

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

JANUARY 5, 2016

COUNCIL CHAMBERS

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

ABSENT: none.

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

PROCLAMATIONS: – none.

RECOGNITION/RETIREMENT RESOLUTIONS: – none.

ACCEPTANCE OR CHANGES OF MINUTES AND PUBLIC HEARINGS:

- Councilman Harrington moved to accept the December 15, 2015 public hearing minutes for right-of-way vacation for 401 Oakland Avenue (Ordinance No. 2015-103). Councilman Russel seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Russel moved to accept the December 15, 2015 regular session City Council meeting minutes. Councilman Niemeyer seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the December 30, 2015 public hearing minutes for the Zoning Code (Ordinance No. 2015-098). Councilman Shindledecker seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the December 30, 2015 special session City Council meeting minutes. Councilman Nichols seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA: – none.

RECOGNITION/RETIREMENT RESOLUTIONS: – none.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS: - none.

PETITIONS: – none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS: – none.

COMMITTEE REPORTS: – none.

LEGISLATION: – none.

UNFINISHED BUSINESS: – none.

Council adjourned the 2014-2015 Council meeting sine die at 7:32pm. All were in favor.

REGULAR SESSION

JANUARY 5, 2016

COUNCIL CHAMBERS

PRESENT: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser

ABSENT: none.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ONS:

- Tim Wise – cable television franchise proposal/Wise Communications (*WRITTEN COMMUNICATION* section).

REPLACEMENTS:

- Ordinance No. 2016-002 (*LEGISLATION* section).
 - Changed \$5,000 appropriation from Sewer Fund to now be \$2,500 from Sewer Fund and \$2,500 from Water Fund

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 004-2016

first reading

adopted

A RESOLUTION COMMENDING COUNCILWOMAN ANNE SPENCE FOR THE EXCELLENCE OF HER SERVICES TO THE CITY OF FINDLAY, OHIO.

Councilman Monday moved to adopt the Resolution, seconded by Councilman Klein.

Discussion:

Councilman Monday thanked Ms. Spence for her service to the City both on City Council and Findlay Municipal Court. It was a pleasure to have served with her. He wished her the best in the future.

Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

RESOLUTION NO. 005-2016

first reading

adopted

A RESOLUTION COMMENDING COUNCILMAN RANDALL VAN DYNE FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

Councilman Klein moved to adopt the Resolution, seconded by Councilman Shindledecker.

Discussion:

Councilman Monday thanked Mr. Van Dyne for his service. He enjoyed serving with him and the many conversations about their mutual fondness for the state of Arizona.

Councilman Harrington wished Mr. Van Dyne much success in the future even though he is a Florida person versus an Arizona person. He thanked him for his advice and counsel during his first term on City Council. Mr. Van Dyne was easy to get ahold of and always had wise comments about City business.

Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

RESOLUTION NO. 006-2016

first reading

adopted

A RESOLUTION COMMENDING COUNCILMAN ROBERT NICHOLS FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

Councilman Harrington moved to adopt the Resolution, seconded by Councilman Niemeyer.

Discussion:

Councilman Monday congratulated Mr. Nichols on serving on almost every committee during his career. He appreciated his service to the City. He has done so much for the City and knows that he cares for his city greatly. Not only did Mr. Nichols have a great career as a teacher, but also had another great career as a Councilmember. Mr. Nichols will be missed.

Councilman Shindledecker waited until the last retirement resolution for Councilmembers was read tonight so as not to repeat himself. Councilman Shindledecker has sat on the other side (audience) for forty-five (45) years and thought he knew a little about how things operated on City Council, but really didn't. All of the members of Council, particularly Councilmembers Spence, Van Dyne and Nichols provided a lot of information, wisdom, and guidance that he appreciated.

Councilman Wobser noted that Mr. Nichols was a teacher he had when he attended Glenwood Junior High. He thanked Mr. Nichols for his help when he first started on City Council.

Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

ORAL COMMUNICATIONS:

Steven Kiefer – Ohio Creates

Mr. Kiefer is a volunteer at Ohio Creates. He is before City Council tonight to give a brief presentation on programs that leverage the creative industries for community and economic development. Ohio has a long and prestigious history of Art. Ohio Creates is the home of the first commercial production ceramics operations in the country. They also have some of the finest glass production facilities in the northwest, but have experienced a decline in their status. As a producer of raw clay, sand and related resources, they have dropped from the top spot to number ten (10) in most recent rankings. Artistic uses for those resources have dropped to less than five percent (5%) of total production. Ohio has forty-two (42) colleges that offer BAs and BFAs in ceramics and sculptures, six (6) offering MFAs. Ohio graduates over thirteen thousand (13,000) students each year in Art related topics. About one third (1/3) of them going on to a graduate school. Before they can go on to graduate school, most schools require two to three (2-3) years of experience in a body of work, which for artists, are too costly for new graduates. They instead go to residency programs that have these facilities, but there are no publicly available residencies in Ohio. The nearest one is about two hundred fifty (250) miles from here and has only two to four (2-4) seats per year. There are only eighty (80) resident programs in 3D Art in the entire country with about three hundred (300) seats per year. In Ohio, Art students who graduate and want to go on to graduate school have to leave the state. We should be keeping them here because the impact of the Artisan creative industries is significant. It improves academic performance, reduces delinquency and crime, produces jobs, and possibly affects non-arts related job performance. It is a vital part of economic and community development. He congratulated Findlay for the new addition (Marathon Center for the Performing Arts). He elaborated on the nineteen (19) counties in West Virginia who have experienced a loss of forty thousand (40,000) jobs between 1970-2000, mostly in manufacturing, mining and agriculture. From 2000-2004, they invested over forty million dollars (\$40,000,000) into infrastructure and support mechanisms that would build a foundation of planned growth. They then began a program to replace those lost jobs utilizing the creative industries. From 2004-2012, they were able to add over nine thousand six hundred (9,600) new jobs directly related to creative industries. They began promoting the region as a tourist designation specifically to enjoy their creative assets.

Travel expenditures in that area increased by forty-three percent (43%) reaching a record high in 2012 of nine hundred twenty-seven million dollars (\$927,000,000) in those nineteen (19) counties, which is higher than the entire commonwealth of Virginia as a whole. That year, twenty-two and a half million dollars (\$22,500,000) in local tax revenue was generated from travel in the region, and over forty million one hundred thousand dollars (\$40,100,000) in tax revenue for the commonwealth, more than offsets their forty million dollar (\$40,000,000) investment in just one year. In fact, the tax revenue benefits from those nine thousand six hundred (9,600) jobs offset the revenue losses from the forty thousand (40,000) jobs. His group, Ohio Creates, would like to create their own brand of success and are looking to see if Findlay is where they should locate their business. Ohio Creates is a non-profit organization whose mission is to leverage the creative assets of Northwest Ohio to bring greater prosperity to the region. Mr. Kiefer requests to continue his presentation in greater length at a separate meeting, perhaps a Committee of the Whole meeting.

Discussion:

Councilman Klein asked what exactly Ohio Creates does. Mr. Kiefer explained their four (4) main activities as being: 1) Artist residency for 3D and ceramic Arts, 2) they are an incubator for those who want to stay and create their arts 3) they will be operating a series of galleries and cafés, and 4) incubator program for students that will be running the Internship program.

Council President Slough asked if Ohio Creates is up and running today, and if so, where is it located. Mr. Kiefer replied it is not up and running. They are applying for 501C3 but need an address in order to apply. They have the bylaws and a group of individuals who are interested on being on the board. They want to promote the presence on the board which requires they have an address.

Councilman Russel asked what the name of the program in West Virginia is. Mr. Kiefer replied that it is currently being billed as Heartwood. It started out as The Crooked Roads. They then added a program called Round The Mountain before consolidating it under Heartwood Virginia. Its physical address is in Abingdon which is the center of the nineteen (19) counties he mentioned earlier. He has additional information about their economic impact that he has received from them.

Councilman Wobser asked what he is wanting the City of Findlay to do. Mr. Kiefer replied that the initial request is for a letter of endorsement that would be used to go out and get grants and funding as they will be a 501C3. In the long term, they will be asking communities to fund them based upon a complicated but reasonable amount of money based upon the population. That money will be used to offset the costs of the interns who will be marketing the entire northwest Ohio region. It is their hopes to help a brand the area as a tourist destination.

Councilman Hellmann asked Mr. Kiefer if he has spoken to anyone at the Alliance. Mr. Kiefer replied they have. A discussion with the Alliance on partnership is planned for the future. He has already spoken with Tony Irti who has Ohio Creates business plan. Filed.

WRITTEN COMMUNICATIONS:

Tim Wise – cable television franchise proposal/Wise Communications

Mr. Wise's company, Wise Communications is a cable television franchise that builds with Fiber Optic Cable from the head end to the consumer's home. To date, Time Warner has not provided this service. Wise Communications will provide more channel capabilities to help alleviate the same programming to different channels that Findlay residents may be watching.

Wise Communications' commitment of service will immediately be available to their subscribers. Monthly service rates will be greatly reduced compared to Time Warner's current rates. Wise Communications is proposing a ten percent (10%) discount on monthly rates for Police and Fire Departments, as well as City employees. They would also like to provide local television programming services to the community.

Consumers' current cable bills are way too high. Mr. Wise requests the opportunity to discuss in greater detail. Filed.

PETITIONS:

Alley vacation request – College Street

Martin Terry, on behalf of the University of Findlay, is requesting a vacation for the east-west alley between Lots 5862 through 5853 (1117 Morey Avenue through 227 David Street) and 5840 through 5850 (304 through 340 College Street) and the north-south alley between lots 5847 (316 College Street) and 5848 (314 College Street) in the Howard Addition to the City of Findlay. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay City Board of Health minutes – October 21, 2015. Filed.

Director of Law Donald Rasmussen – appointment of Assistant Directors of Law

Law Director Don Rasmussen is requesting the appointment of the following positions be assigned to the Findlay Municipal Court to handle prosecutions in said Court, commencing January 1, 2016. These are important positions in the Director of Law's Office and are necessary to maintain the smooth operation and efficiency of the Findlay Municipal Court System:

- Alan D. Hackenberg, Assistant Director of Law I
- Robert E. Feighner, Assistant Director of Law I
- Stephanie Wykes, Assistant Director of Law II
- Elliott Werth, Assistant Director of Law IV

Discussion:

Councilman Wobser asked how they are compensated. Law Director Rasmussen replied that their pay is listed in the salary ordinance with a salary attached to each position. Councilman Wobser then asked if they are salaried positions regardless of how much work they do for the City. Law Director Rasmussen replied they are. Filed.

City Planning Commission agenda – January 14, 2016; minutes - December 10, 2015. Filed.

Mayor Lydia Mihalik – Mayor appointments to various Boards or Commissions

Mayor Mihalik is requesting the following appointments to the following Boards or Commissions:

Airport Advisory Board – does not require Council confirmation

Gary Junker

Term to expire on December 31, 2018

Hancock Regional Planning Commission Board – requires Council confirmation

Dennis McPheron

Terms to expire December 31, 2017

Councilman Monday moved to accept this appointment. Councilman Russel seconded the motion. All were in favor of this appointment.

Parks and Recreation Board – does not require Council confirmation

Mike Slough

Term to expire on December 31, 2018

Discussion:

Councilman Harrington feels Mike Slough is a great appointment to the Parks and Rec Board. Filed.

Mayor Lydia Mihalik – Ordinance Nos. 2016-004 and 2016-005

In the wake of last year's Ohio municipal income tax uniformity changes, and under the advice of counsel of their mutual Solicitor, Don Rasmussen, the Village of Mount Cory and the Village of Vanlue recently enacted income tax ordinances to be effective January 1, 2016. Both villages have requested that the City of Findlay Income Tax Department administer and enforce their ordinances.

Municipal income tax collection agreements with these communities will offer the same cost-effective and mutually-beneficial opportunities to our residents and taxpayers provided by the existing agreement that has been in place successfully with the Village of Arlington since 2003.

Under the Mayor's direction and in accordance with Resolution No. 036-2003, she is seeking Council's formal approval to authorize the Service-Safety Director to enter into municipal income tax collection agreements with Mount Cory and Vanlue. In anticipation of Council's support, Law Director Rasmussen has prepared emergency legislation for the January 5, 2016 City Council meeting to authorize these agreements. Ordinance Nos. 2016-004 and 2016-005 were created.

Discussion:

Councilwoman Frische asked how the Service-Safety Director is connected to the Income Tax that authorization to allow him to enter into these agreements is needed. Mayor Mihalik replied that he is the contracting authority for the City of Findlay.

Councilman Wobser asked if the City of Findlay will be compensated for doing these collections. Mayor Mihalik replied that they are driven by the number of accounts that we have within the communities. We bill Arlington between ten thousand to twelve thousand dollars (\$10,000-\$12,000) each year. They are responsible for their own costs (i.e. mailings, tax forms, court fees, etc.). There will be some initial set up costs for each of these villages, but we bill them for those costs. Councilman Wobser then asked if it is by statute what amounts to charge them, or if the amount agreed upon is in the contract. Law Director Rasmussen replied it is agreed upon. It is broken down in the proportion of returns. He anticipates there to be ninety-eight to one hundred (98-100) for Mt. Cory, and one hundred fifty (150+) for Vanlue. Both are much less than the Village of Arlington. He was asked if Findlay would want to do other village collections since Arlington is having their collections done through the City. They were told to contact City Income Tax Administrator Andrew Thomas to see if Findlay would be interested in doing their income tax collections. If Findlay is not, those villages will have to appoint their own Administrator. Mayor Mihalik added that they administer approximately seven hundred fifty (750) returns for Arlington. It will probably be less than half (1/2) of that for Mount Cory, and the same for the Village of Vanlue. Councilman Wobser noted that he was just checking that the City of Findlay will cover their costs that are put out. Mayor Mihalik replied that costs will be covered. City Auditor Staschiak added that Arlington collections are discussed in great detail during Income Tax Board meetings. The Board at the time Arlington came onboard (2003), discussed the benefits, values, and concerns in depth. The Income Tax Board was created through Income Tax Ordinance 2015-100. The Board has not met on this decision. He is unsure if that is a requirement. The Board usually does review and discuss items like this. The Board consists of the Law Director, Mayor, Treasurer, City Auditor, and one member of Council. The Ordinance states that the Board's functions and duties are to make quarterly reviews of the performance of the Income Tax Department, and also to make review of the ordinance rules, regulations, recommendations and changes for that department. The Board's opinion of these types of issues might be a benefit to Council.

Councilwoman Frische asked if the City of Findlay is renegotiating a rate on how to charge them if we are going to do more work due to House Bill 5 changes. She then asked if this should go through our Income Tax Department and if it could wait until the first Income Tax Board meeting. She asked when the first Income Tax Board meeting of this year would be and how it will affect things if it were put on hold. Income Tax Administrator Andrew Thomas (from the audience) replied that Vanlue and Mount Cory just adopted the tax, so it will be brand new for them and us. The costs for Findlay to provide these services will be based on the percentage of returns that that Findlay administers for all locations. Currently, Arlington is approximately two percent (2%) of what we do. The first thing he will do is determine how much it will cost to run the Tax Department after the year is over. Currently, they are charging Arlington two percent (2%) of those total costs. It is somewhat up to the Law Director whether or not to wait for the Income Tax Board's input. It is important for the State of Ohio to be made aware of who is administering the tax on behalf of the villages. The Findlay Income Tax Department has information that they are waiting to send to the state to let them know who is administering the taxes for them. Councilwoman Frische noted that changes to the income tax ordinance had to be passed by Council before the end of the year because of House Bill 5, so she is unsure if this can wait until the first Income Tax Board meeting. Law Director Rasmussen replied the Board reviews the policies of the Income Tax Department. It does not decide whether or not they are going to collect income tax for another entity or not. Councilwoman Frische then asked if they make recommendations to Findlay. Law Director Rasmussen replied it is up to the Administration and Council to decide if we are going to do it for them or not. The policy has not changed, nor have tax codes. They will all be under House Bill 5. The issue is if Findlay wants to do this or not. Mayor Mihalik added that we are in an era where shared services are becoming the norm in the state of Ohio. Findlay is somewhat acting as a regional income tax center for the county and for villages who, because of their financial situation due to the lack of local government funds, are having to institute these income taxes. Findlay has a very cost-effective solution for them. It seems to make sense for Findlay to do it. Government is not in the profit-making business, but are just trying to cover our costs. We can do this without adding staff and help out our neighbors in the county to help them gain a little more revenue into their communities.

Councilman Russel noted that Arlington is approximately two percent (2%) of returns filed and asked if Mount Cory would be approximately one percent (1%) and if Vanlue would be about the same or a little less. Income Tax Administrator Andrew Thomas (from the audience) replied that one percent (1%) or less from Mount Cory is correct because they have so few residents and few employers, so there probably won't be a lot of revenue or expense this first year. The second and third year will be comparable to those figures. Councilman Russel then asked Mr. Thomas if he reports to Arlington's Council or provides them with reports. He asked if Arlington has a similar Income Tax Board that has conversations with him. Mr. Thomas replied he does not, but has periodic conversations mostly with the Village Fiscal Officer, and he mails collection reports to them each month. Councilman Russel then asked if HB5 changes anything, maybe with the requirement of the Boards. Mr. Thomas replied it is covered in their ordinance if Findlay collects for other villages. It is covered in the ordinance that the Local Board of Tax Review for the City of Findlay can serve for them and can also establish their own. There are three (3) members on the Income Tax Board for all three (3) villages.

Councilman Wobser asked how long the contract will last. Mr. Thomas replied indefinitely. Councilman Wobser asked if it is renewable by both parties at the end of every year. If for some reason, Findlay decides they no longer want to do this anymore, how would Findlay go about ceasing services. Mr. Thomas replied the draft of Vanlue and Mount Cory's contracts, as well as what was done for Arlington indicate that either party can opt out.

Councilwoman Frische asked how long Findlay has been administering Arlington's income taxes. Mr. Thomas replied since 2003.

Councilman Russel asked if there are any other communities that Findlay might end up providing Income Tax services for. Mr. Thomas replied that there have been some conversations with other villages that we may consider collecting for. Mayor Mihalik added that when Findlay's Income Tax Department prepares the monthly collection report for the Administration and Council, we do get to see what we are doing for other villages, as well as the collections for Arlington and Findlay. The report for Vanlue and Mount Cory will be the similar to what is given for Arlington. City Auditor Staschiak notified Council that the twelve to thirteen thousand dollars (\$12,000-\$13,000) that the City receives each year from providing Arlington's income tax services is left in Findlay City Income Tax's fund to cover the cost of that department. Those funds are not allocated to any other fund the City has. Filed.

COMMITTEE REPORTS:

An **AD HOC COMMITTEE** met on December 22, 2015 to select Council committee assignments and review Council's Rules of Procedures for the 2016-2017 Council term.

We recommend:

1. *The Appropriations Committee consists of five (5) members.*
2. *The Standing Committee of Streets, Sidewalks, Streetlights, and Parking be changed to eliminate streetlights.*
3. *Council no longer provide a representative to the following boards:*
 - Home Builders Association
 - Stormwater Advisory Committee
 - Be Healthy Now Hancock County Coalition
4. *The procedure be changed as to reading correspondences at a Council meeting. Procedure be added to the "2016-2017 Council Rules of Procedure".*
5. *Councilmembers assignments to committees/boards attached.*

Discussion:

Councilwoman Frische (item #1) asked why the Appropriations Committee is going from six (6) members to five (5). Councilman Monday replied that if all five (5) members are present at any of the meetings, it avoids any tie votes. Also, the Appropriations Committee should not make the complete decision for City Council. There are ten (10) Councilmembers on City Council, and when the Appropriations Committee meets, there were six (6) Councilmembers on the committee. If all six (6) committee members choose to do something at the Appropriations Committee level, those six (6) committee members would control everything as the majority of the ten (10) Councilmembers and only four (4) non-Appropriations Committee members would not have a say. By cutting it back to five (5), it would allow for opposition on City Council regardless of what the Appropriations Committee decided to do. Councilwoman Frische asked how long there have been six (6) representatives on the Appropriations Committee and asked why it was decided to go to five (5) instead of three (3) like other committees. Councilman Monday replied it was five (5) several years ago and changed to six (6). He is unsure why it changed. He does not know why it wouldn't go to three (3) except that it was not in their thought process. Councilwoman Frische noted that she was under the impression that the Appropriations Committee would want the most Councilmembers available to know more in depth what is going on.

Councilwoman Frische (item #2) asked if there is a committee/board that still has a role with streetlight requests. Service-Safety Director Schmelzer replied that there is a committee that discusses parking spaces. Those requests should go to the Traffic Commission. There were some discussions about taking it to other committees or multiple committees, but was determined to leave it at the Traffic Commission level for parking spaces. Councilwoman Frische then asked if Parking should be removed from the committee name instead of removing Streetlights. Councilman Shindldecker replied that the parking responsibilities for that committee deal with off-street parking. On-street parking goes to the Traffic Commission. There have been a couple of requests for streetlights over the past two (2) years. One (1) of those requests were for an elaborate type of streetlight and the other request was for a standard one. Nothing has ever been done about those requests. Streets, Sidewalks, and Parking Committee would still have a responsibility for off-street parking. Councilwoman Frische asked where streetlight discussions/requests will go. Councilman Monday replied that about six (6) or eight (8) years ago, streetlights was part of the committee, but it was decided to eliminate it from a committee and give those requests strictly to the Administration. He is unsure how it got added back to this committee. It was decided to go back to the way it was and give requests for streetlights to the Service-Safety Director.

Councilwoman Frische (item #3) asked why it was decided not to have any Council representatives on the three (3) Boards they are eliminating. Councilman Monday replied that if there is a Home Builders Association, there should be a Rental Association, Neighborhood Association, and a board for all other association so as not to exclude anyone. They did not feel it was appropriate to have a representative from Council. There has never been a meeting held for the Stormwater Advisory Committee in at least eight (8) years. The Be Healthy Now Hancock County Coalition was just added last year. Councilman Shindldecker is the representative who indicated he did not feel a Council representative is necessary. When he attended meetings for the committee, all he did was sit and listen and leave. The group itself handled everything. Service-Safety Director Schmelzer added that as a private sector past member of the Home Builders Association, he was invited to the meetings to update them on what the City's business is so that they do have contact with what is going on Administratively. He was also on the Stormwater Advisory Committee in the private sector. The focus was on developing policy and gain some direction around what the City needed to do to ask for legislation. We now have that direction and have an established position there, so there is no real need for a Council representative.

Councilwoman Frische (item #4) asked if this refers to all correspondences or if letters will still be read. She asked if this will eliminate all letters being read unless a Councilmember requests something be read. Councilman Russel replied the Council Clerk will read the name, address, date of letter, and summary of the letter as a written communications from the public. The author, title, date of letter, and a summary of the report/letter from Municipal Officers and Departments. In either case, if a Councilmember and/or the Administration wants the entire report/letter read, he/she would simply make a request of the Clerk and the Clerk will read it.

Councilman Russel did not sign the committee report because the summary was written after the meeting. He is in favor of the recommendation.

Filed.

The **AD HOC COMMITTEE** to select Council Committee assignments and review Council's Rules of Procedures to the 2016-2017 Council term, to whom was requested by Law Director Don Rasmussen to reappoint Denise DeVore as Council Clerk. Further request her payroll status go from Administrative Assistant III to Administrative Assistant IV.
We recommend approval of the above.

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

LEGISLATION: RESOLUTIONS

RESOLUTION NO. 001-2016 (*allows Auditor to request advances on tax settlements at the County*) **first reading** **adopted**
A RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE TAX ADVANCES DURING THE YEAR 2016 PURSUANT TO OHIO REVISED CODE §321.34.

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

RESOLUTION NO. 002-2016 (*Internet auctions*) **first reading** **adopted**
A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 003-2016 (*no PO*) **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 Monday. Ayes: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The Resolution was declared adopted and is recorded in Resolution Volume XXXIII, and is hereby made a part of the record.

RESOLUTION NO. 004-2016
See page 2.

RESOLUTION NO. 005-2016
See page 2.

RESOLUTION NO. 006-2016
See page 2.

ORDINANCES

ORDINANCE NO. 2016-001 (*appropriations for current expenses & other expenditures for 2016*) **first reading** **adopted**
AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FINDLAY, OHIO, DURING FISCAL YEAR ENDING DECEMBER 31, 2016, AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the statutory rules and give the Ordinance its second and third readings. Seconded by Councilman Klein. Ayes: Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel. The Ordinance received its second and third readings. Councilman Monday moved to adopt the Ordinance, seconded by Councilman Russel.

Discussion:

January 5, 2016 City Council meeting minutes

Councilwoman Frische sent an email to the City Auditor to ask if there were any changes to the budget since the budget hearing to which he replied there were. She asked the Mayor to explain and if she sent any correspondence(s) on the change(s) as she did not receive anything. Mayor Mihalik asked what changes she is referring to. Councilwoman Frische replied by asking what changes the Mayor made. Mayor Mihalik replied she changed the Service-Safety Director's salary. During the budget hearing, it was discussed how the salary change would be considered. Councilwoman Frische replied it was not discussed during the budget hearing and was not part of the budget book. She feels a twenty-six thousand dollar (\$26,000) change on the salary for the Service-Safety Director position without communication to Council is shocking. She asked if Council approves this budget, if it would be approving a twenty-two percent (22%) pay increase to the Service-Safety Director position. She also asked if an ordinance from Council approving it is still needed. Law Director Rasmussen replied that this is the ordinance that approves expenditures for each department. Councilwoman Frische then asked if this ordinance is passed, if it would be approving a twenty-two percent (22%) pay increase to the Service-Safety Director position without any discussion with Council. Law Director Rasmussen replied this would approve the budget and would not necessarily approve the payment. Council would be approving the budget that has that number in it. Councilwoman Frische clarified that means it would be authorized to be paid in the salary because the salary ordinance changed before the budget hearing at the end of the year. She then asked if an ordinance from Council authorizing a pay increase to the Service-Safety Director position is not needed, would Council need to approve this budget tonight. Law Director Rasmussen replied that there is no approval needed for the raise. Councilwoman Frische clarified her understanding that there is no discussion needed from Council in order to do so. Mayor Mihalik added that the opportunity for discussion about the pay change happened at the last Council meeting when they had a discussion about the salary range. Councilwoman Frische replied that she brought up a salary question at the last Council meeting where there was no discussion nor any discussion of increasing a pay on the Administrative side of twenty-six thousand dollars (\$26,000)/twenty-two percent (22%). She recalls that during the budget meeting, when the Police and Fire Departments presented their budgets, it was praised how we are slowly bringing back Police Officers and City services. She would prefer the increase be given to a service than to the Administrative side when the position of Service-Safety Director has changed effective this last year because an Engineer, an Assistant Engineer, and an Human Resources Director were hired. She does not recall any discussions on a dollar amount during the budget hearing. She asked if the Mayor emailed Council on the salary increase because she did not receive the email. Mayor Mihalik replied if there is an issue with the pay ranges and/or the statuses of the employees within the salary ordinance, Councilmembers are welcome to present whatever salary they feel is appropriate for the Service-Safety Director position. The previous Service-Safety Director position was two (2) separate positions. A Service Director and a Safety Director were paid separately. This salary for this Service-Safety Director is still less than what was paid to those two (2) individuals to occupy those two (2) positions. She believes the City is being smart. The City has a great Service-Safety Director who is doing a wonderful job. The City's budget and services on both the safety and the service side are in a better position. If Council has a different opinion, she is happy to listen to those opinions. The salaries of those individuals within the Administration are the privy of herself, but if Council has input they would like to provide and/or a salary that Council would like to offer up for this particular position because they have expertise in that matter, than she would be happy to entertain it. Councilwoman Frische replied that she is not talking about expertise and is not trying to talk down the current Service-Safety Director as she feels he is a great voice for the City of Findlay and does a great job in what he does. His salary is still within the salary pay range that it was changed to. Her issue is that the Mayor did not communicate to Council the change order that was made after budget hearings, and it would not have been brought up had she not said something tonight which would have changed the Safety-Service Director's salary without any input nor communication to this Council. When looking at services, and also the Heroine problem that Councilman Harrington wants to be more active with, Councilman Klein is big with crime and being a part of Block Watch, and most, if not all, of Council puts safety and services first with administrative services second, funds should go to those issues. Ladder 1 asked to be in full operation. The funds could be used to bring back another Firefighter or Police Officer. Instead, the Administration is choosing to change the salaried budget for the Service-Safety Director without any communication to Council. She cannot approve the budget as is because of this. Councilman Shindledecker added that there are three (3) branches of government: legislative, executive, and judicial.

Councilman Watson asked for clarification that Council is only looking at the overall budget since the salary ordinance was already approved at the last City Council meeting. Law Director Rasmussen replied that is correct. This ordinance lists the budget for each department with the total budget amount for all departments listed. City Auditor Staschiak added that the salary ordinance defines the boundaries for what is allowed to be paid and the benefits that are allowed to accompany those wages for each City employees. Passing the budget gives permission to spend up to the dollar amount that this ordinance appropriates. It requires that payment is within the ranges that Council passed. The budget authorizes the expenditures. Even though there are the three (3) branches of government, the power of Council is the authorization to allow the expenditure. Their hammer is the money.

Councilman Wobser noted that the bottom line amount is sixty-eight million twenty-five thousand one hundred thirty-one dollars and seventy-eight cents (\$68,025,131.78) is up twenty-six thousand dollars (\$26,000.00) from what Council approved at the budget meeting. Mayor Mihalik replied that there were a couple of changes made to the budget. She is unsure what exactly they were nor the dollar amount. Councilman Wobser then asked what the total amount change is. Service-Safety Director Schmelzer replied the total amount is less than a fifty thousand dollar (\$50,000.00) increase. City Auditor Staschiak further explained that during the budget hearing, a couple of things suggested by Council were minor tweaks to some of the departmental budgets, but in total, the difference in what Council saw versus what Councilwoman Frische is asking about is approximately twenty-eight thousand dollars (\$28,000.00). Mayor Mihalik added that it is not unusual for budgets to change from when the hearings are to when legislation is voted on. This is the fifth (5th) time budgets have been done since she has been in office (five times because of the temporary budget that was in place when she came on board due to the inability to pass a permanent one). She is more than willing to discuss any questions on tweaks/changes to budget.

Councilman Russel noted that Councilwoman Frische does not voice his views on this. Mr. Schmelzer does a wonderful job and saves the City tremendous amounts of money on how he handles capital plans and all his other duties, his ability to bring on a City Engineer, the planning that he does, and the out-of-the-box thinking. Service-Safety Director Schmelzer is invaluable to the City of Findlay and the services he performs is exemplary. When discussions were given about the salary ordinance, which was the time to address the ranges necessary to attract quality individuals in specific positions (i.e. Service-Safety Director, Engineer, Lead Engineering, Human Resources Director, etc.). He is happy that the City of Findlay is able to attract the quality of individuals that we have. Once those salary ranges are set, it is up to the Administration to set the salaries as they see fit, so he has no qualms with the Service-Safety Director's salary that falls within the ordinance that Council passed.

Councilwoman Frische noted that she genuinely thinks the Service-Safety Director does a great job. She is not coming at him in any way, shape, or form in a negative way. Her issue is with how the Mayor went about it. She was not upfront to the public or to Council. Service-Safety Director Schmelzer replied he disagrees with that. This is where the discussion takes place. This is the time to talk about it. This is the adoption of the budget. He understands that all the budget numbers were not finalized. He suggested she talk about it with her peers. Councilwoman Frische replied that she did discuss it with her peers and when the time comes, she is going to ask that Council to take that number back to what was in the original budget for the Service-Safety Director's salary in terms of further discussion of hammering it out. The Service-Safety Director is one of the top paid in the state. When the Mayor brought him on, she brought him on with his bag full of expertise which was safety, service, engineering, human resources which saved the City a lot of money, but she hopes it is understood where she is coming from when it comes to safety and services and making sure we are on top of things when providing services to this community, to bring business into this community, and keep this community safe.

Councilman Harrington asked what the combined salaries was when the Service-Safety Director position were two (2) different positions. Mayor Mihalik replied there were approximately one hundred fifty-five to one hundred sixty thousand (\$155,000.00-\$160,000.00) dollars plus benefits for two (2) individuals.

Councilman Monday asked Councilwoman Frische if she is asking to amend the ordinance. Councilwoman Frische replied she will when the time comes to do so. Councilman Monday noted that the time to do so is right now. Councilwoman Frische replied she thought there was already a motion on the floor that has to be followed up on first. Councilman Monday replied that now is the time to make the motion to amend. Councilwoman Frische moved to amend the ordinance to change the salary for the Service-Safety Director position back to the original budgeted amount during the budget hearing that took place in December. No second to the motion was made. Motion failed.

Vote to adopt the Ordinance as previously moved:

Ayes: Watson, Wobser, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker. Nay: Frische. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-001 and is hereby made a part of the record.

ORDINANCE NO. 2016-002 *(sewer fund)*

first reading

adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Klein moved to suspend the statutory rules and give the Ordinance its second and third readings. Seconded by Councilman Russel. Nays: Wobser. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson. The ordinance received its second and third readings. Councilman Klein moved to adopt the Ordinance, seconded by Councilman Russel.

Discussion:

Councilman Wobser asked what the reasoning is to have this passed tonight and not give it its normal second and third separate readings. City Auditor Staschiak replied that historically Council has passed this as an emergency as part of the budget. It is not critical to pass it tonight. This ordinance unrestricts money in the stormwater account from the Sewer Fund so that it can be used for general operations for sewer. As part of the original appropriation in the prior ordinance, there is enough money that would allow this ordinance to receive three (3) readings. The second portion on the funds gives the Law Director the ability to negotiate with the Operators Union with funds coming from both the Water Fund and Sewer Fund. Councilman Wobser asked the Law Director what the five thousand dollars (\$5,000.00) is for. Law Director Rasmussen replied it is for contract negotiations. An amount is always budgeted incase outside counsel is needed to handle Fire, Police, and Sewer Union negotiations. Forty-five thousand dollars (\$45,000) is reserved for Fire and Police negotiations. Five thousand dollars (\$5,000.00) is reserved from the Sewer Fund because for Sewer Union negotiations. We are just starting negotiations, so these dollar figures are just an estimate.

Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-002 and is hereby made a part of the record.

ORDINANCE NO. 2016-003 *(CIT funds - re-allocation)*

first reading

adopted

AN ORDINANCE AMENDING CHAPTER 193.12 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the statutory rules and give the Ordinance its second and third readings. Seconded by Councilwoman Frische. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The ordinance received its second and third readings. Councilman Monday moved to adopt the Ordinance, seconded by Councilman Harrington.

Discussion:

Councilman Wobser pointed out that the first sentence of the ordinance has an effective date of 2015 and asked if it should be 2016. Law Director replied it should be 2016. The original ordinance for the books will be corrected before it is signed.

City Auditor Staschiak noted that the advantage to passing this ordinance tonight as an emergency is that allocations are done monthly now. Since the recession, we have been able to do the allocations on a monthly basis. He no longer has to wait three (3) readings/meetings to do the first allocation. He will be able to do it once this ordinance is passed and will make sure money is going to Capital Improvements right away to start on projects sooner.

Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-003 and is hereby made a part of the record.

ORDINANCE NO. 2016-004 *(Mt Cory income tax)*

first reading

adopted

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE SAFETY OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT WITH MOUNT CORY FOR SERVICES TO ADMINISTER, ENFORCE, AND COLLECT TAXES LEVIED BY MOUNT CORY UNDER THEIR VILLAGE INCOME TAX ON CERTAIN INCOMES OF RESIDENTS, NON-RESIDENTS, NET PROFIT OF RESIDENTS, AND NET PROFITS OF NON-RESIDENT BUSINESS ENTITIES IN ACCORDANCE WITH SAID VILLAGE ORDINANCE, AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its second and third readings. Seconded by Councilman Klein. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. The ordinance received its second and third readings. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-004 and is hereby made a part of the record.

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE SAFETY OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT WITH VANLUE FOR SERVICES TO ADMINISTER, ENFORCE, AND COLLECT TAXES LEVIED BY VANLUE UNDER THEIR VILLAGE INCOME TAX ON CERTAIN INCOMES OF RESIDENTS, NON-RESIDENTS, NET PROFIT OF RESIDENTS, AND NET PROFITS OF NON-RESIDENT BUSINESS ENTITIES IN ACCORDANCE WITH SAID VILLAGE ORDINANCE, AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its second and third readings. Seconded by Councilman Niemeyer. Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The ordinance received its second and third readings. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2016-005 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS – none.

NEW BUSINESS

Councilman Monday: **COMMITTEE OF THE WHOLE** meeting on January 12, 2016 at 5:30pm in the third floor conference room of the Municipal Building (CR1).
agenda: capital plan

President Slough requested a Council Pro Tempore be appointed for the 2016-2017 City Council term. Councilman Russel moved to appoint Ronald Monday, seconded by Councilman Klein. All were in favor. Filed.

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on January 14, 2016 at 4:00pm in the Council Office, first floor of the Municipal Building (CO).
agenda: 1. College Street vacation (University of Findlay)

Councilman Harrington welcomed incoming Councilmen Hellmann and Watson.

President J. Slough adjourned Council at 8:57pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL