

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

October 18, 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 Russel moved to accept the October 4, 2016 Regular Session City Council meeting minutes. Councilman Klein seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ON:

- Resolution No. 037-2016 – bank depository agreements

PROCLAMATIONS: – none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Zoning amendment request – 516, 518, 518 ½ Liberty Street

Thomas Roach, Rosi Enterprises, LLC, is requesting to change the zoning for 516, 518, 518 ½ Liberty Street to R4 duplex/triplex high density. It currently is zoned as R3 single family, high density. Referred to City Planning Commission and Planning & Zoning Committee.

WRITTEN COMMUNICATIONS:

Toledo-Lucas County Port Authority Business Development Manager Teresa Smith – energy special improvement district

The Toledo-Lucas County Port Authority (Port Authority) has been approached by a business located in the City of Findlay that is interested in accessing capital from the Port Authority's Better Buildings of Northwest Ohio (BBWNO) Program to finance qualified energy improvements to its existing facility. BBWNO provides long-term fixed rate capital to existing businesses through a financing mechanism known as Property Assessed Clean Energy (PACE). The financed debt is legislated and placed on the property tax bill as a special assessment and repaid over a 10 to 15-year term.

As they have extended this innovative financing tool to communicate across Northwest Ohio, they have found it beneficial to introduce the program and its processes to City Councilmembers prior to bringing forth a request for legislation to be approved. Now that BBWNO has an active and approved client in the Findlay market, they are requesting an opportunity to present an overview of the program to Findlay City Councilmembers through a special committee of the whole meeting.

Ms. Smith appreciates the City's assistance in facilitating this request in an expeditious manner as the Findlay business that they are assisting is under significant time constraints to complete the required HVAC system improvements prior to the onset of severe winter weather. They would like to share this unique economic development tool with the City of Findlay and look forward to informing all interested parties on the functions and benefits of the program. Referred to Committee of the Whole.

ORAL COMMUNICATIONS:

Victoria "Tori" Denike/Elizabeth "Elle" Denike/Andrew "Drew" Denike/Jennifer Denike – support of the Arts Partnership

Tori Denike is a tenth (10th) grader at St. Wendelin Catholic High School. She has been involved in The Arts Partnership shows since she was going into the fifth (5th) grade. She dedicates roughly four and a half (4 ½) months of her time to play in The Arts Partnership musicals every year. Spending time with her Youth Theatre family is by far one of her favorite things to do. Working on shows has taught her how to balance her time and gain a better understanding of time management. For about two (2) months at a time, she spends approximately two (2) hours Monday-Thursday at rehearsals working on shows after school. She has learned to work hard and get her school work finished so she can dedicate her entire evenings to the shows she is participating in. The skills that she has learned through The Arts Partnership will stick with her throughout the rest of her academic career, and her life in general. It is her hopes that Council will consider to continue funding The Arts Partnership as they have made a tremendous impact on her life and she would like for them to continue to impact the lives of others.

Elle Denike is a sixth (6th) grader at St. Michael's School. She has participated in The Arts Partnership Youth Theatre production since she was in first (1st) grade. The Arts Partnership is an awesome place to be in plays and she has been in every one that she has been able to. She loves to sing and act. The Life Theatre is more than just the actors and actresses on the stage, and she likes some of the other stuff just as much as being on stage. The Youth Theatre has helped her be able to learn about set design and how important it is to have a set. It has also taught her about costumes and how to sew, as well as, how to stay organized and creative at the same time. She has learned about props and how they make the show better, and how to make exactly what you need out of whatever you might have available. These elements have helped her to learn life skills and have taught her about things that she never thought she'd be able to do. She asked Council to please continue to fund The Arts Partnership because it has helped her a lot. It is a lot of fun, but also helps her to learn too.

Drew Denike is a forth (4th) grader at St. Michael's School. He has been in The Arts Partnership Youth Theatre productions since he was in first (1st) grade. When he was little, he had some problems with working memory which is a fancy way of saying he could not remember things in order very well, and sometimes could not pick the right word that he wanted to use. When he started working with a Speech Pathologist, things got better. When he started Youth Theatre shows, he had lines to learn and songs to sing, which might be hard for a guy like him to remember so much, but it turns out that he is really good at remembering them. When he was in second (2nd) grade, he was Little Shrek in Shrek the musical. It wasn't a big part, but his sisters were in the show and his mom was helping with stuff, so he was at a lot of the rehearsals. Two (2) years later, he can still sing all the songs and remembers a lot of the lines. Last week, he auditioned for a show, sang the Shrek song, and got a part. He asked Council to please continue to fund The Arts Partnership because it has helped him a lot, is a lot of fun, and has helped him learn too.

Jennifer Denike, mother of the last three (3) speakers. She has been involved with the Arts Partnership Youth Theatre Program as a parent, a volunteer, and a Steering Committee member since 2010. As evidence by her children's stories, they are whole-heartedly a Youth Theatre family. They gladly give up evenings and weekends for months at a time. They plan vacations around shows. She and her husband have been set builders, painters, and set movers. She has also been a costume maker, makeup artist, and an excited parent who gets to say "break a leg" to each child in the show as they walk onto the stage, and wouldn't have it any other way. While Council is considering where to allocate dollars, she points out that The Arts Partnership and Youth Theatre mean the world to a lot of families in this community. By continuing to fund The Arts Partnership, it will help children find their voices and become confident, competent public speakers. It helps life-long friendships to be formed for not only the popular kids, but also the kids that are struggling to find their place in a group. It provides positive role models who pass on life skills from painting to power tools, and from selling to singing. It allows children to learn and grow. She asked Council to consider the impact of this vital organization on our community, and to know that each dollar given is well spent, and is spent on our youth and the future of our community.

Amy Fisher – support of the Arts Partnership Educational Programming

Ms. Fisher is a life-long resident of Findlay. She brought her daughter Elise with her tonight who is an eighth (8th) grader at Glenwood Middle School. They are here tonight to speak about their experience they have had with The Arts Partnership, specifically in the area of art education. All children thrive differently. It is important for self-value to understand each one's strengths at an early age. Her son excels in Math and Science and Findlay City Schools provided him what he needed to be successful in his college studies in Biomedical Engineering. Her daughter is completely the opposite. She does not excel in Math or Science, and if hadn't been for her earlier experiences with The Arts Partnership, she might have felt she was not as talented or as smart as her brother. In her generation, theater was introduced at the elementary level through an annual play. She has vivid memories of her esteemed role as a bird in her school play of Cinderella. For the current generation, theater is not introduced until high school. There are no school sponsored programs at Findlay City Schools at the elementary or middle school level. Her daughter was first exposed to The Arts Partnership as a Kindergartner through their Missoula Theatre Arts Camp. Students in kindergarten through high school auditioned, rehearsed, and put on two (2) performances in just one (1) week. It is because of this program that she discovered that the stage was not only something her daughter loved, but was very good at. She did not know her daughter could sing because she does not do that at home in front of her. The Arts Partnership has also cultivated her creativity through programs and young playwrights group where students write a script, get professional assistance on how to improve the script, and one script is chosen for production. She is certain that because of this early experience that her daughter advanced to the Power of the Pen state level for Glenwood Middle School last year. Elise has been involved with thirteen (13) youth theatre productions, and has attended summer camps and miscellaneous workshops. The confidence and skills she gained from these programs have affected her success in school and the community. She flourishes in orchestra, the show choir, Power of the Pen, and all arts-related activities that she might not have had the confidence to try if it had not been for Youth Theatre. She is a leader, an eighth (8th) grade mentor to incoming sixth (6th) graders, a weekly volunteer dance instructor, a student assistant to Youth Theatre productions for the younger groups, a Safety Town guide, and helps with the Awakening Minds art program. She requested Councilmembers to continue to support The Arts Partnership so that children talented in the Arts may discover it at an early age and become positive role models. She provided Council with a quote from Richard Riley, former U.S. Secretary of Education "I believe arts education in music, theatre, dance, and the visual arts is the most creative ways we have to find the gold that is buried beneath the surface. Children have an enthusiasm for life, a speck of creativity and vivid imagination that need training to prepare them to become confident young men and women." The most relevant quote she could find for this particular time in American history comes from Richard Daley, the former Mayor of Chicago "politicians do not bring people together, the Artists do."

Krista Miller – support of the Arts Partnership

Ms. Miller is the Principal of Jacob's Primary School. She is before Council tonight on behalf of Findlay City Schools to support The Arts Partnership. To simply say The Arts Partnership is an asset to our schools would be a gross understatement. The Arts Partnership is a great asset, but is so much more. It may not be known what all The Arts Partnership provides for our schools, so she named a few. Students have attended numerous school day performances. The schools have had visiting authors, illustrators, storytellers, puppet designers, dancers, and magicians. The vast programming provided by The Arts Partnership exposes all students to the world of the arts. That is a world that some children experience outside of school, but many do not. Anyone who knows her as an educator knows that she has a passion for at-risk students. They are students that may not have the resources to gain experience that other children in the community are able to gain. Art should be something that knows no limits (no ability limits, not limited by a family situation) and to the arts should reach beyond any social economic status of children. She has worked in numerous schools during her years in Findlay that vary in population of average children, and children of poverty. Each school has its own charm, personality and culture that makes each school wonderful and unique, however, there is one constant need. Findlay City Schools have amazing talented and gifted children in Findlay. They are students that can sing, dance, draw, create and dream, but there is an indifference in what parents are able to provide. Research shows that one factor of high-performing schools in poverty is a concept of leveling a playing field. There is no doubt that the next Gavin Creel is walking the halls of one of their buildings. It would be awfully sad to have a talent untapped or undiscovered because of a child's lack of ability to be exposed to the arts or to believe that his or her dream cannot come true. The importance of the programming by The Arts Partnership reaches the only actual performance piece. In some cases, it is as basic as experiencing the opportunity to go to a theatre or to be a respectful audience member which for some is an entirely new experience. It is a chance to see an author bring words to life, or to watch an illustrator create their favorite character on what started as a blank page and a fistful of markers. The Arts Partnership provides opportunities to all students to show them that they should dream. To show them that even if they do not fit a cookie-cutter mold, there is a whole world out there that is waiting for them to shine. All children deserve that chance to shine and be inspired. She can truly say that without The Arts Partnership, a great deal of Findlay's students would never experience a play, meet an author, enjoy making a puppet, and a group of students in the autism unit would never have been able to watch and be in awe at the magician's magic. The Arts Partnership is a huge benefit to at-risk students. Many children have a love or talent for the art, but find themselves to be very different and even sometimes ostracized through a lot of their latter elementary or middle school years. For those students, The Arts Partnership programming and opportunities provide a truly safe haven. It is a place where they are celebrated for their passions and differences. It is where they learn those differences are to be treasured and not to be shamed. The quirkiest, the better. She is unable to express the vital role that The Arts Partnership plays in the lives of all students. They provide unique experiences, inspires, levels the playing field, opens an unknown world to many, and provides a safe haven for those who are having trouble finding themselves and their place in the world. It is her hope that Council will continue to support The Arts partnership. She ended her oral communication by passing out some thank you letters her students made to show their appreciation to one of the last visiting authors that came for a school-wide assembly.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Precipitation and Reservoir levels report – July-September 2016. Filed.

Findlay Police Department Activities Report – September 2016. Filed.

City Income Tax Monthly Collection Report – September 2016.

Discussion:

City Auditor Staschiak was made aware that the Mayor has stated in departmental meetings that there may be up to a three million dollars (\$3,000,000) shortfall or deficient in budget year 2017 in business income tax receipts. Since it is relevant to the budget hearing and what is being done in the planning stages now, he would like to make sure he understands it completely as part of the budget considerations for this year. Mayor Mihalik replied that the Income Tax Administration notified the Administration of a potential two to two and a half million dollar (\$2,000,000 - \$2,500,000) shortfall in business profit tax collections for 2017, which is tax year 2016 and is when preparations were made for that potential possibility.

Councilwoman Frische asked if the business shortfall is because of deferral. Mayor Mihalik replied she is unsure what Councilwoman Frische means. Councilwoman Frische clarified that the business deferral program that the City has been doing since 2012 that defers approximately forty (40) businesses. She asked if the two to two and a half million dollars (\$2,000,000 - \$2,500,000) projected shortfall is because of deferrals being in place. Mayor Mihalik replied that she is unsure of what deferral program Councilwoman Frische is speaking of. Councilwoman Frische asked the Mayor if she would like to see minutes from Income Tax Board meetings or committee reports. Mayor Mihalik replied that the City is not in business of deferring taxes. Councilwoman Frische asked if the Income Tax Department is no longer deferring forty (40) businesses as stated by the Income Tax Administrator several times on the record. Mayor Mihalik replied that they have never used the term deferral and she thinks Councilwoman Frische might be referring to estimated taxes. Taxes for all parties in all three (3) categories are expected to be paid when they are due based on legislation that has been previously passed by this Council. Filed.

City Auditor Jim Staschiak – summary financial reports

A set of summary financial reports for the prior month follows including:

- Summary of Year-To-Date Information as of September 30, 2016
- Open Projects Report as of September 30, 2016
- Cash & Investments as of September 30, 2016
- Financial Snapshot as September 30, 2016

Filed.

Findlay Fire Department Activities Report – September 2016. Filed.

Findlay W.O.R.C. Financial Analysis Report – January 1, 2016 through September 30, 2016. Filed.

Letter from Mayor – Public Defender indigent services

On September 22, 2016, the Hancock County Commissioners forwarded a Memorandum of Understanding (MOU) between the City of Findlay and Hancock County for Indigent Defense Services in Findlay Municipal Court extending the term of the agreement for Indigent Defense Services for one year effective January 1, 2016 through December 31, 2016. Said agreement is to provide legal representation in Findlay Municipal Court during the term of the extension of this agreement. The original agreement was authorized by City Council by Ordinance No. 2015-067 on August 18, 2015. The fee of \$95,000 remains the same as 2015 for the one-year period of January 1, 2016 through December 31, 2016. This sum is a portion of the County's costs to employ attorneys and support staff for the above-mentioned term and represents on average a cost per case less than the cap adopted under Ohio Revised Code §120.33. This amount has been budgeted for 2016. Legislation authorizing the Mayor to enter into a 2016 agreement with the Hancock County Public Defender Commission is requested. Ordinance No. 2016-102 was created.

Discussion:

Councilman Hellmann noted that this letter states January 1, 2016 through December 31, 2016. He asked if it is a little late for this request. Mayor Mihalik replied that this request is not late. This expense has been budgeted for the 2016 budget. The Commissioners just sent over a Memorandum of Understanding in order for the City to provide this payment. Councilman Hellmann asked if this was budgeted for and expected in January. Mayor Mihalik replied that it is a budgeted expense.

Councilman Klein requested this letter be read since the Ordinance will be voted on tonight. The Council Clerk read the letter in its entirety. Filed.

City Auditor Jim Staschiak – HSA payroll deduction

As part of the implementation of the High Deductible component of the City's employee health plan, the Administration determines recommended dollar amounts the City will contribute financially to employee HSA accounts. After review of the health insurance plan, the recommendation has been made at the following levels:

Single Plan \$720.00

EE + 1 \$1,800.00

Family Plan \$1,800.00

This has become a regular annual request. Legislation to allow for this distribution as part of the City's 2017 health plan is requested. Ordinance No. 2016-103 was created.

Discussion:

Councilman Wobser requested this letter be read. The Council Clerk read the letter in its entirety. Filed.

Service-Safety Director Paul Schmelzer – ODOT bridge inspections and load rating program

The City recently received information that the Ohio Department of Transportation (ODOT) is continuing its program to help municipalities achieve full compliance with the Federal Highway Administration's (FHWA) bridge metrics. Under this program, ODOT will pay one hundred percent (100%) of the cost of bridge inspections and load rating for 2017, 2018, and 2019. The City has four (4) bridges that require annual inspections (Martin Luther King Parkway, Blanchard Street over the Blanchard River, Trenton Avenue over the CSX tracks, and Saratoga Drive over Rush Creek). In order for the City to take advantage of this excellent opportunity, Council will need to adopt legislation at its next meeting allowing the City to opt into ODOT's Bridge Inspection Program Services. Approval of ODOT provided legislation on an emergency basis is requested. Ordinance No. 2016-104 was created.

Discussion:

Councilman Wobser requested this letter be read. The Council Clerk read the letter in its entirety. Filed.

Traffic Commission minutes – June 20, 2016 and September 19, 2016. Filed.

N.E.A.T. Departmental Activity Report – September 2016. Filed.

Board of Zoning Appeals Minutes – August 11, 2016. Filed.

COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom was referred a request for the City to continue designating ten percent (10%) of the hotel/motel transient tax to the Arts Partnership on a quarterly basis for calendar years 2017, 2018, and 2019.

We recommend renewing 10% to go to the Arts Partnership for calendar year 2017 and establish an Ad-Hoc Committee to establish criteria for such requests in the future. Ordinance No. 2016-101 received its first reading during the October 4, 2016 City Council meeting.

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

Discussion:

Councilman Russel pointed out that the recommendation is incorrect. The Committee did not recommend renewing the ten percent (10%). The vote was split with two (2) in favor and two (2) opposed, therefore, nothing was recommended. It is simply a report that had a two (2)/two (2) vote. He voted against the recommendation because he does not believe the option of renewing of ten percent (10%) for one (1) year and including the Ad Hoc Committee should be done. He prefers the Ordinance be tabled until an Ad Hoc Committee is established and the criteria is established for handling these requests. It is incorrect to assume that the Committee on a two (2)/two (2) split recommended anything.

Councilman Monday noted that based on Councilman Russel's comments, he has a question for the Law Director. He asked who prevails on a split vote. Law Director Rasmussen replied that no committee of council can make the decision for Council. It is just a recommendation which is why the reports state "We recommend". Sometimes, there is only one (1) person who shows up for a committee meeting and turns in the report, and sometimes there is a split vote. Neither means anything other than it was a two (2)/two (2) vote. It is up to Council to take up the committee report.

Councilman Klein noted that after the Law Director's clarification, he has a comment. He asked if he understands correctly that if Council is going to do anything with the committee's recommendation, it will be voted on. Law Director Rasmussen replied they can move to deny or accept the committee report. The committee reports what it reported which are two (2) aye votes and two (2) nay votes.

Councilman Hellmann asked when Council will discuss the second part of the recommendation on establishing the Ad Hoc Committee to review criteria. Council President Slough replied that Councilman Monday just mentioned that he will form an Ad Hoc Committee if that request passes. Councilman Hellmann supports The Arts Partnership, but concurs that there needs to be an Ad Hoc Committee to come up with their recommendations and guidelines before Council votes on an allocation of funds.

Councilman Harrington was not able to make the Appropriations Committee meeting on this, so he was not qualified to vote, but would have voted to move this to Council for a decision. He is not saying the decision would not be what the Ordinance reads, but should be amended as recommended by the committee which may include the criteria for future requests.

Councilman Monday noted that the committee recommended to renew for just one (1) year instead of the three (3) years that was requested, which would allow some time for the Ad Hoc Committee to establish criteria. He does not believe there is enough time to form an Ad Hoc Committee and have them do their due diligence and come back and get this done yet this year. It was his hopes to have the renewal of ten percent (10%) for next year and then vote on it again for continuation, which by that time, there might be some criteria on how Council wants to operate. Councilman Klein concurs with what Councilman Monday just stated.

Councilman Russel also agrees with that interpretation. In order to accept this committee report, if it simply stated the committee proposed renewing it for ten percent (10%) for calendar year 2017 and establish an Ad Hoc Committee, and since the vote was two (2)/two (2), then Council can accept the committee report, but to state that the committee recommended something on a two (2)/two (2) vote is inaccurate. He requested the recommendation be changed to state exactly what the committee recommended and that it received a two (2)/two (2) vote. Councilman Klein noted that is does say. Councilman Russel replied it does not. It says that the committee recommended. Law Director Rasmussen clarified that Council can vote to accept or reject the committee report. In this case, it is a two (2)/two (2) vote. There could be four (4) committee members present and be on the same side and yet the others could still reject the committee report.

Councilman Wobser moved to approve to accept the committee report. Councilman Shindldecker seconded the motion.

Councilman Niemeyer noted that the second reading of the Ordinance is tonight and reads for 2017, 2018, and 2019. Council President Slough replied that Council is just voting on the committee report right now. Councilman Niemeyer asked if Council will still vote on the second reading of the Ordinance. Council President Slough replied it will be voted on during legislation. All were in favor but Councilman Russel. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Steve Childers to rezone 415 and 417 Crystal Avenue from R2 Single Family Medium Density to R4 Duplex/Tri-Plex High Density.

We recommend approval of the zoning change. Ordinance No. 2016-105 was created.

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

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 036-2016 (50North levy renewal)

first reading adopted

A RESOLUTION OF THE FINDLAY CITY COUNCIL SUPPORTING 50NORTH'S PROPOSED LEVY TO PROVIDE FUNDING FOR SENIOR PROGRAMS, SERVICES AND FACILITIES VITAL TO THIS COMMUNITY.

Councilman Monday moved to adopt the Resolution, seconded by Councilman Niemeyer. Councilman Niemeyer seconded the motion. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, 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. 037-2016 (bank depository agreements)

first reading adopted

A RESOLUTION DESIGNATING CERTAIN FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES FOR CITY FUNDS.

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

ORDINANCES

ORDINANCE NO. 2016-090 (prohibit marijuana)

third reading

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 Wobser moved to lift the Ordinance from being tabled. Councilman Klein seconded the motion. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann. Nays: Watson. The Ordinance was lifted from the table.

Councilman Russel moved to make the following changes to the proposed legislation:

- Last WHEREAS:
 - add "for a period of two (2) years from the effective date of H.B. 523" to the end of the sentence.
- SECTION 1:
 - add "for a period of two (2) years from the effective date of H.B. 523" to the end of the sentence.
- SECTION 2:
 - add "for a period of two (2) years from the effective date of H.B. 523" to the end of the sentence.
- SECTION 4:
 - remove "to be banned"

SECTION 5:

- remove "before Substitute H.B. 523 goes into effect on September 8, 2016 and, provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in full force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law."
- add "until proper rules and regulations regulating medical marijuana have been adopted by the State board." to the end of the sentence.

Councilman Shindledecker seconded the motion.

Discussion:

Councilman Russel summarized that the changes he requests puts a two (2) year moratorium on the establishment of retail and growing operations. The two (2) year period starts when the date H.B. 523 became effective which is September 8, 2016. The ban would end on September 8, 2018. That language gives the City the opportunity to send medical marijuana issues through our zoning processes once the rules have been established. It gives us the opportunity to effectively zone this on how our community wants medical marijuana to be treated within the City. His suggested changes make the ban be effective from September 8, 2016 through September 8, 2018.

Councilman Shindledecker asked if this Ordinance could be amended or eliminated if, in the unlikely event, the State would come up with the proper regulations prior to that time. Councilman Russel replied it can. When he discussed the two (2) year timeframe with our Law Director, that was the idea. Once the zoning changes are in place, then this ban can be eliminated, or, on the other side of it, as it nears September 2018, and if Council believes that there are still issues that need to be addressed and zoning cannot be changed in a proper manner, this Ordinance can also be extended by bringing forth more legislation to do so. At any time Council wishes to eliminate this Ordinance, Council simply passes additional legislation to eliminate it.

Councilman Harrington noted that upon reconsideration of Councilman Russel's changes from when this was originally proposed by the Mayor, he did not want to suspend the rules and pass it because he felt it was important that the citizens of Findlay, when proper rules are in place, have access to medical marijuana for any ailment that is prescribed. This amendment in the way it has been explained, does allow us to sit back and take a look at it, and also allows us to, once the rules and regulations from Columbus are in place. It is not only for the doctors who prescribe it, but also for the pharmacies who fill those prescriptions, and the cultivators and dispensaries. Councilman Russel's changes make a good argument for him to vote for this. He will keep track of this and if and when the State comes up with the rules and regulations, he feels it should be brought back to Council for further discussion, and for a possible amendment again.

Ayes: Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann. Nays: Watson. The Council Clerk did not call on Councilman Klein, therefore, he did not voice his vote.

No motion to adopt as amended was made.

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

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

Councilman Harrington moved to adopt the Ordinance, seconded by Councilwoman Frische.

Discussion:

Councilman Russel noted that he will be abstaining from the vote on this Ordinance because of a business relationship he has with the applicant.

Ayes: Niemeyer, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. Abstain: Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2016-092 and is hereby made a part of the record.

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

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel. Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2016-093 and is hereby made a part of the record.

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

Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-095 and is hereby made a part of the record.

ORDINANCE NO. 2016-098 (*RLF administration*) **second reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Harrington explained to the audience that this Ordinance is to pay a bill that was submitted by the Revolving Loan Fund (RLF). Council suspends the rules so that the bill is paid promptly. He is a member of that committee and knows those employees work very hard and would like to be compensated.

Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-098 and is hereby made a part of the record.

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

Second reading of the Ordinance.

ORDINANCE NO. 2016-102 (2016 Public Defender Indigent Defense Services) **first reading adopted**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT FOR CALENDAR YEAR 2016 WITH THE HANCOCK COUNTY PUBLIC DEFENDER COMMISSION FOR A TOTAL OF NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) FOR SAID CALENDAR YEAR, AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Monday seconded the motion. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-102 and is hereby made a part of the record.

ORDINANCE NO. 2016-103 (see payroll deductions for HSA) **first reading adopted**
AN ORDINANCE AUTHORIZING THE AUDITOR TO MAKE PAYROLL DEDUCTIONS FOR THOSE EMPLOYEES WHO HAVE ELECTED TO ENROLL IN THE HEALTH SAVINGS ACCOUNT (HSA) PLAN AND DECLARING AN EMERGENCY.

Councilman Monday moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Klein seconded the motion. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance received its second and third readings. Councilman Klein moved to adopt the Ordinance, seconded by Councilman Watson. Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Klein. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-103 and is hereby made a part of the record.

ORDINANCE NO. 2016-104 (ODOT bridge inspection) **first reading adopted**
AN ORDINANCE COOPERATING WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR BRIDGE INSPECTION PROGRAM SERVICES, INCLUDING, BUT NOT LIMITED TO BRIDGE LOAD RATING CALCULATIONS, SCOUR ASSESSMENTS, BRIDGE INSPECTIONS, AND FRACTURE CRITICAL PLAN DEVELOPMENT FOR BRIDGES UNDER THE CITY'S JURISDICTION, AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its second and third readings. Councilman Hellmann seconded the motion. Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Watson. Ayes: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-104 and is hereby made a part of the record.

ORDINANCE NO. 2016-105 (415/417 Crystal Ave rezone) **first 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 415/417 CRYSTAL AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY MEDIUM DENSITY" TO "R4 DUPLEX/TRI-PLEX HIGH DENSITY".

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS:

Councilman Monday asked Law Director Rasmussen if it would be appropriate for him to appoint an Ad Hoc Committee based on tonight's comments and the committee report to study the 501C3s requesting funds from the City. Law Director Rasmussen replied that Council Rules permit him to do so. Councilman Monday noted that if there are no objections to his forming said committee, a letter from him appointing the committee will be in the next City Council packet.

Councilman Hellmann noted that the first and second readings have been given on the Arts Partnership Ordinance No. 2016-101. The Ordinance is for three (3) years 2017, 2018, and 2019 where it was recommended for one (1) year. He asked what happens next. He asked if the third reading will be given for the original three (3) year request, or if it will be amended for one (1) year. Councilman Russel replied that once the Ordinance receives its third reading a motion can be made and discussion can take place about what Council wants to do with it. Until then, without a motion on the table to approve it, any discussion on the matter is out of order.

Councilman Russel moved to lift Ordinance No. 2016-091 from being tabled. Councilman Klein seconded the motion. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser. Nays: Watson. The Ordinance is lifted from the table. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische. Nays: Watson. The Ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-091 and is hereby made a part of the record.

Councilwoman Frische asked to go back to an earlier discussion on income tax. Mayor Mihalik informed her that deferrals have never been talked about, but there have been talks about a \$2,500,000-\$3,000,000 deficient and that departments are to maintain the same 2016 budget for next year with a hiring freeze. Councilwoman Frische asked how the \$2,500,000 deficient was determined if it is not coming from deferrals. Mayor Mihalik replied that it is anticipated in the estimates for business profit tax for 2017 to be two to two and a half million dollars (\$2,000,000-\$2,500,000) short. They collect in three (3) categories. She anticipates to see some growth in the withholding category and corrected an individual category that she also anticipates seeing growth in. Unfortunately, in the business profit area, she anticipates there to be a significant drop. This community is very fortunate to have several businesses in it that are large players in certain parts of the economy. We will have to take a look at what is happening around the world and the volatility that exists within certain sectors of business to better understand why there is a drop in our business profit tax collections for 2017. The good news is that we have prepared for moments like this and are anticipating this to just be a short hiccup in our operations and there is cash in the bank to cover this potential shortfall in the 2017 budget. The Administration is trying to be prudent and conservative in the way things are done within the City and the operations that we have come to serve this great community with. The Administration will be proposing a deficit budget to Council, but there are funds in the bank to cover the potential shortfall. Councilwoman Frische asked if there currently are still forty (40) businesses that the City is currently deferring. Mayor Mihalik replied that Council passed legislation about seven (7) years ago on this which is for estimated payments, not a deferral program. The City does not have an active deferral program for income tax collections. She asked Councilwoman Frische if she would like to continue this discussion elsewhere. Councilwoman Frische replied she would prefer to discuss it now. There have been discussions with the Income Tax Administrator, the Mayor, and the Income Tax Committee in a Committee of the Whole meeting on deferrals. She has the State audit results that was just done as well as the previous year's audit with her tonight which both clearly use the word deferral. She asked if those audits are wrong. Mayor Mihalik replied that may be one of two things. Either Councilwoman Frische does not understand the legislation that is in effect that this community has been operating under for the last seven (7) years, or it is just continuing to be a political piece that she likes to bring up occasionally. It is not a deferral. No one has ever called it a deferral. Individuals, businesses and those who are withholding paying taxes when taxes are due. Councilwoman Frische read from the State audit report: During our audit, we became familiar with a change in the procedure that allow for deferral of income tax payments by businesses that operate within the City. She has been very clear where she stands on the deferral process. It has been said by the Income Tax Administrator, per the minutes, that the word deferral was used. It has been reported in The Courier several times that businesses are being deferred. She wants to understand if a deficit is possible even if the Mayor claims it has nothing to do with deferrals, if the City is deferring forty (40) businesses, and if the number is down from forty (40), what the current number is. There is nothing that she does not understand about this and her question is a very simple question. Mayor Mihalik replied it is not a deferral. Councilwoman Frische asked what it should be called and how many businesses are allowed to wait to pay their taxes with no penalty. Mayor Mihalik replied she is not aware of how many. It is not that the City is not asking them to pay taxes. It is a change in the way that the City administers the income tax policy relative to estimated payments. It has helped the City better manage revenues as it comes into the City and does not expose the City to the potential for a large refund payment as would have had to do in 2007 but could not do in 2008 because there was not enough money in the bank to make it happen. For Councilwoman Frische to continue to call it a deferral is either posturing or a misunderstanding of what exactly is going on. Councilwoman Frische asked what the process is called. Service-Safety Director Schmelzer replied it is called paying taxes with no dollars. All businesses and individuals pay their taxes when they are due. Councilwoman Frische replied that if this is not going to be referred to as deferral, she would like to make a recommendation for legislation for the next Council meeting to modify the Income Tax Board Ordinance to use the word estimated tax payments and/or deferrals that Council and the Auditor know how much is being deferred each quarter, and how many businesses are being deferred. She is not asking for business names, but is only asking for those two (2) numbers since we need to budget on a deficit of possibly \$2,500,000 and the Mayor is telling her it has nothing to do with the forty (40) business that the City is deferring. Mayor Mihalik replied the City does not have a tax deferral program, so to have that information would be very easy to get to Councilwoman Frische because it is zero (0). The City does not have a tax deferral program. Councilwoman Frische replied that is correct that the City has never put a program in place which is a separate issue. Mayor Mihalik added that the City is not in the practice of deferring taxes. Councilwoman Frische noted that she will be waiting for legislation to be drawn up and hopes that she can get a Councilmember to support her so that it could be available for the next City Council meeting in November.

Councilman Watson asked if Councilwoman Frische could summarize what she wants for legislation. Councilwoman Frische replied that she is requesting legislation that states the number of businesses that the City is deferring/estimated payments and the amount that is being deferred that comes in quarterly, but are being paid in eighteen (18) months later. She is requesting this information be disclosed to Council and the Auditor's Office for budgeting purposes since a sizable deficit is possible for next year. Councilman Watson asked the Mayor if that information exists. Service-Safety Director replied it would be zero (0). Mayor Mihalik also replied it would be zero (0). She is unsure how else to explain it. It is not a deferral. The City is not deferring taxes. The City is collecting taxes when they are due from every company and every individual in this community. To continue to insinuate that the City is not, is either ignorance of what is actually going on or it is politics, or it may even be something else. The City is not deferring taxes. She does not care what the newspaper says or what anyone else has to say, the City is not deferring taxes.

Councilman Wobser noted that he is in the same place because about a year ago, this Council had many discussions on this same issue. It may be an argument about semantics or not using the right term to get the correct information from the Mayor, but he knows there have been very public conversations about this stating there were businesses that were asked not to pay for the reasons the Mayor stated that the City does not want to be in the position to have to pay a refund. Mayor Mihalik replied that between having businesses and individuals pay taxes when they are due and making estimated payments which are two (2) separate things. The City is not deferring taxes. That is a term that someone else, not her or the Income Tax Administrator, has used. Councilman Wobser asked if the City has asked businesses to reduce the amount of estimated taxes that they are paying based on the idea that the City would owe them money in another timeframe. Mayor Mihalik replied that she is unsure that the City is asking businesses to reduce the amount of taxes they are paying to the City. Councilman Wobser asked if the City is asking businesses to not pay taxes. He would like clarity because he is missing something is not able to come up with the right words to get the answers he is looking for. City Auditor Staschiak added that what Findlay does which is not common and is not done around the state. Estimated taxes are due quarterly in the year following the profits that were made. Every City he has ever talked to in the entire state collects 2015's profit taxes in the form of estimated payments quarterly in 2016 with a final filing due in October of that following year, so they are not due in April, but in October. What Findlay does and what the State has said, as well as prior audits, is that we have a practice of delaying those receipts for up to eighteen (18) months beyond the year the profits were incurred.

Councilman Harrington asked if his corporation owed taxes, whether or not it is paid quarterly or deferred to the end of the year, would his taxes still be due and have to be paid. Service-Safety Director Schmelzer replied yes. City Auditor Staschiak asked Councilman Harrington to repeat what he just asked as he is unsure if answer was correct. Councilman Harrington repeated that if he owes taxes at the end of the year, whether or not he makes estimated tax payments, if they are still due at the end of the year. He asked when he would have to pay his taxes. Service-Safety Director Schmelzer replied in October. When his taxes are due, they are due and need to be paid. City Auditor Staschiak replied he does not feel Councilman Harrington's questions are being answered clearly. Normally, they would be paid in October of that following year. The City is deferring them up to eighteen (18) months beyond that date. Councilman Harrington noted that some companies such as Marathon who has a floor of Tax Attorneys try to make sure that their tax bills are the least amount that they have to make to the Federal, State, and local governments.

He asked if companies are being told they have to pay so much the first quarter and then pay it, and then the same thing for the second and third quarters, but the fourth quarter, they inform the City that they re-calculated what they owe and at the end of the year the amount that they paid the City is owed back to them because they did not owe it to begin with. When this happens, the City has to issue them a large check for the amount that they overpaid in their estimates in the amount of a refund. The Administration and the Tax Department do not want to get caught with that burden again because when that burden hits, the City does not always have the money to pay it back. He feels if the City owes someone money, especially if that company or individual paid it, then City owes it back to them as they have paid more taxes than what they owe the City, but the City cannot always refund them right away. He asked if he is correct. Mayor Mihalik replied that the Administration did not come up with this policy. It was something that was in place before this Administration walked in the door in 2012. It was via Council legislation. City Auditor Staschiak added that tax receipts that were to be received in 2012 were pushed into 2013. They would have been received as estimated payments in 2012. Based on how the businesses were doing in 2012, the City would have received the full final accounting of it in October 2013. That deferral has happened year after year. If Council were to end the deferral program within 2016 and delay the receipt of their estimated payments for roughly eighteen (18) months, it would be the opposite of what happened in 2012. Instead of deferring 2012 in 2013 and delaying the money coming in, 2018 deferrals/future revenue back into 2017 and potentially avoid any shortfall in revenue and give a year and a half to two (1 ½ - 2) years to prepare for what might happen in the economy. There is some merit to what Councilwoman Frische is asking for. Service-Safety Director Schmelzer replied there is a lot of misconception on the word deferral. No one is avoiding paying taxes. The goal is to make the actual payment more accurate with when it is receipted per Council's Ordinance. Councilman Wobser replied that is correct. Ultimately, in the end, it will all wash out, however, what was done in the process by delaying, not deferring, these payments by taking money out of the City's coffers and let the business keep it, and anything that could have been done with that cash prior to the time we may have or may not have had. Service-Safety Director Schmelzer asked what would the City have done with that money when it's not really ours and what flexibility does the City have when they have to give it back. The City does not really know whether it is the City's money or not when it is estimated, which is the history of the problem. If the City would have cash, what would be done with it until it is known what is actually a payable. Councilman Wobser then asked if the Income Tax Administrator has a good idea why he would potentially delay those payments if we were actually getting the money if he would still have that information. He would have had conversations with that business who would notify him that they feel they have overpaid their taxes, and at some point, the City would owe them. He feels the Income Tax Administrator should report to Council what amount of money should be put away for overpayments by businesses in the beginning of next year for last year's tax receipts. Service-Safety Director Schmelzer replied that would make the Income Tax Administrator have to guess on how much should be put away instead of just dealing with known dollars. Councilman Wobser replied that the Income Tax Administrator is making a guess now. Service-Safety Director Schmelzer replied he is not. Councilman Wobser asked how the Income Tax Administrator could not be guessing if he is asking someone to delay payment. Service-Safety Director Schmelzer replied that we have asked them to make installment payments on what their tax obligation is going to be in the current year. City Auditor Staschiak added that statically, prior to this process starting, the City was able to project receipts fairly accurately. The introduction of deferring that revenue has taken away the ability to project the receipts with a statistical model. If the Mayor's statements are accurate, and he has no reason to believe they are not, we, as an office and a city, do not have a real view of what the statistical probability is of the amounts coming in for next year. The only person who has any knowledge at all is the Income Tax Administrator, and potentially the Mayor, but the information has not been shared with his office, the Income Tax Board, or with Council. Knowing the number of deferrals, and more importantly the amounts without compromising any confidential data could be vital for those calculations for next year. Service-Safety Director Schmelzer asked how statistically that could be true when the variance in what has been estimated in the past has been proven to have significant volatility.

Councilman Niemeyer does not feel it is right to give some businesses that choice and not to others. Service-Safety Director Schmelzer asked what is the most prudent way to run the City's operations. Councilman Niemeyer replied by not spending the money until you have it. Service-Safety Director Schmelzer replied that is correct. When it is not really ours until we know it is ours, why spend it which is the pickle that the City has put themselves in the past and is one of the reasons why the Ordinance exists.

Councilman Watson seconded the Councilwoman Frische's motion for legislation in the terms of what the City Auditor has set stating the number of businesses and dollar amounts in the interest of transparency. Mayor Mihalik replied that she is unsure if Council can legally ask for it as they just had discussion with the Attorney General on this specific issue.

Councilman Wobser noted that when discussions on this took place in the past, the names of the businesses were not known which makes sense. He is unsure why the dollar amount and the number of businesses need to be confidential. City Auditor Staschiak replied that information is shared regularly in different cities around the State.

Councilwoman Frische clarified her request that she is not asking to change what currently is in place that gives the Income Tax Administrator the power to delay based off his decision, but she is asking that with the process that the City is continuing to do in delaying businesses with no penalty and no interest for a select group that Council at least know what that delayed amount is on a quarterly basis and how many businesses that delay amount makes up. She is not asking at this time to set criteria even though it is an important piece to this, but at this point, based off of the information that was provided today about the deficit that was discussed with department heads, she is asking for as many numbers accessible to Council for budget planning. She does not feel it would hurt anyone to do so that is why she made the request. It is not to set up criteria at this time.

Councilman Russel noted that Ordinance No. 2016-090 was lifted from the table during the Legislation portion of tonight's meeting and not during Old Business. He asked if there is any concern that this was done improperly. Law Director Rasmussen replied that Council can choose to lift it from the table whenever they want to. It usually is done in Unfinished or Old Business.

Service-Safety Director Schmelzer requested a Committee of the Whole meeting for the Toledo-Lucas County Port Authority Business give an energy special improvement district presentation. He anticipates the presentation to last approximately thirty (30) minutes, then follow up questions.

Council President Slough: **COMMITTEE OF THE WHOLE** meeting on October 24, 2016 at 4:00pm in the third floor conference room beside the Mayor's Office (CR1):
agenda: Toledo-Lucas County Port Authority Business – energy special improvement district

Councilwoman Frische asked Mayor Mihalik to share some of the new changes in the Income Tax Department that has happened over the last week. Mayor Mihalik replied that discussions with the City's HR Director, the Income Tax Administrator, and the Administration that two (2) full-time positions to two (2) individuals within the Income Tax Department have been offered. Councilwoman Frische added that is pretty exciting to get some permanent staff in that department, but feels the communication about it to Council did not happen and should have, especially after Council just appropriated funds last meeting for temporary staffing. Councilman Wobser noted that less than a month ago, the Income Tax Administrator informed Council that the staff he has will not be hired full-time which is why Council moved the funds to pay them as temporary employees through the end of the year, but now that department has hired full-time employees. He asked what changed in the last thirty (30) days. Mayor Mihalik replied that it was a personnel decision that was made by the Income Tax Administrator in his purview of his department and the Administration concurred with his decision. Councilman Wobser asked if this takes care of all the temporary employees in that department. Mayor Mihalik replied it there are still one and a half (1 ½) temporary positions in that department.

NEW BUSINESS:

Councilwoman Frische: **WATER AND SEWER COMMITTEE** meeting on October 25, 2016 4:00pm in the first floor Council Office (CO).
agenda: Twp Rd 94 waterline extension

President J. Slough adjourned Council at 8:53pm.


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