

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

October 4, 2016

COUNCIL CHAMBERS

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

ABSENT: none

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

ACCEPTANCE OR CHANGES OF MINUTES AND PUBLIC HEARINGS:

- Councilman Klein moved to accept the September 20, 2016 public hearing minutes for the Morger (Williams St) annexation rezone (Ordinance No. 2016-082). Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the September 20, 2016 Regular Session City Council meeting minutes. Councilman Niemeyer seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Wobser moved to accept the September 29, 2016 Special Session City Council meeting minutes. Councilman Watson seconded the motion. All were in favor. Motion carried. Filed.

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

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Zoning amendment request – 415/417 Crystal Avenue

Steve Childers would like to change the zoning for 415/417 Crystal Avenue to R4 duplex/triplex high density. It currently is zoned as R2 single family, medium density. Referred to City Planning Commission and Planning & Zoning Committee.

WRITTEN COMMUNICATIONS: - none.

President J. Slough introduced three (3) University of Findlay students with the Advanced News Practice class from the audience. They are here tonight for their Advance News Practice course.

ORAL COMMUNICATIONS:

Executive Director Peggy Grandbois/Board President Christle Ranzau (Arts Partnership) – renewal of Ordinance No. 2013-074

For the past fifteen (15) years, Findlay City Council and the Arts Partnership have worked together to positively impact the lives of thousands of students and adults in this community through their arts education programming. They have worked with the City to meet the community's needs and look forward to continuing this work into the future. She provided Council with information about how this impacts the City and asked for Council's vote for the renewal of Ordinance No. 2013-074 to continue to provide ten percent (10%) hotel/motel tax to the Arts Partnership. They are also supported by many avenues in Findlay including corporate sponsorships, business and individual partnerships, grants, as well as the attendance in their performances and events. Funds from the hotel/motel tax, which is ten percent (10%) of their income, provides them with the opportunity to address the ever-changing needs of the community. They work closely with Findlay City and other schools, community organizations, and parents through their arts education and youth theatre committees, as well as regularly scheduled meetings with school administrators and teachers. A recent example of this is the Hancock Children's Choir. This choir, consisting of elementary students, is a direct response to the shorten time allotted during the day for music in the schools. The choir not only helps alleviate the situation, but provides an opportunity for the students to learn civic pride and community service by singing at the Memorial Day service at the cemetery, Santa's village downtown, and at area senior centers. The availability of the hotel/motel tax fund has made it possible for them to respond to this need and provides this experience to students. Every child in this community, no matter their economic situation or abilities, from every Findlay City School, as well as other schools and homeschools, have the opportunity to experience the arts through their school day performances and arts in their school programming. Students have access to their favorite books such as Curious George or Junie B Jones, as well as history such as stories from the Civil War era come alive on stage and are able to experience live musical performances. As costs continue to rise, the funds received from the hotel/motel tax allows them to continue to increase the number of arts in the schools to every Findlay City School and other area schools. They are able to provide presentations to entire schools and classrooms for students of all ages as they learn about our nation's history and science, a new art form. In fact, this week and next week, artists will impact over two thousand (2,000) students in several local schools as part of this program. Professional development for teacher programs encourage educators and preschool educators to use the arts to teach the curriculum to students from a variety of circumstances. Recently, they developed a program to encourage seniors in the community to fuel their passion for the arts and try something new. The community is changing. There are many new opportunities for families in Findlay and the surrounding area. Their enrichment program, such as youth theatre, in addition to allowing students to reach peak creatively is to teach them important twenty-first (21st) century skills such as creative thinking, collaboration, communication, initiative, social skills and leadership which are all important when entering the workforce. With so many other requirements put on schools today, there often just isn't enough time to teach these important skills. There are some youth theatre students in the audience tonight who have been in their program for years who have had the opportunity to learn to put those skills to use while participating in workshops, rehearsing, performing, and assisting younger students. Most likely, there are a couple of students currently in their program who will be the next Gavin Creel or David Cryer, however, most of these students will go on to become leaders of corporations and/or non-profits in our community. Their goal is to teach the next generation of students to utilize their creativity to fuel their entrepreneurial spirit to provide jobs in Findlay in the future. The continued partnership between the Arts Partnership and the City of Findlay is critical to meeting the needs of today's students and the citizens of tomorrow.

Board President Christie Ranzau

Ms. Ranzau is not originally from Findlay, but her husband was. She moved here from Indianapolis, Indiana in 2000 where she suffered from slight culture shock when she moved here because there were not a lot of cultural opportunities. She was used to being able to drive ten (10) minutes to go to a concert, sporting events, or theatre. When she was trying to get involved in this community, one of the first organizations she found was the Arts Partnership where she began to volunteer at community events and then eventually became involved in committees. She has witnessed how the Arts Partnership impacts this community. Now that she has children of her own who are in elementary school and are able to see school day performances and have had artists come to their school at no cost to the parents. The Arts Partnership is bringing them in to the community. She has taken her children to youth theatre to volunteer where they have been able to see what a benefit this has been for our community. She assumes City Council is wondering why she is before Council tonight and what the Arts Partnership does that affects the City of Findlay and why City Council should give them money instead of other organizations. The Arts Partnership helps the Findlay City Schools. Arts and Music education are decreasing every year in our schools. Currently, elementary school students have only forty-five (45) minutes of art education and forty-five (45) minutes of music education a week. The Arts Partnership provides what Findlay City Schools cannot at little or no cost to the schools. They always accept everyone regardless of social, economic, or ability/inability to pay. Even if they have an event or something like youth theatre, if there is a price associated and a student cannot pay, they are still accepted. It is very important to them that they involve their students in the arts because they need a rounded education, not just a common core curriculum that is focused on in schools. Economic development is a need for any city. There are individuals from outside of Findlay coming here who do not know anything about Findlay. If her husband was not from Findlay and she was moving here, she probably would have moved somewhere else such as Perrysburg or Bowling Green or somewhere that had a more vibrant community. Since then, Findlay has blossomed in the last sixteen (16) years. The Arts Partnership is a huge part of that. They want families who are moving here, the children and grandchildren that this community is raising today, to stay here and be a part of the community. In order to do that, the community needs to be attractive for families whether they are here currently or are moving here, which is the key to economic development, which is a huge pillar of what our city and community is working for. In order to do that, a broad spectrum of activities needs to be offered to this community which is what the Arts Partnership is doing. That is why it is important today that City Council renew the ten percent (10%) hotel/motel tax so that they can continue to give the community the quality service that they have provided for the last fifteen (15) years and improve upon it every year. Ordinance No. 2016-101 was created.

50 North Don Weber – levy for upcoming election

Mr. Weber is before City Council to represent 50North, formally known as the Hancock County Agency for Aging. He currently is a board member and chair of their operating & planning committee. He informed Council that there will be a 1.2 mil levy on the November ballot to help 50North manage their explosive growth. They have increased their overall utilization by seventy-seven percent (77%) in the last five (5) years. It is not uncommon for them to have five hundred (500) individuals go through their facilities on any given day. They provide activities such as life-learning, socialization, travel, choir maintenance, seasonal services (i.e. mow 50 yards to help the elderly, snow removals), provide over two hundred (200) meal deliveries to senior citizens (aka meals on wheels), and referrals for outreach on wellness, health facilities and equipment. Membership has increased and continues to increase. The millage they are asking for is approximately three dollars (\$3) a month on a one hundred thousand dollars (\$100,000) home or about thirty-eight dollars (\$38) a year. Their current budget makes up approximately seventy percent (70%) for levy with the remainder from in-kind gifts. They have continued to operate this way, but have reached a point where they are not running out of things to do, but are running out of money. They are filling a need for the community and look forward to continue to provide for the senior group. He has a ninety-four (94) year old mother who takes full charge of her meals and has mulch spread around her condominium from time to time that takes a load off his brother and him knowing she gets meals every day. He is asking Council for an endorsement resolution from Council in support of their levy.

Steven Gibson – farm animals in city limits

When Mr. Gibson purchased his home in 2005 in the Hunters Ridge Subdivision, there was already two (2) horses at the end of the road. This last year, it has increased to four (4) and the owner has plans on expanding the pasture area. The horses are well taken care of, but on ninety degree (90°) days, sometimes he can smell them when they had just two (2), but now with four (4), he wants to know where it stops. He asked if there is a limit on what can be put on the property, and has heard that the property owner plans on purchasing two (2) other lots and has already put up fencing, has a gate at the end of the street and has put up posts.

Discussion:

Councilman Monday asked if there is a limit on farm animals under the City ordinance or if there are any kind of State regulatory codes that specifies what amount of and per parcel for each animal is required. Law Director Rasmussen replied he is not aware of anything in the State code and there is nothing in our local code.

Councilman Hellmann asked Mr. Gibson if the property he is referring to is within the City limits. Mr. Gibson replied it is. He lives in the Hunters Ridge Subdivision. This property is at Williams and First Street and Lippincott right along the creek. Mayor Mihalik notified Mr. Gibson that if there comes a point where it is a nuisance (i.e. manure is unpleasant and is out of control, etc.), he can contact the Mayor's Office and they will have someone sent out to take care of it. Mr. Gibson replied that they have a dumpster that they put the manure in, but his concern is how it will be with four (4) horses. Mayor Mihalik replied that he has a right to inhabit his property and if it gets out of control, he can contact the Mayor's Office to have someone come out and look at it.

Christopher Rayle – medical marijuana Ordinance No. 2016-090

Mr. Rayle came before Council at the last meeting and hopes that Council has been able to do some research on medical marijuana. He criticized the medical expert who spoke at the last City Council meeting and also the speaker who is a CEO and not a doctor. He informed Council on the research he has done. The medical expert that spoke last meeting made claims that medical marijuana has multiple negative effects on children, but provided no research resources. He disputed those claims with facts and research. He first brings up Dr. Sanjay Gupta and some of his research. Some of his credentials include Associate Chief of Neurosurgery at Grady Memorial Hospital, Assistant Professor of Neurosurgery at Emory University School of Medicine, Chief Medical Correspondent to multiple media sources, and was offered a position of Surgeon General with the United States. In his studies, he has traveled the world and met multiple patients. The case of Charlotte Figgy, whom he met in Colorado, started having seizures soon after her birth. By age three (3), she was having three hundred (300) per week, despite taking seven (7) different medications. Medical marijuana, by CBD injections, has taken her seizures down to two (2) or three (3) per month. There are many in Findlay right now that have seizures. The study also shows that every nineteen (19) minutes, someone in the United States dies from prescription drug overdose. There are no documented deaths from marijuana overdose. Marijuana does not kill children as was stated. The Officer stated, before he did his research, that he thought it was just a scheme to get high and has apologized since then (a website source is available for this). The CEO of FRC claimed that as availability goes up, so does the usage of marijuana, however, research done in Colorado states the opposite. In 2015, twenty-one percent (21%) of youth said they used marijuana in the past thirty (30) days.

That rate is slightly lower than the national average and down slightly from the twenty-nine percent (29%) in 2009. Before legalization, marijuana use has not increased since legalization with only four (4) or five (5) high school students continuing to say they don't use marijuana even occasionally. Mr. Rayle provided some economy facts. According to Forbes, the medical marijuana industry will be nine billion dollars (\$9,000,000,000) by the end of 2016. In California, officials raised six hundred thousand dollars (\$600,000) in growers permits. The industry has less potential to generate funds in sales, fees and fines. With legalization, dealers are replaced with private dispensaries taking drug money off the streets and is going back into the local market. Time magazine calculates the average consumer in Colorado will spend approximately six hundred fifty dollars (\$650) on marijuana each year. According to the main public broadcast network, the largest dispensary was ordered by OSHA to pay a fine of fourteen thousand dollars (\$14,000) for production and workplace violations (a website source is available for this). One does not have to be a math genius to see the positives that this will have on our economy.

Adam Howard – sidewalks, snow and more effective measures

Mr. Howard informed Council that he walks all over Findlay. Two (2) years ago, there was a lot of snow with many sidewalks not shoveled, sometimes for days, so he was unable to get through them. He asked if those doing community service could shovel and/or salt sidewalks. He feels that would be more effective than having 50North do it.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Fire Department Chief Joshua Eberle – Fire truck warranty reimbursement

The Findlay Fire Department received a reimbursement check in the amount of one thousand three hundred fifty-five dollars and sixty-three cents (\$1,355.63) from Ferrara Fire Apparatus that has been deposited in the General Fund. This is to repay for the labor that Steve Rupe, Fire Department Mechanic was paid to fix an issue on the truck that was under warranty. Legislation to transfer funds from the General Fund to the Fire Department budget line item 111106 (Special OT) is requested. Ordinance No. 2016-096 was created. Filed.

President Pro-Tem R. Ronald Monday – Raise The Bar Council Representative Board member

Pursuant to "Rules of Procedure 2016-2017 Council of the City of Findlay, Ohio", Councilman Monday is appointing the following to an Ad-Hoc Committee to recommend a Councilmember to serve on the "Raise the Bar" Board:

James Slough, Chairman
Grant Russel
Tom Shindledecker
Filed.

Treasurer's Reconciliation Report – August 31, 2016. Filed.

City Auditor Jim Staschiak – bank depository agreements renewals

The City is required by Ohio Revised Code to designate its financial institutions and renew bank depository agreements every five (5) years. The current agreements expire October 31, 2016. Financial institutions that desire to be used as public depositories will submit an agreement conforming to the "Uniform Depository Act". Currently, the City has active agreements with ten (10) institutions and he anticipates the majority of them would provide updated agreements. It is estimated that the maximum amount of "active deposits" are expected to be approximately \$20,000,000.00 and the maximum amount of "interim deposits" are expected to be \$60,000,000.00. Legislation to award the deposits is requested with passage by the last City Council meeting in October to allow for the new agreements to be in place by November 1, 2016. Resolution No. 035-2016 was created.

Discussion:

City Auditor Staschiak reminded Council that Resolution No. 035-2016 is for inactive deposits. He is not certain that there have been any discussions on how to differentiate between the different types of deposits. He compared active deposits to paying bills out of a checkbook every month. He compared interim deposits to savings or money markets where the money is shifted back and forth or is moved from to pay bills as needed depending on that month's amount of bills. Inactive deposits are everything else. He does not anticipate having any inactive deposits. Active deposits vary month to month depending on what is going on when debt is brought in and goes to a Fifth Third checking account which is where most of the City's active deposits are. The City also has an active account with Huntington Bank that is used for payroll. He and the Law Director have some concerns on conforming with ORC 135 and the splitting of it into two (2) pieces of legislation. He is unclear how or why it is split, so he is referring that to the Law Director. He sent emails out to all the banks that currently have active agreements notifying them that the expiration date is approaching and to provide the renewals to him prior to the 7th of October because there is a unique rule in 135 that states they cannot give them to him too early. There is a thirty (30) day window that they have to submit their proposals. He is unsure how much money they are willing to accept, or how they will collateralize it. Every dollar of the monies the City has is supposed to be backed with a dollar five (\$1.05) in which there are a lot of ways of doing that. The nice thing about Fifth Third Bank where the City's money is at today, is that they collateralize the City's deposits with pledge collateral which means there is actual money in investments sitting in Fifth Third Bank pledged to the City of Findlay in excess of 1.5% of the monies that they are willing to carry, currently it is thirty million dollars (\$30,000,000) in pledged collateral with Fifth Third. Pool collateral is another type where all the money is put into a pool. That money backs all of their clientele who come in and deposit funds with that institution. There is a different type of risk affiliated with that. It is a complex issue. If Council would like a special meeting on this, he would be happy to attend and answer any questions. Ultimately, if the depository agreements are renewed, it will confirm that the City is in compliance with 135 and that funds are properly collateralized. If it is Council's desire to pursue relationships with other institutions or if they want to approach a bidding or RFP process, he would be happy to help with that, but it would be more drawn out than a simple meeting. He requested Deputy Auditor Ginger Sampson be included in the decision as she is the one who uses the active account every day. She is who makes sure the money is flowing properly, bills are paid, and that everything goes smoothly with no issues.

Law Director Rasmussen added that inactive deposits, interim deposits, and active deposits are treated differently in the code. There are some notice requirements when depositing inactive deposits. Resolution No. 035-2016 was created because Auditor Staschiak indicated that the City does not have inactive deposits which is what the resolution does and brings the City into compliance with 135.05. The code also requires that on the third Monday of the month proceeding when the money is going to be deposited, which is this month, or on the regular meeting night that the governing board meets, which is Council. This is the opportunity to have Deputy Auditor Sampson and City Auditor Staschiak explain the process to Council. These deposits are not at all to the extent the interim deposits or inactive deposits would be considered, but it would be the opportunity to ask those questions. In the past, a letter was written and an ordinance was put together that was half a page long, but Council never met on it beyond a City Council meeting. It clearly states that the governing board shall meet. He suggested the Mayor or three (3) members of Council call a special meeting for the 18th before the regular session of City Council that evening to take care of this as to not hold up a City Council meeting if there is anyone who wants to address Council. Council President Slough asked how long that meeting would last. Law Director Rasmussen replied that it depends on the amount of questions/discussion. If it were to start at 7:00pm and last fifteen (15) minutes, there would still be enough time left before the regular session of City Council starts at 7:30pm. Council President Slough noted that there are three (3) public hearings that evening before the 7:30pm regular session City Council meeting. Auditor Staschiak added that it is not correct to say that the board did not meet in the past prior to Council meetings. Former Councilman Ward took a very active role with the City's finances. He kept Council and the Appropriations Committee informed. What was happening with the deposits was not only discussed, but was also reported to former Councilman Ward and Council on a regular basis, along with some other reports that Council receives from his office every month that show how much money is in the City's Fifth Third checking account and investments which are the interim deposits. He does not want Council to think this is something new and are doing it because it had never been done before in the past. It depends on how many questions there and how far Council wants to go will determine how long it will take. In the past, it only took about ten to fifteen (10-15) minutes.

Councilman Hellmann asked if a meeting date and time will be set now. Council President Slough replied that it will be just before City Council on October 18, 2016 at 7:00pm (this was later changed to 6:30pm via Mayor Mihalik in New Business). Filed.

City Auditor Jim Staschiak – RLF Administration

The Hancock Regional Planning Commission has submitted an invoice for their expenses/staff time for RLF administration for December 2015 through August 2016. This is now a routine request where Council has approved requesting the appropriation without going to committee each time. Legislation to authorize a draw from the Revolving Loan Fund account and appropriate \$17,907.46 from the RLF to General Expense #21010000-449400 to pay the invoice. Ordinance No. 2016-098 was created. Filed.

Service-Safety Director Paul Schmelzer – Fire Station #3 Roof Replacement, project no. 31966300

This project is included in the proposed 2017 Capital Improvements Plan, however, recent inspections have determined that the roof needs attention before this upcoming winter. Between 2006 and 2014, the roof has been repaired nine (9) times. A total replacement is needed at this time to avoid spending more dollars on temporary repairs until the next capital plan is approved. Three (3) estimates have been obtained and the estimates are consistent with the information presented in the current Capital Plan (\$32,000). The additional amount is for the potential replacement of decking that the recent inspection revealed may be impacted by leaks. If further discussion is required beyond this Council meeting, please refer this to the Appropriations Committee. Ordinance No. 2016-099 was created.

FROM: CIT Fund – Capital Improvements Restricted Account	\$ 40,000.00
TO: Fire Station #3 Roof Replacement <i>Project No. 31966300</i>	\$ 40,000.00

Filed.

City Engineer Brian Thomas – W. Lima St waterline project no.35760900

By authorization of Ordinance No. 2016-010, a bid opening was held for this project on September 26, 2016. Bids were received from nine (9) potential contractors with bid amounts ranging from \$181,725-\$228,140. The lowest and best bid was received from Beaverdam Contracting of Bluffton, Ohio. The project is included in the 2016 Capital Improvements Plan. Based on bids received, the total project cost is estimated to be higher than the budgeted amount. Previously, an amount of \$20,000 was appropriated to the project for design and startup. At this time, an appropriation for construction, inspection and contingency is needed to complete the project. Ordinance No. 2016-100 was created.

FROM: Water Fund	\$ 200,000.00
TO: W. Lima St Waterline <i>Project #35760900</i>	\$ 200,000.00

Filed.

City Engineer Brian Thomas – Bliss Avenue and Elyria Street waterline project no. 35763100

By authorization of Ordinance No. 2016-010, a bid opening was held for this project on September 26, 2016. Bids were received from six (6) potential contractors with bid amounts ranging from \$59,445-\$114,297.50. the lowest and best bid was received from Great Lakes Demolition Company of Vickery, Ohio. The project is included in the 2016 Capital Improvements Plan, and the total project estimate is within the budgeted amount. Previously, an amount of \$20,000 was appropriated to the project for design and startup. At this time, an appropriation for construction, inspection and contingency is needed to complete the project. Ordinance No. 2016-100 was created.

FROM: Water Fund	\$ 50,000.00
TO: Bliss Avenue and Elyria Street Waterline <i>Project No. 35763100</i>	\$ 50,000.00

Discussion:

Council President Slough asked if this should be referred to the Appropriations Committee. Service-Safety Director Schmelzer replied he does not think it needs to be referred there. Both this and the West Lima Street waterline project are on the same ordinance. He anticipated some questions on them. Filed.

City Auditor Jim Staschiak – City’s TPA for health insurance plan

A Third Party Administrator (TPA) furnishes the Auditor’s Office all information needed to efficiently direct the day-to-day administration of the City’s self-funded health plan. These services include: application of discounts, enrollment, claim adjudication, eligibility inquiries, COBRA administration, reconciliation of provider billing, and solutions to any customer service issues. Through the administrative and bidding processes, it has been determined that a change of provider is warranted. EGP has been chosen as the best company to provide TPA services for the City. They offer opportunities to improve options for wellness assistance, risk management and various other services that are currently being used through the City’s TPA. Switching to EGP will increase efficiency, technological capabilities and the value received for the cost. Legislation to enter into an agreement with a TPA for the City’s health insurance plan is requested. The emergency clause is included in the ordinance due to the amount of time needed to accomplish this change for 2017. Ordinance No. 2016-097 was created.

Discussion:

City Auditor Staschiak re-emphasized that this has the emergency clause on it and would be helpful if the statutory rules could be waived and given its three (3) readings tonight. Filed.

City Engineer Brian Thomas – proposed waterline extension on Twp Rd 94

In the early 2000’s, Mr. John Murray (10472 TR 94) received permission to extend the existing twelve inch (12”) waterline approximately eight hundred seventy feet (870’) to his west property line. Plans were completed for the waterline extension, but the waterline has not been installed. Mr. Tom Brown (10522 TR 94) has expressed interest in extending the existing waterline approximately four hundred forty feet (440’) to the west side of his property. Mr. Brown is requesting the City pay for the oversizing of the waterline. Attached is a copy of Mr. Brown’s request and the estimates for the installation of an eight inch (8”) and twelve inch (12”) waterline. Please refer this to the Water and Sewer Committee so that they may discuss the cost for oversizing the waterline. Referred to the Water and Sewer Committee. Filed.

COMMITTEE REPORTS:

A COMMITTEE OF THE WHOLE meeting was held on Thursday, September 29, 2016, to discuss 2017 budget schedules. Councilman Harrington moved to adopt the committee report. Councilman Klein seconded the motion. All were in favor. Filed.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 033-2016 (*Fire Captain Fred Wiess retirement*)

first reading

adopted

A RESOLUTION COMMENDING CAPTAIN FRED WIESS FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

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

RESOLUTION NO. 034-2016 (*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 Russel moved to adopt the Resolution, seconded by Councilman Klein. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindedecker, Watson, Wobser, Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

RESOLUTION NO. 035-2016 (*bank depository agreements renewals*)

first reading

adopted

A RESOLUTION DECLARING THAT THE CITY OF FINDLAY DOES NOT INTEND TO AWARD “INACTIVE DEPOSITS” OF PUBLIC MONEYS TO PUBLIC DEPOSITORIES.

Councilman Monday moved to suspend the statutory rules and give the Resolution its second and third readings. Councilman Wobser seconded the motion. Ayes: Klein, Monday, Niemeyer, Russel, Shindedecker, Watson, Wobser, Harrington, Hellmann. Nays: Frische. Councilman Monday moved to adopt the Resolution, seconded by Councilman Wobser.

Discussion:

Councilwoman Frische does not understand this. She was under the impression that there would be a meeting before it is voted on.

Councilman Russel noted that he is also confused and asked for clarification. His understanding is that there are three (3) types of funds and that inactive funds will not be used and that this declares to the banks that the City will not use inactive funds so that they do not have to bid on it. City Auditor Staschiak said he would adjust it slightly to note that the Law Director has chosen this as the best process for approaching this. It is Council’s decision as a board whether or not to award inactive funds into the depository. It is not his decision. There are no inactive funds out there that have been awarded and he does not anticipate having any. Councilman Russel asked when the last time inactive funds were used. City Auditor Staschiak replied he does not know. There is a cash balance of fifty-five million dollars (\$55,000,000) which is unheard of for us. Typically, those deposits would be done when there is a sinking fund (offset debt with that). For example, if the City was ten million dollars (\$10,000,000) in debt, two (\$2,500,000) would have to be paid over the next five (5) years, and expect to have seven million five hundred million dollars (\$7,500,000) when it is fully-funded, which would be seven million five hundred million dollars (\$7,500,000) in inactive funds that will not be used that would be awarded under this special circumstance. He is unsure if that has ever been done, but is possible. Councilman Russel asked the Law Director if his understanding correct. Law Director Rasmussen replied it is.

ORC 135.05 requires that the board meet. Council is the board. If the City is going to do interim deposits or inactive deposits, notice needs to be in the newspaper for at least two (2) consecutive weeks or advertised through the State of Ohio for notice that there will be inactive deposits. To go through an audit like the City did last time showing stringent procedurally, he chose to do the prudent thing and comply with 135.05 stating that we are not going to be depositing inactive deposits at this time. The City is making interim and active deposits which are the deposits that will be discussed in the Special Session of City Council.

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

ORDINANCES

ORDINANCE NO. 2016-089 (*amendment to salary ordinance*) **third reading** **adopted**
AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CODIFIED ORDINANCE NO. 2016-071, AS AMENDED. OF THE CITY OF FINDLAY, OHIO KNOWN AS THE SALARY ORDINANCE, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-089 and is hereby made a part of the record.

ORDINANCE NO. 2016-090 (*prohibit marijuana*) **third reading** **tabled**
AN ORDINANCE ENACTING SECTION 513.15 OF THE CITY OF FINDLAY CODIFIED ORDINANCES TO PROHIBIT THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MEDICAL MARIJUANA AND PROHIBITING THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MEDICAL MARIJUANA IN ALL ZONING DISTRICTS IN THE CITY OF FINDLAY, AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Monday.

Discussion:

Councilman Klein noted that there have been discussions about amending this Ordinance and he is not fond of banning something that hasn't even been adopted, nor have the rules and regulations even been set up yet by the State. He proposes to amend this and add an eighteen (18) month moratorium to give the State Regulators time to set the rules and regulations, and after that time, Council can look at it again to determine what best fits the community.

Councilman Harrington asked if it ends up being an eighteen (18) month moratorium, if Council will still be able to lift the moratorium prior to the eighteen (18) months being up. Law Director Rasmussen replied that you can repeal the Ordinance at any time. He asked Council to help with what they want the amended Ordinance to say because he does not understand how there can be a moratorium without banning something. It is banned for the period of the moratorium. The legislation cannot just say there is a moratorium. That would not explain what the moratorium is for. After the Ordinance is passed, it can be appealed or amended at any time, even as soon as the next City Council meeting after it is adopted. Councilman Harrington then asked if it is just a matter of semantics of the moratorium versus banned and if they are just synonyms of each other. Law Director Rasmussen replied that the Black's Law Dictionary lists moratorium as prohibition banning.

Councilman Klein asked where it will state the eighteen (18) month ban. Law Director Rasmussen replied that is what it is saying. That is what a moratorium is. For example, when there is a moratorium on an apartment building, the building is banned of more apartment buildings. He asked if Council would prefer the word prohibiting or temporarily prohibiting. Councilman Klein replied that he would like to have it worded so that there is a point in time where Council has to come back and visit it.

Councilman Hellmann asked if an amendment could be made to use the word "prohibited" until thirty (30) days after the State promulgates their regulations. If eighteen (18) months is listed in the legislation and the State does not come up with something until after the eighteen (18) months is over, Council will not have accomplished anything. Instead of an exact timeframe, he would like to have it worded that it will not expire until thirty (30) or sixty (60) days after the State comes up with their regulations.

Councilman Wobser asked if the amended language in Section 2 will essentially go away when the State passes their rules and that medical marijuana will remain in effect until such time as the Ohio Department of Commerce and State Board of Pharmacy administer a Medical Marijuana Control Program and establish and adopt a set of rules and regulations . . . Law Director Rasmussen asked where Councilman Wobser is reading from. Councilman Wobser replied he is reading from Ordinance No. 2016-090 AS AMENDED. Law Director Rasmussen replied that no motion has been made to accept the amended version of the Ordinance. Council is still looking at the non-amended version of 2016-090. Councilman Wobser noted that the amended version was discussed at the last meeting, but was not amended.

Service-Safety Director Schmelzer has a negative reaction to what he just heard because the ban should not be lifted just because the State passes regulations. Council needs to know what the regulations say and what they mean before lifting the ban. He thinks what Councilman Klein is trying to say is that a ban was talked about in very broad terms stating that until Council lifts the ban, which is what the current legislation means, it is banned period. It is banned until Council revisits it. Somewhere in the middle is a timeframe associated with the ban. Both eighteen (18) months, twenty-one (21) months, and two (2) years have all been suggested. If the current language were to be changed to state that it will be banned, prohibited, and/or that there is a moratorium for any specific length of time, it gets the job done in his opinion. It gives Council time to react with what the State is going to do from a regulatory standpoint and prevents a "pot shop" every fifty feet (50') on Tiffin Avenue or across from Glenwood School. Councilman Klein replied that is exactly what he thinks. Law Director Rasmussen replied that is why he didn't like having a timeframe because it would tie it to something that is not known. We do not want to lose track of it and then all of a sudden it expires and then the State comes out with the regulations. He does not anticipate that the State will act quickly as they usually do not. They usually send updates on what the rules and regulations are looking like that are shared with Council. Councilman Klein noted that there are a lot of moving parts that has to come together on this which could take a long time. He does not support a total ban, but can support something that has a clause in it that forces Council to come back and look at it at some point down the road once the States rules and regulations are known.

Councilman Shindledecker noted that the State of Pennsylvania has legislation relatively similar to what Ohio is proposing. They have a committee that has been working on the rules and regulations for the past six (6) years and have not completed it yet.

Councilwoman Frische asked that once the State finishes making all their decisions on how this is going to operate and work, and if an Ordinance is in place, would an Ohio Revised Code be coming into play that would override local government claiming it is not legal and allowable to have a ban. If the Ordinance does not specify a date, would it be null and void and not enforceable if Ohio Revised Code decides what medical marijuana is going to be in the state. Law Director Rasmussen replied that the law that is passed already gives local government the right to ban for good. All that is being discussed now is the rules and regulations, defining dispensaries, and how money is going to move in and out of that industry. Perhaps the change that should be made is a section stating once those rules and regulations are set forth in final form, this Council shall meet and discuss it and bring this matter back before the Council. It is unknown how long until the State establishes their rules and what they may say about those regulations. They may be fine with everything, or may have problems with it. An amendment could be put on it to require that Council come back to revisit the issue once those rules and regulations are set forth. Both Councilman Klein and Hellmann agree that is what they would like to have in the Ordinance.

Councilman Harrington feels it is important to inform the public that this is not to ban legal medical marijuana. It is to ban the facilities to dispense, cultivate, and process it within City limits until the State comes up with the rules and regulations necessary for our local government to keep this under control and allow time to look at what the State has passed. It allows Council, committees, and public input to come up with how to proceed and if we want to proceed within our City limits to allow those three (3) facilities. By not allowing the suspension of the rules, it was important that we as the City have a discussion about this. Individuals have been very passionate that the City should allow medical marijuana dispensaries in our community. A couple individuals have come before Council with medical conditions that allowing medical marijuana in Findlay would help them, but it is important that they understand it is not what we are talking about. We are not talking about allowing medical marijuana in the City. We are talking about how we are going to allow it to be distributed, processed, and cultivated in our City. He is in favor of an amendment with a timeframe.

Councilman Russel asked what the definition is of the State setting the rules. He asked if that is what the State Health Board does. There are so many moving parts to it. He asked if there is one specific time that could be considered that the State has set their rules. He asked that even if it could magically be determined what that specific point in time is, would it then be passed or when it became effective. Once that clock started ticking, what would then could City Council do. Would Council then have the time to take that import and look at zoning amendments and run it through our zoning process after it goes through the City Planning Commission and the Planning and Zoning Committee, it would be given three (3) readings, and then have that amendment take effect. He agrees with the Law Director that if Council bans it and does not put a time limit on it, Council can at any time undo the ban by passing legislation that undoes what we set, but many of the Councilmembers want some kind of time limit. Eighteen (18) months has been suggested, so has two (2) years. Even if the two (2) year timeframe is in the legislation and then after the two (2) years is up and the legislation has to be amended to add more time, Council can look at it again and determine if the State is even close to setting their rules. He asked Council if they should extend the ban longer and if there is enough information at that point in time to go into the zoning process to take care of this in the zoning code. Those are the issues he has with what is being proposed. Some Councilmembers have proposed a timeframe so it doesn't slip under the cracks, but it is the Councilmembers responsibility to not let this slip under the cracks. Councilmembers can simply put a reminder on their calendars to revisit it. The path that we are starting to go down is going to present us with a lot of challenges.

Councilman Watson does not support this legislation because it becomes an access issue. There are no other medicines that have been zoned this way. While he is fortunate to have healthy children, others do not have family members that are healthy. He has worked with children who have major seizure disorders. If a medical team were to prescribe medical marijuana to him or someone in his family, but as a Findlay citizen cannot access it here, he would be furious. He feels it would be better to have a sunset provision of some kind which would force Council to revisit it at some point. While he agrees with Councilman Russel that if it is important, Councilmembers should remember, but sometimes things do fall by the wayside. His biggest concern is access. Not everyone has access to drive out of the City to get their medical marijuana. He does not believe that Findlay should be putting up road blocks for people to access a prescribed medicine.

Councilwoman Frische feels Councilman Watson stated his opinions well, but her concern is that it is not yet known how access will be given to someone whether it be prescription mail order or if there are going to be dispensaries within Ohio. She does not feel that Council and/or the Administration is trying to put road blocks on medication. Medication in general is approved by the FDA pharmacy which takes us out of it completely. This is something completely new. Findlay has to manage the access to it, but then also needs to make sure it is not recreationally used. She asked Mr. Rayle from the audience who has spoken to Council a couple of times during ORAL COMMUNICATIONS, if he understands that moratorium and ban means the same thing. If Council passes this, Council can change it at any time. She encouraged Mr. Rayle to come before Council every three to six (3-6) months to update Council on his research, or via email, which keeps it in the forefront. She does not feel a sunset clause is needed, but will support it either way. She also does not feel it needs a date because it is as if we are still looking into a crystal ball on what is going to happen. This will cause more work, but told Mr. Rayle that he can be a part of that solution, as well as others who provide information and opinions. She reiterated that Council and the Administration are not trying to deny anyone medical marijuana that are prescribed it by their doctor. It is not happening yet because it just started. She asked Mr. Rayle if he would be supportive of it the way it is or if he would like a sunset clause. Mr. Rayle replied he is not in favor of a moratorium. Council and the Administration are aling on the side of caution to make sure they are covering their bases until answers from the State are known which could be a lengthy process. She asked Mr. Rayle if a moratorium would be a give and take to him if it had a sunset clause, or if it is adopted the way it is written and that it can be amended at any time, especially if he and others keep in contact with Council by continuing to provide information. It is unknown what Mr. Rayle's response was as he was not a microphone, so his response was not heard.

Councilman Russel noted that Section 4 of the proposed amendment states that the Findlay Zoning Ordinance would be amended to prohibit all medical marijuana. He then asked if 2016-090 were to pass in some form, either as is or as amended with a time limit and Section 4 was included and the Zoning Code was not amended for whatever reason, what affect it would have on the passage of 2016-091. Law Director Rasmussen replied that was a big discussion that a lot of the Law Directors were having about putting that language in there. They thought about putting it in the moratoriums, but in reality to effectively change a Zoning Code, you need to amend the zoning code because there has to be hearings on it. 2016-091 has to be passed to amend the zoning. Councilman Russel then asked if 2016-090 passes and the Zoning Code is not amended, 2016-090 has no effect and that we would have effectively banned medical marijuana activities, so why would the zoning even come into play. Law Director Rasmussen replied because it would be banned, but there would be no penalty for enforcing. There would not be penalties for violating the moratorium. Those penalties are in Section 3 of the Ordinance. They are not in the Zoning Code. The Zoning Code deals with where the activities can be taking place. 2016-090 states that there is a moratorium. If there is a moratorium and there is no prohibition or punishment, then there is no moratorium. That section has been in the Ordinance since day one.

Councilman Monday asked for clarification on what Law Director Rasmussen just stated. He asked if we have a moratorium, does that effectively make it illegal in the City of Findlay. He asked if the laws we already have against cultivating, possession, dispensing, and selling would still apply. Law Director Rasmussen replied that it would not apply for medical marijuana. There are no current rules about medical marijuana. Medical marijuana is different than marijuana. When putting the prohibition on, it prohibits the cultivation, processing, dispensing and selling of marijuana in the City of Findlay. There is a penalty that has also been provided in the Ordinance because if there is not a true moratorium, then there is nothing to enforce.

Councilwoman Frische asked if 2016-090 is passed, if the zoning change of 2016-091 will also have to be passed, or if it is all covered in 2016-090. Law Director Rasmussen replied that the penalty is included in 2016-090, but the zoning is not. It was discussed whether or not to put it in and everyone agreed it should be included. It was also agreed that to make the zoning change because when there is a zoning ordinance, it requires three (3) readings and hearings on it. 2016-090 does not include the zoning which was the argument that he was making. It can be put in there, but will not be effective because there were no hearings and no notice of the hearings were sent to anyone to come in and discuss the zoning issue. The three (3) readings on the zoning cannot be waived. It has to have three (3) separate readings. There has to be a public meeting. There still has to be a hearing on 2016-091. 2016-091 cannot be passed tonight because the notice provision requires we have a meeting on it. It will have to be tabled.

Councilman Wobser asked if he is understanding correctly that 2016-091 changes the zoning and cannot be passed tonight regardless if 2016-090 is passed. Law Director Rasmussen replied that is correct. Councilman Wobser noted that Councilman Russel was referring to the section in 2016-090 that refers to what 2016-091 does. The question was that if that section is still in 2016-090 and if 2016-091 is never passed, would there be an issue and would 2016-090 need to be amended to take out the section that references 2016-091. Law Director Rasmussen replied that Section 4 does not reference 2016-091. It states that if it is adopted, the Ordinance will be amended to prohibit in all zoning districts. Then an Ordinance that actually bans it is needed, and the Zoning Code has to be amended to do that. There has to be three (3) readings and a hearing. If 2016-091 is not adopted, the Zoning Code is not amended because on 2016-090 there would not have been a hearing nor would a publication or notice on it have been made. Public notice has been done on 2016-091 because it is the zoning change. Councilman Wobser then asked what the mechanics would be if a time element were to be put in regardless of how it looks and are not sure what the language is going to be. He asked how it would happen now with having to vote on it tonight but are not sure how the legislation will work. He asked if Council can provide the outline to the Law Director and then come back to Council with the final legislation. Law Director Rasmussen replied that it depends on how Council wants to do it. It can be tabled and be lifted at the next meeting and provide him with what Council wants in it. Or, if Council is okay with the provision that says that as soon as the Board of Commerce and the Pharmacy Board have met and have established the set of rules and regulations that the matter be revisited by this Council. Councilman Wobser would like to see the language before this is voted on to amend. so he moved to table it until the next meeting when different legislation is in place that meets the criteria on what Council is putting forward or at least alternate language so that they can see what they are voting on.

Councilman Wobser moved to table the Ordinance, seconded by Councilman Klein. Ayes: Watson, Wobser, Harrington, Klein, Niemeyer. Nays: Shindedecker, Frische, Hellmann, Monday, Russel. Council President broke the tie by tabling the Ordinance. The Ordinance is tabled.

ORDINANCE NO. 2016-091 *(change to zoning code - prohibit marijuana)* **third reading** **tabled**
AN ORDINANCE AMENDING SECTION 1101.08 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY.

Councilman Klein moved to table the Ordinance, seconded by Councilman Harrington. Ayes: Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindedecker. The Ordinance is tabled.

ORDINANCE NO. 2016-092 *(2411 N Main St rezone)* **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 2411 NORTH MAIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "R4 DUPLEX, TRI-PLEX".

Second reading of the Ordinance.

ORDINANCE NO. 2016-093 *(1403 S Blanchard St rezone)* **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 1403 SOUTH BLANCHARD STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R1 SINGLE FAMILY LOW DENSITY" TO "R3 SINGLE FAMILY HIGH DENSITY".

Second reading of the Ordinance.

ORDINANCE NO. 2016-095 *(mid-year appropriations)* **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2016-096 *(Fire truck warranty reimbursement)* **first reading** **adopted during Old Business**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO, TO CONTRACT WITH ENTERPRISE GROUP PLANNING INC. (EGP) AS THE THIRD PARTY ADMINISTRATOR (TPA) FOR THE CITY OF FINDLAY'S HEALTHCARE PLAN, AND DECLARING AN EMERGENCY.

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

Discussion:

City Auditor Staschiak noted that Council went through this process approximately four (4) years ago when the City switched the previous TPA to the current one because it was a significant improvement. He has nothing negative to say about the current TPA although the business relationship could be improved. The price difference based on the work the City's broker Corporate One is negligible. Renewal with the existing provider was going to be \$192,000. The renewal with the new provider is \$195,000. They will improve the service to our employees, correct some issues that employees are having. In the long term, they should continue to keep the health plan that is provided to City employees very fluid and allow the Administration the ability to continue to make changes and improve it as needed.

Councilman Wobser appreciates City Auditor Staschiak's comments and also appreciates that he and the Service-Safety Director have both looked at this and agree on it. He asked if this went through a bid process and how it was concluded that this is the TPA to go with. City Auditor Staschiak replied that the City's broker Corporate One handled it. They also handled it when the City switched from the previous TPA to the current one. When service issues began, Corporate One looked at them, as well as City Employee Carolyn Ehmschwender and Lori Huth with Corporate One worked very closely together in handling the basics of the system. They worked with the TPA to make sure that the services were provided properly (i.e. bills weren't rejected and things are done properly). There were some discussions in which Corporate One notified the City that they have three (3) potential TPAs that they would like to speak with. They narrowed it down to two (2): MedBend and EGP. EGP seems to be a better fit. MedBend's bid was \$208,000, and EGP's bid was \$195,000, and Meritain (existing TPA) bid was \$192,000.

Councilman Klein asked if this is an annual contract. City Auditor Staschiak replied it depends on the TPA. They guaranteed their price if we give them two (2) years. Two (2) years is normal for a switch like this. The last contract with Meritain was three (3) years. Prior to that, they just went year to year with adjusted increases.

Service-Safety Director Schmelzer added that although it is a bid, lowest is not always best. The quality of a service, administering the claims, and serving the client is of the uttermost importance when talking about managing. While he appreciates the efforts to get the price close, but the current vendor was not doing their job, so it is time to change.

Ayes: Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-097 and is hereby made a part of the record.

ORDINANCE NO. 2016-098 *(RLF administration)***first reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2016-099 *(Fire Station #3 Roof Replacement project no. 31966300)***first reading****adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Wobser asked if this needs to go to the Appropriations Committee since it was unbudgeted for 2016 and is under 2017's budget. Service-Safety Director Schmelzer replied it does not need to go there. Council already approved the Capital Plan, so the expenditure can be approved without going to the Appropriations Committee.

Councilwoman Frische asked if the decking replacement was included in any of the three (3) bids. Service-Safety Director Schmelzer replied that there was indication from the low bidder, that based on his investigation, there could be a need for decking which may end up being a few thousand dollars of contingency which is why the original estimate for \$36,000 was obtained by a contractor. The bids are in that actual range, but per the advice of the contractor, ten percent (10%) contingency funds should be added to address some decking in case that needs done. It would not be a good idea to be in the middle of a job and find out that some additional repairs are needed to be made and then the job is held up. The Capital Plan dedicated \$36,000 and the estimate for the roof is \$36,000, so this is to add some decking money which brings the total up to \$40,000. Councilwoman Frische asked if this can be done quicker if it passes on an emergency. Service-Safety Director Schmelzer replied that is the intent.

Councilman Shindledecker asked where Fire station #3 is located. Service-Safety Director Schmelzer replied it is located on Tiffin Avenue/McManness. Councilman Shindledecker thought it was on North Main and was concerned because he drove by it today and thought the roof looked fine, but that the driveway was tore up. Service-Safety Director Schmelzer replied that is the concrete apron that is getting replaced.

Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-099 and is hereby made a part of the record.

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

Discussion:

Service-Safety Director Schmelzer informed Council that the waterline estimate was around \$180,000 (\$20,000 for design, \$200,000 for the Capital Plan). Through a test, it was found that there is a possibility that they will run into some rock, so he has added some contingency. There was an approximate contingency in the original estimate that was done. When looking at design plus what amount is for the bid, we are approximately \$1,500 over what was in the Capital Plan. This can go to the Appropriations Committee, but the information Council has at this point is really buried in the ground relevant to the extent of rock that they will run into. It is unclear how much we are over. We may only be \$1,000-\$1,500 over, or could be as much as \$10,000-\$20,000 over what was originally estimated in the Capital Plan. In either case, he prefers to start moving forward with these projects. If they go to the Appropriations Committee, there is not a lot of additional information he can provide.

Councilman Russel noted that two (2) different vendors were selected for the two (2) different projects. He asked if the rock is what differentiated between the two (2). Service-Safety Director Schmelzer replied that they are two (2) very different projects. One is a relatively short six inch (6") waterline in the Bliss Avenue area and the other is a fourteen hundred foot (1,400') eight inch (8") waterline that is all along Lima Avenue. One of the contractors are more apt to deal with smaller projects.

Councilman Wobser noted that the range on these bids varied (\$50,000 which his more than 30% of the overall project). He asked why there is such a wide range on them. Service-Safety Director Schmelzer replied that in most cases, it has a lot to do with their labor and what their market is over and above prevailing wage (what their employees make). Some are just really looking for work. When looking at the unit prices for some of these contractors, they are almost putting their bid in at no cost for labor. They just really want the job. That is the best guess he can give.

Ayes: Klein, Monday, Niemeyer, Russel, Shindedecker, Watson, Wobser, Frische, Harrington, Hellman. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-100 and is hereby made a part of the record.

ORDINANCE NO. 2016-101 (Arts Partnership 10% hotel/motel transient tax)

first reading

AN ORDINANCE DESIGNATING TEN PERCENT (10%) OF THE HOTEL/MOTEL TRANSIENT TAX TO BE DISTRIBUTED TO THE ARTS PARTNERSHIP ON A QUARTERLY BASIS DURING CALENDAR YEARS 2017, 2018 AND 2019 AND APPROPRIATING SAID SUMS AS NECESSARY.

Discussion:

Councilman Russel asked if the Appropriations Committee is looking at this. Council President Slough replied they are not. Councilman Russel then asked if this can be sent to the Appropriations Committee. Councilman Monday replied it can be. Referred to the Appropriations Committee.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS:

Councilwoman Frische asked if a committee should be formed to come up with what Council wants for 2016-090 before reconvening in two (2) weeks. There has been a lot of discussion on what Councilmembers want in the legislation. Councilman Monday replied he would be glad to appoint the committee if the majority of Council wants it. If so, it would require a motion and a second. Councilman Wobser appreciates what Councilwoman Frische is saying and is not in total disagreement with her, but feels Council is very close on where they want to be on this, and that he feels if Councilman Klein and another Councilmember would work with the Law Director, it should be straightened out relatively quickly. He does not feel a committee needs to be formed. He feels the legislation can be ready for the next City Council meeting in order to lift the Ordinance from being tabled and get moving. Councilman Klein added that the Law Director has a good grasp on where Council wants to go with it. He would prefer the Law Director draft the legislation and email it out to all Councilmembers for their comments. Councilman Russel asked if Council has a good idea where they want to go on it. Councilman Klein replied that any Councilmember can draft legislation and forward it to the Law Director. Councilwoman Frische feels Council has been doing that. There was an amended ordinance, but nothing was accomplished. Council President Slough feels Council did get a lot accomplished. There has been a lot of in-depth conversation on it. Councilman Monday feels if an Ad Hoc Committee is formed for this, it will just add a lot more time on it and would not be able to form the committee until the next meeting and they would not be able to meet until another week or so, then come back to yet another meeting to approve the committee report. It would add a lot more time than is necessary to resolve the issue.

Councilman Russel moved to suspend the statutory rules and give Ordinance No. 2016-096 its second and third readings. Councilwoman Frische seconded the motion. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindedecker, Watson, Wobser. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindedecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-096 and is hereby made a part of the record.

Service-Safety Director Schmelzer asked if a timeframe should be put on the medical marijuana ordinance since the expiration date of it seems to be the issue. He asked if Council would like the Law Director to draft an Ordinance that has an end timeframe of eighteen (18) months to two (2) years and the language around that expiration be worded so that Council could choose at that time whether or not to pass the original or the modified one. Both ordinances could still be available to choose from. Councilman Russel replied that there will be multiple Councilmembers having conversations with the Law Director on Wednesday and then plot a course. His confusion is the connection between 2016-090 and 2016-091 and the inclusion of Section 4 in 2016-090. Service-Safety Director Schmelzer then asked if Council is unable to pass 2016-091 until another public meeting, what the process would be and if it needs referred to the Planning Commission, and if so, if that can be done.

City Auditor Staschiak sent an email out to Council about a week ago of the OML comments from the income tax review down at the State. If anyone did not receive that email to let him know. Their updates come out on Fridays. This last one had some specific comments in it. Mayor Mihalik added that the City of Findlay is in collaboration with Ohio's thirty (30) largest cities where the Mayors of those cities have put together a letter asking the 20/20 Tax Commission communicate with cities before making wholesale changes to municipal income tax regulations that could take, yet again, more money out of the pockets of local governments that provides essential services to its residents. There is an effort not only on behalf of the Municipal League, but also the cities who are the top generators of the GDP in the State of Ohio who are very much in tune with what is happening at the State level.

NEW BUSINESS:

Councilman Hellmann pointed out that there are OML workshops next week on code enforcement, abandoned gas stations, and vacant properties. He asked if there is a representative going to any of them. These workshop topics are issues Findlay has and believes something could be learned from them. Then, the next day, there is a workshop on funding economic development and a session on animal control issues (i.e. bees, chickens, cats, dogs). One of the Oral Communications tonight has an issue with horses in his backyard.

Councilman Russel: **PLANNING AND ZONING COMMITTEE** meeting on October 13, 2016 at 4:00pm in the Council Office, first floor of the Municipal Building (CO):
agenda: 415/417 Crystal Avenue rezone

Mayor Mihalik: **SPECIAL SESSION OF CITY COUNCIL** meeting on October 18, 2016 at 6:30pm in the Council Chambers, first floor of the Municipal Building (CC):
agenda: renewals of bank depository agreements

Councilman Harrington noted that the biggest differential between the banks seems to be fees. He asked the City Auditor if he could have those fees broke down for this meeting. City Auditor Staschiak replied he will bring the responses from the banks and the agreements they are providing with their fee lists for Council to decide. He will participate in the process and inform Council where the City is at and what has been paid in fees, but he will not have fees broke down before the meeting. It is Council's role. His role is to help Council in the process, but it is Council's decision. Councilman Harrington replied that as a Councilmember, he is asking the City Auditor for help. City Auditor replied he is happy to help. Councilman Harrington again asked the City Auditor if he will break down the fees and bring the breakdown to the meeting. City Auditor replied he will provide what the banks gives him, but he will not change their information, breaking it down, or summarizing it other than basic summaries. He expects to have that by this Friday. If everyone meets the request date, he will scan it and forward it to all Councilmembers.

President J. Slough adjourned Council at 9:15pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL