Seconded by Councilwoman Spence. Ayes: Harrington, Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance. Councilman Russel seconded the motion.

Discussion:

Auditor Staschiak noted that the OPWC requires the Mayor and City Auditor also be authorized to execute this agreement. He requested the ordinance be amended to reflect the ordinance that was passed in 2013 (Ordinance No. 2013-064) which allowed us to do the same type of grant because the application itself will require specific information for his office that he needs Council's permission to provide. He asked for the header and Section 3 be amended to add the Mayor, and/or Service-Safety Director, and/or City Auditor to cover the permission he needs to provide his part of this application process.

Councilman Monday advised Council to handle these changes with two (2) amendments.

Councilwoman Spence made a motion to table the ordinance since the Service-Safety Director is not present tonight so Council cannot confirm that they are moving forward in accordance with not only the Auditor's Office, but also with the Administration. Councilman Russel seconded the motion.

Discussion:

Councilman Harrington asked if the motion to adopt the Ordinance needs to be voted on since the motion was made and seconded before the motion to table it was made. Law Director Rasmussen replied that a motion to table takes precedence.

Ayes: Klein, Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington. The Ordinance was tabled.

Councilman Nichols moved to suspend the rules and give the Ordinance its second and third readings. Seconded by Councilman Klein. Ayes: Monday, Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein. The Ordinance received its second and third readings. Councilwoman Spence moved to adopt the Ordinance. Councilwoman Frische seconded the motion. Ayes: Nichols, Niemeyer, Russel, Shindledecker, Spence, Van Dyne, Frische, Harrington, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2015-090 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS: - none.

NEW BUSINESS:

Mayor Mihalik noted that the Workforce Development Coalition is a group that has been meeting for the past two (2) years. They are a great collaborative effort on behalf of education in the private and public sector. The meetings are put together in a very informed way. They are prepared to come to Council to talk about their findings and strategies to help address some pressing workforce needs for the short and long term. The County Commissioners will also be invited to this meeting.

Councilman Van Dyne added that he has been on this committee for two (2) years and feels Council will be updated on things they are doing that Council will like.

COMMITTEE OF THE WHOLE meeting on October 27, 2015 at 4:00pm in the third floor conference room of the Municipal Building (CR1)
agenda: Workforce Development Coalition

Councilman Shindledecker: **AD HOC COMMITTEE** meeting on October 15, 2015 at 4:00pm in the third floor conference room of the Municipal Building (CR1).
agenda: retirement benefits policy

Councilman Shindledecker congratulated Councilman Monday on completing his fifth (50th) year of service with the City of Findlay and is now starting on his fifty-first (51st) year.

Councilman Shindledecker made a motion to have the Law Director create legislation stating the formal opposition of City Council for the passage of Issue 3 on the November ballot. Councilman Harrington seconded the motion. Councilman Monday noted that only two (2) Councilmembers are needed to make a motion to request legislation. Law Director Rasmussen agreed to have legislation available at the next City Council meeting. Mayor Mihalik noted that there is a cooperative resolution that is coming from the Board of Education so that the City and the Board can enforce it jointly. Councilwoman Spence asked if it would be appropriate to have both resolutions from Council (one from the Board of Education and one from City Council). Law Director Rasmussen replied that it is Council's choice if they want one or both. Council does not have the resolution in front of them right now to pass tonight. He suggested Council show support by a voice vote that will appear in the minutes to get a head start on it. The resolution(s) can be passed at the next City Council meeting. Referred to the Law Director.

Councilman Niemeyer noted that residents are excited to see leaf pickup begin again, but did voice some concerns about the biodegradable bags. He asked if there is a cost or where residents can pick them up at. Mayor Mihalik replied that the best place to acquire the bags is at the local hardware, home improvement, or grocery stores. When the volunteers assisted with leaf pick up the last few years, a significant amount of time was spent towards the end of the afternoon tearing apart plastic bags. The biodegradable bag option is the most cost effective and efficient option of the City's operation in which they will be able to get done covering the City within one to two (1-2) days. One hundred (100) biodegradable bags cost around twenty dollars (\$20.00). Councilman Harrington asked if leaves are raked to the curb and are not put in biodegradable bags, or are put in other plastic container, if they will be picked up. Mayor Mihalik replied they will not be picked up in those cases. Only leaves in biodegradable bags will be picked up. It was discussed that the City would provide biodegradable bags for our residences, but cannot figure out how to equitably distribute them. It is uncertain how many bags each residence would get and how much waste there would be if each residence were given five (5) bags, because not everyone has trees or the same amount of trees. Leaf pickup is a process that will continually be evaluated, but feels many are happy to see leaf pickup return. Councilwoman Spence noted that at one point, the Service-Safety Director looked at the cost of replacing the old vacuum leaf pickup truck and asked if the City is still looking into this. Mayor Mihalik replied that research has been done to replace it. One of the benefits of the volunteer effort in the past was that they found out just how efficient picking up bagged leaves can be in a short amount of time to the City. In the past, the City Street Department spent several weeks on leaf collection. They have enough to do given the current workload (tree removal, street preventative maintenance, etc.). Utilizing this effort to collect leaves is a more efficient method than spending six (6) weeks running the vacuum truck to pick up everyone's leaves along the curb. Leaves not bagged tend to get in the storm sewers clogging them and causing maintenance issues. Bagging leaves in biodegradable bags is a better option.

Councilman Nichols is glad to see the Arts Partnership provide Council with their letter and intent to present during the Appropriations Committee. It will allow them to explain some of the beautiful things that take place in the schools.

Councilman Nichols noted that even though motorists have to dodge the orange barrels around town, it is great to see the roads being improved. The new blacktop looks nice. Councilman Russel added that one of his work colleagues constantly informs him of opportunities to improve Findlay's road conditions, but the other day, he stopped him in the hallway and told him that he felt Findlay's streets are starting to improve. Residents are noticing the improvements. He thanked the Engineering Department for planning the improvements and executing the plan.

Councilman Monday, on behalf of City Council and the Administration, offered condolences to Council President Jim Slough and his wife Debbie on the passing of Debbie's mother.

Councilman Harrington made a motion to excuse the absence of President Slough. Seconded by Councilman Niemeyer. All were in favor.

President Pro-Tem Monday adjourned Council at 8:05 pm.

CLERK OF COUNCIL

PRESIDENT OF COUNCIL PRO-TEM