

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**November 1, 2016**

**COUNCIL CHAMBERS**

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

**ABSENT:** none

President Pro-Tem Monday 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 18, 2016 public hearing minutes for the amendment to the Zoning Code Section 1101.08 (Ordinance No. 2016-091). Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Russel moved to accept the October 18, 2016 public hearing minutes for 1403 South Blanchard Street rezone (Ordinance No. 2016-093). Councilwoman Frische seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Wobser moved to accept the October 18, 2016 public hearing minutes for 2411 North Main Street rezone (Ordinance No. 2016-092). Councilman Shindledecker seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Russel moved to accept the October 18, 2016 Special Session City Council meeting minutes. Councilwoman Frische seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Russel moved to accept the October 18, 2016 Regular Session City Council meeting minutes. Councilman Wobser seconded the motion. All were in favor. Motion carried. Filed.

## **ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:**

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

### **REPLACEMENT**

- Ordinance No. 2016-110 - Income Tax estimated payments

### **ADD-ON:**

- Resolution No. 040-2016 - Energy Special Improvement District (ESID)

**PROCLAMATIONS:** – none.

**RECOGNITION/RETIREMENT RESOLUTIONS:** - none.

## **PETITIONS:**

### **Zoning amendment request – 15110 Flag City Drive (Menards)**

Woody Heimann on behalf of Menards would like to change the zoning for 15110 Flag City Drive (aka Menards) to C2 General Commercial. It currently is zoned as R1 Single Family Low Density. Referred to City Planning Commission and Planning & Zoning Committee.

## **ORAL COMMUNICATIONS:**

### **Jen Traxler – The Arts Partnership bed tax renewal**

Ms. Traxler is before City Council tonight on behalf of The Arts Partnership. When her daughter was two (2) years old, her father left her. When she was three (3) they moved to Findlay because of a job. Her daughter was scared beyond measure and would cling to her mother's leg like velcro any time her mother would go anywhere. In preschool and kindergarten, she would shy away from participating in school and other activities. That same year, Ms. Traxler went through the Hancock Leadership program and experienced The Arts Partnership through the arts and media day. Ms. Traxler took her daughter to a Youth Theatre workshop where her daughter began to engage and enlightened with the instructor and the participants. The beaming smile on her daughter's face after the workshop was so heartfelt that it made her shed a tear. Her daughter told her she loved the experience and wanted to return the next day. The seed was planted and continued to grow and her daughter went to many more workshops, camps, and tried out and landed parts in Youth Theatre productions. Ms. Traxler is an eight (8) year board member. Her daughter is now 17, is a senior in high school, is a varsity cheerleader, and was just named homecoming queen at her high school. Ms. Traxler credits The Arts Partnership for many of her daughter's accomplishments and is a witness to what they have done for her daughter and this community. They honed in on her daughter's creativity, self-confidence, passion, and enthusiasm. She loves the arts and constantly sings Broadway tunes in her home. Her daughter is looking into possibly going to New York City after she graduates from college. She is now applying to colleges where she was required to write an essay on "What has made me, me" in which she wrote exactly what Ms. Traxler just told Council tonight. This is how she knows first-hand what The Arts Partnership and the Youth Theatre do for this community. It is obvious by the attendance of those who have come to the last few City Council meetings and by the thousands that have participated in Youth Theatre day and school programs that The Arts Partnership has impacted many lives. No matter what the issues are at home or school, during the school day performances, children of all ages and all abilities are given the chance to imagine, be creative, witness what musical performances, stage productions and different kinds of dances there are. They would not have been able to gain those experiences in the regular school setting due to the severe cutbacks in the arts in the school systems around the area. Ms. Traxler moved here fourteen (14) years ago and has been involved with two (2) organizations in this community: she has worked for Whirlpool and Marathon. She deals with college and higher recruiting, so she has brought many into this community. While The Arts Partnership may not be the only reason outsiders come here, it is part of the whole package as she recruits families and couples who intend to have families that have asked what this community can offer their children to which she can tell them first-hand what is available for their family. She asked Council as a mother, board member, citizen, and a leader of this community to renew their support of The Arts Partnership.

**Mary Hammond – The Arts Partnership**

Ms. Hammond has been a proud member of The Arts Partnership board for the past ten (10) years, and was a past president. She is before City Council tonight for the children of this community who would not have the opportunity to be exposed to the arts, arts and education, and performing arts if it were not for what is done within the school system for the children with performing artists and educational programs that The Arts Partnership provides. A few months ago, she ushered the first school day performance that was held at the Marathon Center for the Performing Arts. Ticket prices are affordable for all performances. Ninety percent (90%) of the children that went to that school day performance would not have had an opportunity to attend a performance like it if it were not for what The Arts Partnership does. While there are many organizations in this community that do great work, The Arts Partnership has the opportunity to touch children's lives on a daily basis. The look on one girl's face and the awe that was associated with seeing the Performing Arts Center for the first time which really made an impact on her when she ushered that day. It made her day knowing she helped children get in and out of the performance, and that little girl was given the opportunity to attend. The girl thanked her for being there and told Ms. Hammond that if it wasn't for her being there, she would not have had the opportunity to be there, which is the difference The Arts Partnership makes via school day performances for this community.

**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:**

**Findlay Municipal Court Activities Report – September 2016. Filed.**

**Service-Safety Director Paul Schmelzer – WORC facility staffing**

Original plans to hire part-time staffing in the WORC facility have not come to fruition. Funds budgeted under personnel must be transferred to cover contract security services for the remainder of the year. Legislation to appropriated funds is requested. Ordinance No. 2016-106 was created.

FROM: WORC #21019000-personal services \$ 28,700  
TO: WORC #21019000-other \$ 28,700

Filed.

**City Planning Commission agenda – November 10, 2016; minutes – October 13, 2016. Filed.**

**City Engineer Brian Thomas – Brandman Sewer Diversion & CSO Removal, Project No. 35641900**

By authorization of Ordinance No. 2016-10, a bid opening was held for this project on October 3, 2016. Bids were received from two (2) potential contractors with bid amounts of \$142,450 and \$189,200.59. The lowest and best bid was received from Vernon Nagel, Inc. of Napoleon, Ohio. The project is included in the 2016 Capital Improvements Plan. Total project estimate is within the budgeted amount. Previously, \$30,000 was appropriated to the project for design and startup. An appropriation for construction, inspection and contingency is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2016-107 was created.

FROM: Sewer Fund \$ 170,000.00  
TO: Brandman Sewer Diversion & CSO Removal, Project No. 35641900 \$ 170,000

Filed.

**City Engineer Brian Thomas – W Hardin St Sewer Separation, Project No. 32542700**

By authorization of Ordinance No. 2016-10, a bid opening was held for this project on October 3, 2016. Bids were received from twelve (12) potential contractors with bid amounts of \$143,972.25 and \$189,810.00. The lowest and best bid was received from Hohenbrink Excavating of Findlay, Ohio. The project is included in the 2016 Capital Improvements Plan. Total project estimate is within the budgeted amount. Previously, \$20,000 was appropriated to the project for design and startup. An appropriation for construction, inspection and contingency is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2016-107 was created.

FROM: OPWC \$ 124,600.00  
Sewer Fund \$ 37,700.00  
Sewer Fund – Stormwater restricted account \$ 37,700.00  
TO: W Hardin St Sewer Separation, Project No. 32542700 \$ 200,000.00

Filed.

**Service-Safety Director Paul Schmelzer – Municipal Court Expansion/Municipal Building Renovations Project No. 31949800**

The design build project for the municipal building project is well underway. The Court has requested a few changes to the plan and has determined that additional flooring is required in PD. The Court originally budgeted a maximum of \$500,000 for the remodel project. The original appropriation was \$450,000. Additional funds to complete the requested work are needed. Resolution No. 039-2016 was created.

FROM: Municipal Court Improvements \$ 50,000.00  
TO: Municipal Court Expansion/Municipal Building Renovations #31949800 \$ 50,000.00

Filed.

**City Auditor Jim Staschiak – year-end items to transfer/appropriate**

The following accounts require an appropriation for this budget year.

FROM: HRC Rehab Debt Service Fund #23060100 \$ 15,000.00  
TO: CIT – Capital Improvements restricted account \$ 15,000.00

REASON: the debt service for the HRC Rehab payment was initially paid with Capital Improvements money for 2016. The annual pledged amount has been received from Huntington Bank. This is the ninth (9<sup>th</sup>) payment out of the ten (10) pledged. This appropriation allows for the use of the contribution to pay the debt and the reimbursement of CIT Capital Improvements.

FROM: CR 236 TIF Fund \$ 71,782.93  
TO: CR 236 Widening Debt Service #23060300-other \$ 71,782.93

FROM: CR 236 Widening Debt Service #23060300-other \$ 71,782.93  
TO: CIT – Capital Improvements restricted account \$ 71,782.93

REASON: the CR 236 debt payments were appropriated and paid initially by Capital Improvements money for 2016. A total of \$71,782.93 has been received in 2016 of TIF revenue to offset a portion of the 2016 debt payment. These appropriations allow the TIF Fund money to be used for the debt and reimburse Capital Improvements.

FROM: County Permissive Fund \$ 128,880.83  
TO: CR 236 Widening Debt Service #23060300-other \$ 91,123.33  
CR 236 Land Debt Service #23060200-other \$ 37,757.50

FROM: CR 236 Widening Debt Service #23060300-other \$ 91,123.33  
CR 236 Land Debt Service #23060200-other \$ 37,757.50  
TO: CIT – Capital Improvements restricted account \$ 128,880.83

REASON: the CR 236 debt payments were appropriated and paid initially by Capital Improvements money for 2016. \$128,880.83 of County Permissive Fund money was withdrawn to pay the 2016 debt payments as an allowable use of the money. These appropriations allow the County Permissive money to be used for the debt and reimburse Capital Improvements.

FROM: Special Assessments Sidewalks #28020000 \$ 629.54  
TO: General Fund \$ 629.54

REASON: in 2004, the City made the final debt payment on the 2003 Sidewalk Construction Program, however, there were several assessment deferrals granted at that time in addition to several property owners that had chosen not to pay the assessment. Also, the City made the final debt payment on the 2010 Sidewalk Repair and New Construction projects in 2014. About half (1/2) of the assessed property owners chose not to pay this assessment, therefore, the City had to cover the costs of the debt payments with General Fund money and was to be reimbursed when the property owners finally made payment. This amount represents the amount of money that was received in 2016 for some of these properties. This money now needs to be returned to the General Fund. There are still a few outstanding assessments to be collected from these projects.

FROM: Special Assessments Pavements \$ 6.07  
TO: General Fund \$ 6.07

REASON: In 2011, the City made the final debt payment on the Rockwell Avenue Payment Special Assessment, however, there were several assessment deferrals granted at that time in addition to several property owners that had chosen not to pay the assessment. The City had to cover the costs of the debt payments with General Fund money as was to be reimbursed when the property owners finally made payment. This amount represents the amount of money currently showing in the Special Assessments Pavements Fund from collection of delinquency penalties.

FROM: Severance Payout Reserve Fund \$ 50,000.00  
TO: Severance Payout #22090000-personal services \$ 50,000.00

REASON: there have been several retirements that have already occurred and some that are scheduled to occur this year that were not included in the original budget figures because the City did not have written notification of the retirements at the time of budget development last fall. These funds are needed to cover the expense of the retirement settlements.

Legislation to appropriate funds is requested. Ordinance No. 2016-109 was created. Filed.

**Mayor Lydia Mihalik – ADAMHS Board levy**

Mayor Mihalik is seeking support of the ADAMHS Board levy, which is on the November 2016 Ballot. The General Assembly passed H.B. 648 in 1967 establishing a community mental health board system and identified the local boards as the local managers of that system. That same year, this community passed the first levy for the ADAMHS Board and has been supporting them every five years since.

The levy is a five (5) year, 1.3 mil Replacement Levy, which is necessary to fund the operations of the ADAMHS Board and its contracting agencies. The present levy expires on December 31, 2017. This new levy would allow for the uninterrupted flow of funds. The levy is anticipated to generate \$2.35 million dollars. The vast majority of these funds are spent with local providers, who provide residents of Hancock County, suffering with mental health and/or addiction issues, with education, treatment, support services and housing.

As you are well aware, the current opioid epidemic threatens to destroy the very fabric of our community and has reached into practically every home. The number of admissions into Blanchard Valley Hospital due to patient overdoses continues to rise each year. We have determined that approximately one in seven Hancock County residents were directly impacted by Levy supported services in FY 2016. That is approximately 10,000 residents.

The Board's mission is to assess the needs of the community and then plan, monitor, fund, and evaluate the necessary services. The Board determines the direction of mental health and substance disorder services and contracts for this support through local providers. Those providers are:

- A Renewed Mind - Adult Outpatient Addiction Treatment.
- Century Health - Adult Crisis Intervention, Residential Treatment, Case Management, Mental Health and Substance Use Disorder Counselling
- Family Resource Center - Youth Crisis Intervention, Youth Mental Health and Substance Use Disorder Counselling, school based Services, and Education
- Focus on Friends- Recovery Support, Peer Support, Recovery Housing
- NAMI of Hancock County- Mental Health Support and Education, Family to Family

Resolution No. 038-2016 was created. Filed.

#### **Hancock Regional Planning Commission Director Matt Cordonnier – downtown design review board regulations**

HRPC in partnership with The Alliance and the Downtown Findlay Economic Development Task Force has been working closely on conducting an upgrade to the existing Downtown Design Review Board regulations. The City of Findlay created the Downtown Design Review Board in 1993. In 2015, efforts began to update the Downtown Design Review Ordinance. The ordinance is included. Referred to Planning & Zoning Committee.

Discussion:

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on November 10, 2016 at 4:00pm in the Council Chambers, first floor of the Municipal Building (CC):

agenda: Downtown Design Review Board Regulations

Filed.

#### **COMMITTEE REPORTS:**

A **COMMITTEE OF THE WHOLE** meeting was held on Monday, October 24, 2016, for Toledo-Lucas County Port Authority to provide a presentation on energy special improvement district.

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

The **WATER AND SEWER COMMITTEE** to whom was referred a request from John Murray and Tom Brown to extend the existing twelve inch (12") water line approximately eight hundred seventy feet (870') to his west property line at 10472 TR 94.

*We recommend to contribute ten dollars (\$10.00) per linear foot for oversizing material cost for both properties:*

- 10472 TR 94 Murray
- 10522 TR 94 Brown

*Offer to contribute expires twelve (12) months after approval of City Council. Ordinance No. 2016-111 was created.*

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

#### **LEGISLATION:**

##### **RESOLUTIONS**

**RESOLUTION NO. 038-2016** (ADAMHS levy renewal)

**first reading**

**adopted**

A RESOLUTION OF THE FINDLAY CITY COUNCIL SUPPORTING ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES (ADAMHS) PROPOSED LEVY TO PROVIDE FUNDING FOR MENTAL HEALTH AND SUBSTANCE DISORDER SERVICES AND FACILITIES VITAL TO THIS COMMUNITY.

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

**RESOLUTION NO. 039-2016** (Muni Court expansion/Muni Bldg renovations)

**first reading**

**adopted**

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

**RESOLUTION NO. 040-2016** (*Energy Special Improvement District*)

**first reading**

APPROVING BY LEGISLATIVE RESOLUTION THE PETITION AND ARTICLES OF INCORPORATION FOR THE CREATION AND GOVERNANCE OF AN ENERGY SPECIAL IMPROVEMENT DISTRICT UNDER OHIO REVISED CODE CHAPTER 1710, AND APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF FINDLAY, OHIO IN COOPERATION WITH THE CITY OF FINDLAY, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

First reading of the Resolution.

**ORDINANCES**

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

**third reading**

**tabled**

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.

Councilman Watson moved to adopt the ordinance. No second was given, so motion failed.

Discussion:

Councilman Russel noted that in September 2014, the Historical Museum requested funding in a similar nature that The Arts Partnership has. It went to the Appropriations Committee where there was a long discussion about creating a process for requests like this to receive consideration. The movement on that process died with the Appropriations Committee when they said "no" to the Historical Museum's request. Assigning an Ad Hoc Committee to look at a process for these types of requests has been talked about. Councilman Klein, Hellmann and Russel have volunteered to be part of that Ad Hoc Committee. In fairness to the Historical Museum, the Children's Museum, and other organizations, an Ad Hoc Committee should be formed and a process put in place to handle these types of requests. During the budget process, it can then be determined how much the City wants to fund organizations. He feels it is proper to table this request until an Ad Hoc Committee is formed and provides their recommendation on a process and allow Council to agree on that process.

Councilman Russel moved to table the ordinance. Seconded by Councilman Klein. Ayes: Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann. Nays: Watson. The ordinance is tabled.

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

Second reading of the ordinance.

**ORDINANCE NO. 2016-106** (*WORC facility staffing*)

**first reading**

**adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Klein moved to suspend the statutory rules and give the ordinance its second and third readings. Councilman Russel seconded the motion. Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein. The ordinance received its second and third readings. Councilman Russel moved to adopt the ordinance, seconded by Councilman Klein. Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-106 and is hereby made a part of the record.

**ORDINANCE NO. 2016-107** (*Brandman and W Hardin St Sewer projects*)

**first reading**

**adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules and give the ordinance its second and third readings. Councilman Klein seconded the motion. Ayes: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The ordinance received its second and third readings. Councilwoman Frische moved to adopt the ordinance, seconded by Councilman Wobser. Ayes: Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel. The ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-107 and is hereby made a part of the record.

**ORDINANCE NO. 2016-108** (*salary ordinance*)

**first reading**

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS, PAY RANGES, SALARY SCHEDULES AND OTHER MATTERS THAT MAY AFFECT PAY, FOR ALL NON-ELECTED OFFICERS AND EMPLOYEES OF THE CITY OF FINDLAY, OHIO, AND REPEALING ORDINANCE NO. 2016-089, ORDINANCE NO. 2016-071, AS AMENDED AND ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

First reading of the ordinance.

**ORDINANCE NO. 2016-109** (year-end appropriations)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**first reading**

First reading of the ordinance.

**ORDINANCE NO. 2016-110** (Income Tax estimated payments)  
AN ORDINANCE AMENDING SECTIONS 194.07, 194.10, AND 194.13 OF CHAPTER 194 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

**first reading**

First reading of the ordinance.

**ORDINANCE NO. 2016-111** (Twp Rd 94 waterline extension)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**first reading**

First reading of the ordinance.

## **UNFINISHED BUSINESS:**

### **OLD BUSINESS:**

**ORDINANCE NO. 2016-090 AS AMENDED** (prohibit marijuana) **third reading** **adopted**  
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 as amended. Seconded by Councilman Klein. Ayes: Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindledecker. Nays: Watson. The ordinance was declared adopted and is recorded in Ordinance volume VV, Page 2016-090 and is hereby made a part of the record.

Councilman Watson asked if the Ad Hoc Committee will be assigned to address fund requests from 501C3s and review criteria and establish guidelines. Councilman Monday replied it has not been assigned yet but will be by the next City Council meeting. He will provide a letter in the packet for the next meeting. Councilwoman Frische asked if Council needs to vote on it. Councilman Monday replied that Council does not need to vote on it. As Pro-Tem, he appoints Councilmembers to Ad Hoc Committees.

Councilman Niemeyer asked if Ordinance No. 2016-101 could be amended for one year instead of the three (3) as it states now, and instead of a percent, if it could just be for a certain amount of money as the percent could grow every year. Councilman Monday noted that ordinance has been tabled, so in order to deal with it, there would have to be a motion to lift it from the table and then a motion to amend it would have to be made.

Councilwoman Frische asked if the appropriations in Ordinance No. 2016-109 need to be made now or can be made later. City Auditor Staschiak replied later as long as the ordinance passes before the end of the year. He also noted that there will most likely be more appropriations needed.

City Auditor Staschiak asked Councilwoman Frische if it was her desire to have legislation (Ordinance No. 2016-110) to inform Council on the number of estimated income tax payments that were not received due to hardship, abatement, or any other decision that the Income Tax Administrator made. He asked if it is her intent that Council be informed any time the Income Tax Administrator exercised his options to allow a company not to file an estimated return for the normal quarterly process during the current tax year. Councilwoman Frische replied that Ordinance No. 2016-110 is to make known the number of businesses being deferred and the total amount, but not the individual amounts. She, Councilman Watson, Income Tax Administrator Thomas and Law Director Rasmussen met as a group to come up with the ordinance. It will be tweaked. Law Director Rasmussen replied the provision that they are still discussing will be tweaked.

City Auditor Staschiak noted that in the past, Council has had an active role in the development of salary ordinances. Ordinance No. 2016-108 that is before Council tonight is relatively basic. It provides a two percent (2%) raise across the board for non-union employees, and is also inserting a change to a stipend based on a shift differential (shift employees work). Just over ten (10) years ago, Council went out of its way to work with the Administration to have a 2-tier pay system put in place. The way the salary ordinance is evolving today, it is moving away from the 2-tier system to a range system. A few years before that, Council did not allow the Administration to touch the salary ordinance. He is not suggesting that is the right way to do it, but wants to provide a historical perspective of it. From his perspective, and from what he has seen over the years and what Council needs to keep in mind, is to balance the desires of the Administration with what is best for the City, employees, and the employees impact on the quality of life on the community. The City is very blessed to have employees that perform at an above-average level. Since many Councilmembers are new, have not touched a salary ordinance, and have not had the opportunity to experience it, he summarized what the Administration is trying to do with it. Council has a very serious role with changes to the salary ordinance. While he does not question that the Administration's desires are and feels what they are wanting to do is honorable and is not suggest anything negative about it, he wants to make sure Council carries through with their checks and balances on the Administration's request so that they have a clear and concise understanding on where this ordinance is going because it has changed a lot in the last year and a half to two (1 ½ - 2) years.

Service-Safety Director Schmelzer asked Council what further information they want on prospective board members and what they want the ESID legislation to look like. Resolution No. 040-2016 received its first reading tonight. The City has sixty (60) days to react to the petition. Regardless of how discussions go, the resolution needs to be formalized on what it is going to look like and identify what Councilmember might be represented, and need to talk to the potential project owners to see who they would want to see on the board. It is mandated that a 5O1C3 or a corporation be set up with three (3) members of the first district to be property represented. From discussions that took place, it seems unlikely that those individuals that are part of that project are going to want to sit on the board, so an economic development representative might be a better option. Some thought needs to be given on what that board would look before the final reading of this resolution. He asked Council for their thoughts on this as well as a Mayor's selection. Councilman Wobser asked what if there is a checklist of things that have to be done before the resolution can be passed. He asked if the 5O1C3s have to be set up. Service-Safety Director Schmelzer replied he is not sure there is anything that has to be done before the resolution can be passed. He is just asking if Council wants any further information before it is to be passed. The next step would be to pass the resolution which would mandate the setup of the corporation. He asked Council what that board will look like, how it will function, who would be on it ahead of the vote that would mandate the setup. Councilman Wobser asked who sets up 5O1C3s. He asked if it is the City. Law Director Rasmussen replied that this is a non-profit, not a 5O1C3. It is not for a charitable purpose. It is a non-profit corporation. If Council passes this resolution, they are accepting Findlay Surgical's petition and accept the plan that is within the petition. Part of that is setting up the board consisting of the Mayor or her appointee, councilmember or his/her appointee, and three (3) members from Findlay Surgical because they are the only people in the district. They can also appoint someone else. The Resolution also authorizes him to send the non-profit corporation papers down to the State of Ohio's Secretary of State so that board and corporation can be formed. That board will operate and delegate authority to others or bring in others to promote the program. Council's first step is to pass the resolution which will allow the rest of the process to take place. Council will still need to determine whether or not a Councilmember will be on the board or if a representative will be appointed. Councilman Wobser asked if a Councilmember ends up being on the board if he/she can vote on anything that would come up. Law Director Rasmussen replied it is possible that they would lose their voting privileges, depending on how much that board actually wants to do. It meets every year. If there is no petition, it just meets. As petitions come in, meetings will take place. When financing comes to the board, it will have already been approved by the Port Authority and was agreed on. He will have to look at what the makeup of the board is to see whether that person is a fiduciary and would not be allowed to vote on it. City Auditor Staschiak noted that during a Committee of the Whole meeting, he asked to have a paragraph in the resolution stating that if it is not the intent of Council to offer financing through either the City's general obligation bonds of placing full faith and credit of the City, or through revenue bonds pledging that the City will raise the revenue down the road in order to move forward with the ESID and the pace program. The pace program is a small component of the ESID as a whole which are creating the whole. In creating the whole, it is his hopes that it is not the expectation by the new board, that Council would create, that the City would step up and issue debt pledging its full faith and credit and that the City would back the debt and be responsible for the debt. He requested that Council add a paragraph stating it is not their intent to do that at this point in time, but would still seek grant funding. His concerns are not with this Council, but with future Council so that there is not an issue with non-profit organizations asking for City funds, and that the City will know what the exact intent of Council is in the original legislation that creates it. Law Director Rasmussen replied that this resolution has nothing to do with the City issuing bonds to support or fund a private entity. City Auditor Staschiak replied that is his concern. Law Director Rasmussen noted that in any point of time Council decides to do that, they can just do it. He asked which Councilmember is going to vote to raise funding to give to a private entity to build something. This has nothing to do with that. The TIFF example that was raised has nothing to do with it. That was a public improvement. It really isn't necessary and has nothing to do with it. The Toledo Port Authority is responsible for all the funding and is also responsible in case of default. City Auditor Staschiak noted that he brought with him tonight the book from the Ohio Attorney General on economic development programs. On page 188, it states that municipalities choosing to establish an ESID can issue general obligations by issuing bonds securely and solely by special assessment payments or by applying for state or federal money to fund. The purpose of the ESID is to create the vehicle so that can happen. It is not prudent at this point in time to know what the expectation of the board is on future possible requests for special projects, buildings, and renovations. People are investing a lot of money into our City in renovating buildings. They are spending a lot of time making sure our community looks the way we want it to look. If the City would ever want to pledge to back a private sector development with City money, this would allow that. There have been times when a developer has overextended, not just during the recession, but in years before it. For instance, the Sherman House had a developer overextend and the project went belly up. Investors came in after the fact and bought it at a discount. Had the City sponsored the renovations from an energy point of view and the developer overextended and went bankrupt, the City would have been responsible to make those payments for those energy costs. It can happen and is very realistic. While he does not believe this is Council's intent and understands what the Law Director is saying, he wants Council to be well-considered on the benefits concerning his request that far outweighs the risk that may be possible to the City down the road. Councilwoman Frische noted that this topic came up during the Committee of the Whole meeting on this and the Port Authority agreed that City Auditor Staschiak's request could be added into the resolution to cover this. Law Director Rasmussen replied he discussed it with them, but noted that it has no bearing on the very next petition. Councilwoman Frische asked if a resolution would have to be done for each request. Law Director Rasmussen replied that is correct. A petition will come to Council each time. Councilwoman Frische then asked if 5O1C3s are ESID. Law Director Rasmussen replied that a non-profit is the board. Councilwoman Frische then asked if the ESID will follow it. Law Director Rasmussen replied they are the board who may get a petition addressed to them or addressed to the Toledo Port Authority and then goes to them and will act upon those. Councilwoman Frische then asked if the non-profits will have guidelines they will have to follow that Council will also get. Law Director Rasmussen replied that is completely separate. Council would have to approve each time they issue public funding for a private entity which would have to come before Council each and every time. City Auditor Staschiak agrees with what the Law Director is saying, but his concern is that the board be informed that there is no expectation that the City will, at least not at the present time. If down the road Council desires to do that, they could then amend the legislation to allow it. Law Director Rasmussen replied that Council can amend it anytime they want to, so it really plays no part in it. He is certain this Council will not do that, and the board will be well-versed that the City will not be appropriating the funding because there will be those who are interested in the district and will know that they are going to get a petition and a request that has already been approved for funding and all the bonds are already established and ready to go for funding. City Auditor Staschiak replied that would only be true with the PACE program. If they use the ESID, it is a whole different approach.

Councilwoman Frische asked how it will affect the request if the verbiage City Auditor Staschiak is asking for is added in to the resolution. Law Director Rasmussen replied he does not know if it would be a Mayor or board rule once the board is set up. Councilwoman Frische asked if it is not needed in the resolution. Law Director Rasmussen replied that it is not. City Auditor Staschiak noted that it could be in the resolution which is what he is requesting. He is requesting that the resolution state Council's intention to allow for this to happen. Seeking grant funds is great, but that it would not be Council's intention to fund this down the road with the City's debt. By putting the language in the resolution, it makes a statement to the public why the City did this so that they could obtain grants and bring more money into the community. Councilman Wobser asked the City Auditor to provide language for what he is asking. City Auditor Staschiak replied he will work with the Law Director on it. Councilman Wobser asked if it will change anything if the language the City Auditor is asking for is added in. Law Director Rasmussen replied it just adds verbiage that does not mean anything if Council wants to change it tomorrow. Councilwoman Frische moved to add the City Auditor's verbiage to the resolution to support the City Auditor and the Administration to cover all basis. Law Director Rasmussen replied he will get with the City Auditor on what verbiage he wants. Council has only given the resolution one reading, so the amended version will be available at the next City Council meeting for the second reading.

**NEW BUSINESS:**

City Auditor Staschiak noted that there is a nice write up about Findlay and a photo of the Mayor in the Jobs Ohio magazine that the State puts out for promoting businesses around the country and around the world.

Councilman Russel: **BLANCHARD RIVER WATERSHED PARTNERSHIP** annual meeting on November 10, 2016 at 7:00am at the Hancock Engineer's Office.

Councilman Niemeyer: **SHADE TREE COMMISSION** meeting on November 7, 2016 at 4:00pm in the third floor conference room beside the Mayor's Office (CR1).

President Pro-Tem Monday adjourned Council at 8:20pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL PRO-TEM