

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**May 2, 2017**

**COUNCIL CHAMBERS**

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

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 Harrington moved to accept the April 18, 2017 Regular Session City Council meeting minutes. Councilman Niemeyer seconded the motion. All were in favor. Motion carried. Filed.

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

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

### **REPLACEMENTS:**

- Ordinance No. 2017-021, AS AMENDED = bicycle riding in Downtown Business District (*LEGISLATION section*)
- Ordinance No. 2017-038, AS AMENDED = salary ordinance (*LEGISLATION section*)

### **ADD-ONS:**

- Letter from Acting Chief of Police John Dunbar – ADAMHS Board and NAMI Ohio donation to FPD (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*)
- Letter from Mayor Mihalik – administrative changes (*MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*)
- Ordinance No. 2017-046 – appropriation of ADAMHS Board and NAMI Ohio donated funds to FPD (*LEGISLATION section*)

**PROCLAMATIONS:** – none.

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

## **PETITIONS:**

**Alley vacation request – Graceland Avenue (800 6<sup>TH</sup> St)**

Megan Smith is requesting to vacate the alley east of Graceland Avenue between lot 580001008260 and 580000247000, and the south side of lot 580001008260. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

**Zoning amendment request – 221 W. Hardin St**

William Johns would like to change the zoning for 221 West Hardin Street to R4 Duplex/Triplex High Density. It currently is zoned as C2 General Commercial. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

**WRITTEN COMMUNICATIONS:** - none.

## **ORAL COMMUNICATIONS:**

**Patricia Gill – flooding**

Ms. Gill is before City Council tonight because of the anticipated three to four inches (3-4") of rain that is on its way which will affect her. She noticed Dorney Plaza is under beautification renovations and asked why there has not been any clean up of the river. She asked how many here tonight have to worry about the rain and have water around or in their properties. She pointed out that it has been ten (10) years since the last flood. When she and her husband moved to their property in the Leiser Addition thirty-five (35) years ago, there were only thirteen (13) houses there then. Whenever it rains, those living in the addition cannot travel through Third Street because it floods. It used to be a field, but now there are many houses. The streets in Hunters Creek area also flood. She feels if a study would be done on the flooding in that area, something would get done quicker. She asked why it takes so long and so much money to get anything started. Ten (10) years is a long time to perform a study. She is unsure how much it would cost, but suggested cleaning out the river once a year. She feels like something could be done.

**Discussion:**

Councilman Harrington appreciates Ms. Gill's comments and noted that Council is very concerned when Findlay floods. He pointed out that Flood Mitigation efforts are a County project and that Ms. Gill's concerns should be addressed to the County Commissioners. Although the City of Findlay is very involved in everything that the County does and our Mayor and Service-Safety Director attend numerous meetings and have been very adamant on helping to solve flooding issues, it still needs to be addressed to the County as they are the ones who lead those efforts. Ms. Gill added that she talked to some County individuals who told her at that time, Findlay received six or seven inches (6-7") of rain, so residents could not get in or out of North Blanchard Street by Wendy's Restaurant. If the houses behind her had not been built five to six (5-6) years ago, there would not be flooding problems in that area because it would still be an open field.

Councilman Monday pointed out that this same discussion has taken place before, and while Ms. Gill blames it on the development of houses behind her, his wife lived in the same house Ms. Gill lives in now back in 1962. At that time, there were no houses behind or around Ms. Gill's property like there are today, and there was still water in the basement up to the rafters, which is still what Ms. Gill is experiencing today. So the flooding issues in that area are not due to the development in that area. Ms. Gill replied that she graduated in 1962 and has lived in the house for thirty-five (35) years and has never had water up to the rafters. She has had water up to her first or second step. Councilman Monday replied that the water would be over her head if she was in the basement when it floods. Ms. Gill replied she has never had it up to the rafters. She would like to see the money that is going to the Dorney Plaza project go to flood efforts instead.

Mayor Mihalik added that the City has been watching flood issues very closely and has made significant progress in the last few months on flood mitigation in the Blanchard River in downtown Findlay. The Maumee Conservancy District just approved the design of a project to lower the base flood elevation in town about a foot and could be more, depending on what comes out of that particular design. There are other options that are being discussed as a community and the news media is reporting on those issues. Unfortunately, it is a slow process, but there is money to take care of the issue within downtown Findlay, at least to the level of a foot (12") and hopefully more and will still continue acquisitions of property. That will not solve the entire problem, but the City will continue to push forward and try to make progress. The individuals that represent Ms. Gill are pushing flood relief efforts to the point that they can and are starting to finally see progress. A lot of that has to do with the City taking local control over this project.

#### **Tony Grotrian – opiate epidemic**

Mr. Grotrian is before City Council tonight because of what happened to him over the weekend. He sat in with a group that were discussing the opiate issue in Findlay and Hancock County. As the conversation went on, the memories surrounding his grandson came flooding back. At the beginning of 2007, accidental drug overdoses claimed more lives in Ohio than any other type of accidental life lost. Today, drug overdoses are the leading cause of accidental death in the whole country. In 2015, three thousand fifty (3,050) of those occurred in Ohio, making Ohio number one. Heroin and synthetic opiates are killing nearly ten (10) Ohioans daily. This is up from the four (4) that we were losing daily when his grandson died back in 2009. Death from drugs is still a growing problem and is not decreasing. In fact, it is expected to show a thirty percent (30%) increase for 2016. Too much shame and silence surround addiction. Addicts are burdened or shamed because society holds them to blame. Society sidelines addicts and alcoholics believing it is their choice to use drugs or alcohol to pursue or take their own destruction. Addiction has caused changes in the lives of his entire family. Entire families are consumed by this chronic brain disease called addiction and are made prisoners as they struggle with fear, guilt, and wanting to protect. Anger and depression are also factors that set in as a family disease when addiction sets in. Love and better information together can and will help families survive and heal. It can be a long and tortuous journey for both the addicted and all those who love and care for them. As the discussion went on during that meeting, the devastation was shared by the families of addicts who found out they were not alone. There is hope in the life-long process of recovery. He asked everyone to keep in mind that there are many types of people that live in Findlay that depend on Council's decisions, and asked that they not be ignored.

#### **President of Hancock County Veterans Council, Williams Johns – Veterans welcome home**

Mr. Johns is the President of the Hancock County Veterans Council (HCVC) which is made up of all the leaders of the Veterans organizations in Hancock County, Ohio who work together to honor the men and women in uniform who sacrifice so much to make this country free and great. HCVC would like to hold a welcome home celebration for all area Vietnam Veterans that did not receive such a welcome when they came home. HCVC would like to hold this throughout the weekend of September 30, 2017 to include a parade and service at the War Memorial on North Main Street. They are also considering a dinner and possibly a dance as well as a memorial service for the service members that did not return home from Vietnam.

HCVC's goal is to show the Veterans that what their sacrifice was not in vain and that they are appreciated beyond measure. Unfortunately, in order to do this, there are expenses involved, which is where the City comes into play. HCVC is asking that Council take a moment and consider the importance of an event like this to show the Veterans how much they are appreciated, as well as honor their sacrifices. Any donation is greatly appreciated and can be made out to the Hancock County War Memorial. HCVC is asking for Council's support. Findlay's Vietnam Veterans are dying rapidly from causes of Vietnam. A lot of them do not go out and are staying at home. HCVC delivers food, clothes, medicine, etc. to them because they do not leave their homes unless they are forced to go to a doctor, mainly because of how poorly there were treated when they came home. For more information contact HCVC by phone (419) 721-7275 or email: [findlaybj@gmail.com](mailto:findlaybj@gmail.com).

#### **Discussion:**

Councilman Monday appreciates what the HCVC is doing and asked what Council can do to support them and let the Veterans know how much they are appreciated. He asked if there is anything in particular Council can do. Mr. Johns replied he would like to see every elected official at every event they put on for military individuals (i.e. Memorial Day, Veterans Day, and this event) to show their support for the five thousand plus (5,000+) Veterans in Hancock County. HCVC would also like to have a welcome home coin, and possibly a hat, made for the Veterans. He has already asked Mayor Mihalik if she would speak at the event and pass out the coins and hats. He extended that invitation to all elected officials that are able to come. Councilman Monday asked if a resolution from City Council would be of any value to them. Mr. Johns replied he believes it would be. Councilman Monday moved to prepare a resolution for this event, seconded by Councilman Russel. The Mayor will present the resolution at the event.

Councilman Harrington asked how many Vietnam Veterans reside in Hancock County. Mr. Johns estimates there are between five hundred to one thousand five hundred (500-1,500) on the Veterans Service Commission, including air Veterans. It is difficult to get them to show up for events, but still feels the need to hold an event for them. HCVC has been able to get some of the Veterans to some events and have taken some out to dinner. They are getting them more involved. Councilman Harrington asked how much funds they are trying to raise. Mr. Johns replied that ten thousand dollars (\$10,000) would allow for a parade, a coin, probably a hat, and possibly a dinner. If more than that is raised, he'd like to have a barbeque. The County has told him HCVC can use the property on the other side of the river to set up tents and hold the barbeque there.

Mayor Mihalik asked Mr. Johns to let City know how they can be a partner in this event.

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

### **Board of Zoning Appeals Minutes – March 9, 2017.**

#### **Discussion:**

Councilman Russel asked where the City stands with the case listed in these Board of Zoning Appeals minutes. Law Director Rasmussen replied that one (1) of the four (4) cases are pending, and one (1) in the Court of Appeals, one (1) in Common Pleas Court, and the other one (1) in Federal Court. He believes the one in Federal Court is in the process of being dismissed. There have been four (4) actions open. Councilman Russel then asked which of those the City is making the action. Law Director Rasmussen replied the City is the defendant in all of them. The City did not file any of them. He is representing the City in Common Pleas because he was not named as a party defendant. The Mayor, Law Director, Councilmembers, for the most part in certain cases, have all been named as party defendants, so the City had to retain Counsel for those cases, which cost money. Councilman Russel likes the fact that the City was taking action on the situation and asked if this is a sign of things to come for those looking to get zoning permits and have outstanding obligations to the City, and the City will start enforcing that part of the code. Service-Safety Director Schmelzer replied that is correct. Filed.

**City Engineer Brian Thomas – Davis St waterline project (University of Findlay) Project No. 35765200**

During 2016, the University of Findlay replaced the existing waterline on Davis Street between Morey Avenue and Cory Street. The City of Findlay was planning on replacing the waterline in 2017, but the University wanted the waterline installed sooner so that it would benefit the Center for Student Life and College of Business building. The City agreed to pay for reimbursement of the waterline if the University built it to City standards. The University submitted documentation for the reimbursement in November 2016 and received the reimbursement check in early December 2016. The University recently submitted an additional invoice that was inadvertently not included with the previous request. Since the purchase order and project have both been closed, legislation to transfer funds from the Water Fund to Utility Billing so that the reimbursement can be made without creating a new project. Ordinance No. 2017-041 was created.

FROM: Water Fund	\$ 5,920
TO: Utility Billing #25072000-other	\$ 5,920

Filed.

**City Planning Commission agenda – May 11, 2017; minutes – April 20, 2017. Filed.**

**Service-Safety Director Paul Schmelzer – Dark Fiber project no. 319601**

Bids were opened for this project. Two (2) potential contractors submitted bids ranging from \$605,008 to \$683,683. The lowest and best bid was received from Vaughn Industries. An appropriation for the construction contract along with contingency and inspection is needed. This is a shared project with the County. It was combined into one (1) bid package and administered by the City in order to save on duplicate bid costs, review, contract and administration and inspection efforts. The cost split between the projects is approximately fifty percent (50%) for each entity. An additional appropriation of \$420,000 is required to complete the project with contingency for the City. This is in addition to the \$150,000 that was originally appropriated with the 2016 Capital Plan when the project was first reviewed and approved for design. The project was originally estimated at five hundred thousand dollars (\$500,000). The total appropriation of eight hundred eight thousand dollars (\$808,000) is to cover the City and County portions. A memorandum of understanding (MOU) is prepared for the County portion of three hundred eighty-eight thousand dollars (\$388,000). This project will greatly increase the City's ability to communicate between facilities and avoid massive increases in phone system fees. Legislation to appropriate funds is requested. Ordinance No. 2017-042 was created.

FROM: CIT – Capital Improvement Restricted Account	\$ 420,000
FROM: Hancock County per MOU	\$ 388,000
TO: City Fiber Loop project #31960100	\$ 808,000

Filed.

**City Auditor Jim Staschiak – RLF Administration**

The Hancock Regional Planning Commission has submitted an invoice for their expenses/staff time for RLF administration for December 2016 through February 2017. This is now a routine request where Council has approved requesting the appropriation without going to committee each time. Legislation to authorize a draw from the Revolving Loan Fund account and appropriate \$1,991.32 from the RLF to General Expense #21010000-449400 to pay the invoice is requested. Ordinance No. 2017-043 was created. Filed.

**Law Director Donald Rasmussen – Appointment of Marshall Finelli**

As you may or may not know, Alan Hackenberg resigned as an Assistant Director of Law on April 28, 2017 to accept the position of Municipal Court Judge for the City of Findlay, thus creating an opening in my department. He has appointed Marshall Finelli to fill this vacancy effective April 28, 2017. This does not require Council's confirmation. Filed.

**Service-Safety Director Paul Schmelzer – FY18 Ohio Airport grant**

The City has the opportunity to apply grant funding through the Aviation Division of the Ohio Department of Transportation (ODOT). If approved, the grant funds would be used as follows:

FY18 – eighty-four percent (84%) of the eligible construction costs for rehabilitation of a portion of the parallel taxiway to Runway 18/36 (Taxiway A). Estimated project cost is \$502,962.50 and will be included in the 2018 Capital Improvement Plan. Legislation to authorize signing the grant applications and agreements is requested. Ordinance No. 2017-045 was created. Filed.

**Traffic Commission minutes – April 17, 2017. Filed.**

**City Engineer Brian Thomas – 2017 TAP application**

For this year's TAP application, the Engineering Department would like to submit an application to extend the Blanchard River Greenway Trail from the dead end behind 1000 East Main Cross Street to Riverbend Park. Construction on the project would be during ODOT's 2020 fiscal year. Legislation allowing the Service-Safety Director to prepare and execute an application for Transportation Enhancement Funds is requested. Resolution No. 013-2017 was created.

**Discussion:**

Councilman Russel was excited to see this in the packet. He asked if this will be done in cooperation with the Park District and asked if ODOT accepts the plan, what the next steps will be. Service-Safety Director Schmelzer replied it is done in coordination with them and is in keeping with the Greenway Trails project. It is the plan that was the basis for the application. Ultimately, if this is granted, the City will administer it similar to the downtown Transportation Administration Plan (TAP) so there will not be a functional need, but will be done in conjunction with the Park District. Discussions with ODOT have gotten it this far. There have been some large multi-purpose path projects that have been funded through TAP, so he is optimistic this one will be accepted. The City will continue to be persistent. If this does not go through, they will try again. Councilman Russel asked when they will make their decision. Service-Safety Director Schmelzer replied it will be a number of months. The project will not start construction until 2019. Filed.

**City Auditor Jim Staschiak – salary ordinance No. 2017-038**

Historically, changes as proposed here have been thoroughly vetted through a City Council committee process, however, the City Auditor's Office have reviewed the ordinance as proposed and have several comments/suggestions. In the past, the departments of Human Resources and Safety Director have been used alternatively. There has not been a time when the positions of Service, Safety, and Human Resources have all been staffed individually; it has either been Service-Safety and Human Resources or Safety-Human Resources and Service. So, a department needs set up to fund the new position and Council will need to de-appropriate funds from the current position and appropriate funds to the new department. This should be done as part of passing the ordinance.

Additional comments to the email sent to Council from Don Essex on April, 17, 2017 are as follows:

"Ordinance No. 2017-038 Section 1 is a request that the job classifications of Director of Public Service and Director of Public Safety be added to amend Ordinance 2016-108, known as the Salary Ordinance. The current City Engineer will be appointed to the position of Director of Public Service and the current Service-Safety Director will be appointed to the position of Director of Public Safety. The Director of Public Service and the Director of Public Safety are job classifications listed in the Ohio Revised Code."

- Positions need to be properly funded by appropriation process
- Current title of Service-Safety Director needs to be removed
- Needs an effective date

"Ordinance No. 2017-038 Section 2 is a request by the Public Works Superintendent that the current job Classification of Public Works Foreman be broken down into three (3) pay ranges (Public Works Foreman I, II and III). This allows management to have flexibility in starting pay for potential internal and external candidates."

- Current title of Public Works Foreman needs to be removed. Current employee using that title should be moved to new title of Public Works Foreman III based on current pay status
- Needs an effective date

"Ordinance No. 2017-038 Section 3 is a request to give the Mayor discretion to authorize the transfer of accrued and unused vacation from the State or any political subdivisions of the State. As it stands now the employee decides if he/she wants to transfer the vacation to the City of Findlay. This has the potential to create a hardship to the City both financially and in staffing. The Mayor will have the ability to use this as a recruitment tool when given the authority to authorize the transfer of accrue and unused vacation."

- Needs to refer to the "State of Ohio" unless Council intends otherwise
- Needs to remove Mayor as approver and replace with "hiring authority (Elected Official) or their designee"
- Needs an effective date in the future

Filed.

**Human Resources Director Donald Essex – Safety Intervention Grant (Project No. 31977000)**

By authorization of Ordinance No. 2017-044, the Bureau of Worker's Compensation (BWC) Safety Intervention Grant in the amount of \$19,354.50 will be used for a Hydraulic Extrication Tool that will greatly enhance the Fire Department's capability on vehicle accident scenes and result in better patient care and increased safety for the firefighters. The purpose of the BWC Safety Intervention Grant Program is to gather information about the effectiveness of safety interventions so that the BWC may share the results with Ohio employers. With the Safety Intervention Grant, private and public employers are eligible for a 3-to-1 matching grant up to a maximum of \$40,000 for each cycle. The employer benefit through a substantial reduction or elimination of workplace injuries and illnesses and their related costs. Legislation to appropriate funds is requested. Ordinance No. 2017-044 as created.

FROM: BWC Safety Grant Application #614319747	\$ 149,354.50
FROM: Fire Department #21014000-other	\$ 6,451.50
TO: 2017 BWC Safety Intervention Grant Project No. 3197700	\$ 25,806.00

Filed.

**Councilwoman Holly Frische – Ordinance No. 2017-038**

On April 17<sup>th</sup>, City Council was presented the 5<sup>th</sup> salary ordinance change in a year and it received its first reading (Ordinance No. 2017-038). Changes are expected within the salary ordinance, but they still require City Council to vet the process and agree to the changes. She has gathered some background information for City Council to review before voting on this legislation.

She attached the following documents:

- Ohio Municipal League reports on communities salaries for Safety Director, Service Director and combined position
- City of Findlay policy and procedure as a guide
- Current Safety Service Director job description
- Proposed Safety Director job description
- Proposed Service Director job description
- Current Human Resource Director job description

Currently proposed:

- Safety will be paid approximately \$75,000
- Service Director/Engineer will be paid approximately \$99,260 (currently, the Engineer position is paid approximately \$94,000 full-time)
- The current combined SSD salary is approximately \$145,000 and average 40-45 hours a week (attached is a copy of a timecard as a reference)
- Human Resource Director salary is approximately \$79,000
- Mayor Mihalik shared during the last City Council meeting the Engineering position will not be replaced, but will be adding staffing to the Engineering Office next year. Jeremy Kalb is working toward becoming a Professional Engineer.

Additional history:

Previously, when Safety and Service were separate in 2011/2012, the positions were paid \$80,288 each, but the responsibilities then were different than what is being proposed today. The Safety Director oversaw additional departments other than Police and Fire. The Service Director handled departments such as public works, water, and sewer. Both of these positions worked together managing HR, but the main responsibility sat with the Safety Director position. These job descriptions for some reason are no longer available for review. When the Mihalik Administration came on board, Mayor Mihalik implemented a combined position of SSD + Engineering and HR to save money. Since then, a full-time Engineer and a full-time Human Resources Director were hired. In 2016, the salary range for the SSD was increased by a 2% pay increase.

With this ordinance, she feels City Council also needs to figure out the following:

- Defund the SSD budget and a portion of Engineering budget in order to fund the Safety and the Service budgets separately.
- Whether or not the Safety or Service position can work outside their appointed position if they are full-time. This is a hot topic in the community that she has been asked about a lot over the last 2 weeks.
- SECTION 3: vacation – should a controlling board be formed that votes on this policy instead of it being decided by one body.

When City Council is requested to infuse new salary ranges into the City Ordinances, City Council needs to be prudent in the process.

Discussion:

Councilwoman Frische requested that this letter be read. The Council Clerk read the letter in its entirety. Filed.

**Acting Fire Chief John Dunbar – ADAMHS Board and NAMI Ohio donation to Findlay Police Department**

The Police Department recently received a check from the ADAMHS Board and NAMI Ohio to help fund training, equipment, and other items needed for Crisis Intervention Training. Legislation to appropriate funds is requested. Ordinance No. 2017-046 was created.

FROM: General Fund (ADAMHS Board Program)	\$ 4,102.64
FROM: General Fund (NAMI Ohio)	\$ 1,000.00
TO: 2017 Crisis Intervention Training PD #31976900	\$ 5,102.64

**Mayor Lydia Mihalik – Administrative changes**

In response to a few specific concerns by City Auditor Staschiak and Councilwoman Frische, he felt it necessary to share some thoughts on the recent decision to make changes to the City's staff resource allocation. Having a Professional Engineer over Public Works and Service departments, aligns professional background with departments that do the work. This personnel move allows for a broader knowledge base on our team. The Administration has discussed positional redundancy and the importance of "bench strength" in all City department, and she is thankful the City has a team that allows for flexibility while sustaining the effort we provide to the general public on a daily basis.

The number of employees in Engineering and the Administration is lower than previous Administrations as is the overall payroll in Engineering and Administration. It is not surprising that job descriptions are no longer available for review for previous Administrations given the lack of focus in Human Resources for decades. This was a major weakness that was addressed with the Administration.

The premise for the combined position of Safety/Service/Engineer was done, not as a cost savings measure, but out of necessity. It was done because the then City Engineer did not do his job and was removed. The start of a search for the replacement was immediate, but is not easy to fill appointments in a City that has an uncertain financial picture. Candidates were thoroughly vetted until the right person was found. Funds in current budgets are adequate for the new positions and as stated, will be evaluated for the coming year. When an employee performs well in a position and wants to continue in that role, that needs to be taken into account for further staffing conditions within that department, so the proposal is simple and effective.

The Administration and Engineering Departments are functioning at a high level because of the professional employees in those positions, their decision-making ability, and their relationship with the staff that do the work every day. The staffing decisions made at this level are not the prerogative of Councilwoman Frische, but are decisions specifically designed to be appointments by the Mayor, and Council has traditionally supported those decisions. There is no statutory requirement to remove the classification of Service-Safety Director from the ordinance. Maintaining it provides for flexibility if the current plan does not meet her expectations. The City has many unfilled positions with the current salary ordinance.

The effective date of the Ordinance is when it is passed by City Council. Employees are not prohibited from obtaining outside employment. Performance of a job and what the expectations are for every employee, not just appointed positions, is a decision by the Mayor and her team in accordance with the job description.

There seems to be a constant desire to look at "the way we used to do it" as though it was somehow better. Past Administration's performance with revenue mismanagement, poor health care plan decisions, and a point where Council requested the State Auditor to come in and give advice on cuts to save money in order to run the City, but in contrast is effective planning, investment in infrastructure, better employee performance and safety, record levels of grants, and national awards. The City is in a solid position and has the opportunity to get stronger as the best days are yet to come.

Discussion:

Councilman Russel requested that this letter be read. The Council Clerk read the letter in its entirety.

Councilwoman Frische thanked Mayor Mihalik for her letter. She pointed out that her prerogative in her submittal was to point out that there has not been a committee discussion on this and that it is not about wanting to separate the position or not. It is a matter of Council approving what the budget numbers are so that it can be justified to the public, and that she wanted to provide additional information on it to Council.

City Auditor Staschiak added that his office reviewed this ordinance and it has been made clear to him by Deputy Auditor Sampson that the items regarding the effective date, appropriating funds, de-appropriating or moving the appropriate funding to the new position, and creating a new department are a necessity, not suggestions. Filed.

## COMMITTEE REPORTS:

A **COMMITTEE OF THE WHOLE** meeting was held on Monday, April 17, 2017 to discuss Tax House Bill 49. Councilman Russel moved to adopt the committee report. Councilman Monday seconded the motion. All were in favor. Filed.

A **COMMITTEE OF THE WHOLE** meeting was held on Monday, April 17, 2017 to discuss the transfer of \$1,500,000 to the Capital Plan. Ordinance No. 2017-034 AS AMENDED was adopted during the April 18, 2017 City Council meeting. Councilman Monday moved to adopt the committee report. Councilman Hellmann seconded the motion.

### Discussion:

City Auditor Staschiak noted that during this Committee of the Whole meeting, he requested the letter he submitted on this topic, be added to this committee report so that it is entered into the record, so that Council has a way to review his office's recommendations as they will be pertinent to other discussions in the future. He asked if that could be done as part of the acceptance of this committee report. Councilman Monday replied he has no objection to City Auditor's request. Council President Slough noted that there has been a motion to add City Auditor Staschiak's letter and asked the Law Director if the report needs to be amended to add the letter. Law Director Rasmussen replied that if the Auditor wants it included with the report, it can be added without amending it.

All were in favor. Filed.

An **AD HOC COMMITTEE** met on April 18, 2017 to continue discussions on the bed tax distribution.

*We recommend to continue meeting to discuss this issue.*

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Hancock Regional Planning Director Matt Cordonnier to continue discussions on the Downtown Design Review Board regulations.

*We recommend to adopt the Design Review District Map #4 as modified, and to continue discussions on Design Review Regulations.*

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Russel Drerup to rezone 527 West Sandusky Street from R3 Single Family, High Density to M2 Multi-Family High Density.

*We recommend to rezone to R4 duplex/triplex in agreement with the decision made by the City Planning Commission. Ordinance No. 2017-040 was created.*

Councilman Shindledecker moved to adopt the committee report. Councilman Wobser seconded the motion. All were in favor. Filed.

The **STREETS, SIDEWALKS, & PARKING COMMITTEE** to whom was referred a request from the Hancock Park District to discuss a sidewalk be installed the corner of High Street and Main Street so that a continuous route for pedestrians and bicyclists may be accessible.

*We recommend the request be denied.*

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

### Discussion:

Councilman Russel asked what the reason was to deny this request. Councilman Shindledecker replied that part of this project does have a sidewalk or sidewalk area. The committee felt that Council should not require property owners to have a sidewalk installed for the purpose of a bike trail. If the Park District wants to pursue this, more power to them, but it did not seem like it was something property owners needed to be obligated for the installation.

All were in favor. Filed.

The **STREETS, SIDEWALKS, & PARKING COMMITTEE** to whom was referred a request from Saint Andrew's Church to discuss replacing the grass area located between the curb and sidewalk along Crawford Street with concrete.

*We recommend replacing the grass area along the south side of West Crawford Street, east of Cory Street for a distance of about 115 feet to make the sidewalk area more accessible to handicapped.*

### Discussion:

Councilman Wobser asked who would be paying for this. Councilwoman Frische replied, that in committee, they discussed that question and are looking into whether or not the Street Department can take care of it. Part of the consideration by the committee was that they felt justifiable because they did do a small chunk at the corner of Cory Street and Crawford Street that was donated over to the City in order to do the Cory Street bike path, so the City is trying to accommodate. There is no other grass area anywhere else. This one small section would improve accessible access for handicap.

Councilman Russel asked if that area was reconstructed as part of the construction project that backs out of St. Andrew's or if the City replaced that sidewalk in one of our efforts. Councilwoman Frische replied no sidewalks were replaced. Service-Safety Director Schmelzer added that it has not been done yet. They are looking to fill the grass area on the south side of Crawford Street with concrete. Councilman Russel noted that he looked at that area of concrete and thought it looked like it was relatively new and knew that a lot of apron work was done when the atrium was built onto their facility. Service-Safety Director Schmelzer replied that he thought Councilman Russel was referring to the work that is mentioned in this report, so he cannot answer his question.

Councilman Shindledecker noted that this was a quid pro quo project. St. Andrew's donated land that the City needed for a specific purpose. It became a difficult situation for them to maintain the grassy area, however, it did raise questions of precedent and determined it to be a worthwhile project because of better accessibility for the handicap as they were using the parking spaces on Crawford Street for the reverse angle parking to have access from their vehicles to the sidewalk.

Councilwoman Frische noted that City Engineer Thomas is asking the Street Department if it is something they can do. The committee did not recommend moving money to do it. Brian Thomas from the audience replied they said they could do it.

Councilman Shindledecker moved to adopt the committee report. Councilman Niemeyer seconded the motion.

All were in favor. Filed.

The **STREETS, SIDEWALKS, & PARKING COMMITTEE** to whom was referred a request from the Service-Safety Director to discuss the Wireless Communications facility (Ordinance No. 2017-037).

We recommend Ordinance No. 2017-037 be approved. Ordinance No. 2017-037 was created. It received its first reading during the April 4, 2017 City Council meeting.

Councilwoman Frische moved to adopt the committee report. Councilman Hellmann seconded the motion. All were in favor. Filed.

## LEGISLATION:

### **RESOLUTIONS**

**RESOLUTION NO. 010-2017** (*ADAMHS Board renewal*)

tabled after second reading on 4/4/17

A RESOLUTION OF THE FINDLAY CITY COUNCIL SUPPORTING THE POSITION STATEMENT PREPARED BY THE OPIATE TASK FORCE THROUGH THE ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES (ADAMHS).

**RESOLUTION NO. 012-2017** (*opposition of State Governor's proposed 2017-2018 budget*)

tabled after first reading on 4/18/17

A RESOLUTION STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES, AND DECLARING AN EMERGENCY.

**RESOLUTION NO. 013-2017** (*2017 TAP application*) - requires three (3) readings

first reading

adopted

THE FOLLOWING IS RESOLUTION 013-2017 ENACTED BY THE CITY OF FINDLAY, HANCOCK COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT.

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

#### Discussion:

Councilwoman Frische noted that in Section 2 of the Resolution, it states the total construction cost of the project is estimated to be \$2,000,000.00 of which the LPA, if awarded the funds, commits to pay at least five (5%) percent (hereinafter known as the local portion) of the actual construction cost, estimated to be \$100,000.00, and asked if it could end up being more. Service-Safety Director Schmelzer replied they will come back with a determination. The minimum will be five percent (5%). At the point in time, that they come back to us when those numbers are known and Council will have a decisions to make whether to accept it or not.

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

### **ORDINANCES**

**ORDINANCE NO. 2017-021 AS AMENDED** (*bicycle riding in downtown business district*)

tabled after third reading on 4/18/17

AN ORDINANCE AMENDING SECTION 373.11(a)(2) AND REPEALING SECTION 373.13 OF CHAPTER 373 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

A motion to accept the proposed amendments (second amendment to the Ordinance) was approved during New Business portion of tonight's meeting. It was not lifted from the table, so it remains tabled.

**ORDINANCE NO. 2017-037** (*wireless communications facilities*)

second reading

adopted

AN ORDINANCE ESTABLISHING CHAPTER 939 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, ENTITLED "WIRELESS COMMUNICATIONS FACILITIES IN THE RIGHT OF WAY," TO PROVIDE WIRELESS COMMUNICATIONS COMPANIES AND THEIR CUSTOMERS WITH ACCESS TO THE RIGHT OF WAY, IN ORDER TO COMPLY WITH FEDERAL LAW AND FEDERAL COMMUNICATIONS COMMISSION REGULATIONS REGARDING WIRELESS FACILITIES, TO ESTABLISH CLEAR RULES FOR THE SITING OF WIRELESS COMMUNICATIONS FACILITIES IN THE RIGHT OF WAY, AND TO PROTECT THE CITY'S INTERESTS IN PRESERVING THE RIGHT OF WAY AESTHETICALLY AND AS A PEDESTRIAN-FRIENDSLY THOROUGHFARE, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if the Service-Safety Director is looking for the immediate passage of this and if he wants the pictures sent to him to be forwarded to Councilmembers. Service-Safety Director Schmelzer replied it does not need to be immediately passed. As Law Director mentioned last meeting, the law is current and they are, as the photos have indicated, legally able to put these facilities in the right-of-way. He does not expect there to be one hundred (100) crews working on them tomorrow, but there could be, so the urgency is as urgent as Council wants to make it. He feels it is most important that the legislation is presented, discussed, and a process is put in place. Law Director Rasmussen added that he received an update from Cincinnati saying there are currently over one hundred (100) cities that are in litigation with Senate Bill 331 asking to be enjoined, which is the bill of Ohio that causes the City the real problem. If possible, he prefers it be passed so that the City has the option to join in on one of the four (4) cases in the State of Ohio. Findlay would most likely join in on the Columbus case as there are eighty (80) cities opposing it. He would like to have this in effect before Findlay can get in that case to prohibit any actions.

Councilman Wobser noted that the last time Council looked at this legislation last meeting, he was under the impression the language was not complete. Law Director Rasmussen replied that is correct. The only changes are some clerical errors of moving the numbers to the proper paragraph because the paragraphs did not line up. He also took out Cincinnati's Department of Transportation and replaced it with Findlay City Engineering Department in a couple of areas. What Council reviewed last time was accurate. Councilman Wobser asked if the process the Service-Safety Director mentioned needs to be included in this or if the legislation can be passed without it. Law Director Rasmussen replied the legislation can be passed without it. They are still working on some of the design issues which will all go away if Senate Bill 331 comes in. This should be in place first and then see what Findlay can do to enjoin it.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Wobser. Ayes: Hellmann, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilwoman Frische. Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-037 and is hereby made a part of the record.

**ORDINANCE NO. 2017-038** *(salary ordinance)* **second reading**  
AN ORDINANCE AMENDING SECTIONS 5, 8 AND 20 OF CODIFIED ORDINANCE NO. 2016-108, KNOWN AS THE SALARY ORDINANCE, OF THE CITY OF FINDLAY, OHIO AND REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HERewith, OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance. A motion to accept the proposed amendments was approved during New Business portion of tonight's meeting, therefore, it will become Ordinance No. 2017-038 AS AMENDED for its third reading during the May 16, 2017 City Council meeting.

**ORDINANCE NO. 2017-039** *(zoning code)* **second reading**  
AN ORDINANCE REPEALING THE CURRENT ZONING CODE, CHAPTER 1101 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND IN ITS PLACE, ENACTING A NEW CHAPTER 1101 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO; TO BE KNOWN AS "CITY OF FINDLAY ZONING ORDINANCE"; ADOPTING, APPROVING, AND INCORPORATING THE CURRENT ZONING MAP, ALONG WITH THE ENTIRE TEXT OF NEW CHAPTER 1101 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO AS IF FULLY REWRITTEN HEREIN.

Discussion:

Councilman Wobser asked if the proposed zoning code was supplied with the original ordinance. Law Director Rasmussen replied that the Zoning Floodplain Administrator emailed Councilmembers with the proposed changes, and then emailed the code with those changes within the entire when he did not hear anything back from anyone. Councilman Wobser asked if that is the proper procedure to do this. Law Director Rasmussen replied it is. It is how it would normally be done which is that he would email Councilmembers the copy of what was there with markups (i.e. strikethroughs, highlights, underlining, etc.). In this case, the Zoning Floodplain Administrator did just that.

Second reading of the Ordinance.

**ORDINANCE NO. 2017-040** *(527 W Sandusky St rezone)* – requires three (3) readings **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 527 WEST SANDUSKY STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "M2"MULTI-FAMILY HIGH DENSITY.

First reading of the Ordinance.

**ORDINANCE NO. 2017-041** *(Davis St waterline project)* requires three (3) readings **first reading** **adopted**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Harrington. Ayes: Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Monday. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-041 and is hereby made a part of the record.

**ORDINANCE NO. 2017-042** *(Dark Fiber project)* requires three (3) readings **first reading** **adopted**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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



Discussion:

Councilwoman Frische asked what the increase was for, if it was for something that was missed, or if bids were off. Service-Safety Director Schmelzer replied it was an estimate on a large project. They took the estimate the consultant put together, but the bid came in higher. Councilwoman Frische then asked if the City has always done this with the County. Service-Safety Director Schmelzer replied that is correct. Councilwoman Frische noted that the ordinance states the City is doing fifty percent (50%), but it appears the City is doing more than the County. Service-Safety Director Schmelzer asked what she is referring to. Councilwoman Frische replied that at the top, it states project costs will be split approximately fifty percent (50%) for each entity. Service-Safety Director Schmelzer replied it is approximately fifty percent (50%). The City's contribution to the school might be throwing off the numbers as it is not included in the County's portion as they are paying that directly to the school. As soon as Council appropriates the dollars, he will sign the MOU and pay the school for that portion of the loop and then the City and County will split the portion of those sections that are in common, and then the City will pay one hundred percent (100%) of the portions that we are responsible for. Councilwoman Frische asked if the total project cost is \$420,000 plus the \$150,000. Service-Safety Director Schmelzer replied that is correct.

Councilman Wobser asked if the memorandum of understanding is an ironclad document with the County. Law Director Rasmussen replied it was executed at their Thursday meeting and has requested a copy of it. City Auditor Staschiak noted that the Auditor's Office will also need a copy of the MOU. They have not received a copy yet. Law Director Rasmussen replied it has not come back to his office yet, but will get a copy to him once he receives it.

Ayes: Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Monday, Niemeyer, Russel. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-042 and is hereby made a part of the record.

**ORDINANCE NO. 2017-043 (RLF administration) requires three (3) readings** **first reading**  
**AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.**

First reading of the Ordinance.

**ORDINANCE NO. 2017-044 (BWC Safety Intervention Grant) requires three (3) readings** **first reading** **adopted**  
**AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.**

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Harrington. Ayes: Watson, Wobser, Frische, Harrington, Hellmann, Monday, Niemeyer, Russel, Shindledecker. The Ordinance received its second and third readings. Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Wobser, Frische, Harrington, Hellmann, Monday, Niemeyer, Russel, Shindledecker, Watson. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-044 and is hereby made a part of the record.

**ORDINANCE NO. 2017-045 (FY18 Ohio Airport grant) requires three (3) readings** **first reading**  
**AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO SIGN THE NECESSARY GRANT APPLICATIONS AND AGREEMENTS FOR THE FY18 OHIO AIRPORT GRANT FUNDS, AND DECLARING AN EMERGENCY.**

Discussion:

Councilman Harrington asked what the deadline for the grant application is. Service-Safety Director Schmelzer replied it will not interfere with the deadline if it receives its second and third readings at a later City Council meeting.

First reading of the Ordinance.

**ORDINANCE NO. 2017-046 (ADAMHS Board & NAMI Ohio donation to FPD) requires three (3) readings** **first reading** **adopted**  
**AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.**

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Harrington. Ayes: Frische, Harrington, Hellmann, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser. The Ordinance received its second and third readings. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Harrington, Hellmann, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance volume XX, Page 2017-046 and is hereby made a part of the record.

**UNFINISHED BUSINESS:**  
**OLD BUSINESS**

City Auditor Staschiak pointed out that the Deputy Auditor has significant concerns with the modifications to the salary ordinance via Ordinance No. 2017-038 if it is passed in its present form. He asked Council if they want to make the necessary changes to the Ordinance so that it can be amended at the next City Council meeting, or if they want to have a committee meeting with the Law Director and the Administration present. It has to conform with the rules and regulations in what is being done with the coffer. Law Director Rasmussen noted that Council did not move to accept the amendment to this Ordinance which changed the Mayor to hiring authority under Section 3K. The Public Works Foreman I, II, and III will not be hired until after the passage date of this ordinance, no effective date will be necessary there. Public Service-Safety Director does not need to be taken out of it. There are other positions that are not funded that are in the salary ordinance. An effective date is not necessary if they are appointed after the date of passage. The date of passage is the effective date. City Auditor Staschiak pointed out that with that being said, it illustrates the concern he has in how Council, in the past, has always worked with the Auditor's Office on salary ordinances as the paymaster. This is better done in committee, but the reason he needs clarification on an effective date is because there are employees that have been hired that are impacted by the way the legislation is worded.

He is also looking for clarification if Council wants this to only be State of Ohio employees, or if they can come from anywhere and can carry over their unused vacation they bring with them. He also wants to clarify the effective date on the Public Works Foreman positions because they are placed in the payroll files in order to be properly documented and so that the effective date is known. Law Director Rasmussen replied that this cannot be looked at in a vacuum, which is being done on the vacation accrual. Only employees that come from Ohio would be allowed to do it. The Civil Service rules list why "State" is capitalized so that it conforms with the Civil Service Rules. None of the other positions are a hired position yet. No one has been hired in those classifications, so the effective date of the Ordinance is all that is needed. Councilman Wobser asked if the capitalized word "State" in Section K denotes Ohio. Law Director Rasmussen replied it goes back to all the Ohio Civil Service Rules and is defined in those which is why he put it that way in the Ordinance because that is where the rule is that allows vacation time to be moved, so that is the definition that he used. No one in the State of Ohio recognizes any other state coming in. It was poorly written when it was done because it was allowing the employees to decide whether they wanted to carry their time over, so the City was paying people to burn time on their dime. That's what the change was. He agrees with City Auditor Staschiak that the Mayor designation should be hiring authority. Councilman Wobser noted that Law Director Rasmussen pointed out that the current Service-Safety Director position does not necessarily have to be taken out of the salary Ordinance and asked if Administrations to come could potentially fill those positions without coming to Council. Law Director Rasmussen replied they would have to do one or the other or a combined position, and they would have to be funded. The range is listed, but is not a hired position, so no one is being paid.

Councilman Russel asked for clarification on what took place tonight for Ordinance No. 2017-038. He asked if Ordinance No. 2017-038 AS AMENDED is what is under consideration. Law Director Rasmussen replied that is not the case. A Councilmember has to make a motion to amend the Ordinance to accept the suggested changes that were proposed as an add-on on tonight's agenda. That did not happen, so Ordinance No. 2017-038 received its second reading tonight. The amendment, if accepted, would have changed the language in Section 3. Councilman Russel asked if at the beginning of the meeting when the amendment was an add-on if that was the acceptance of the amendment then. He asked what needs to be done in order for Council to consider the Ordinance as amended. Law Director Rasmussen replied it can be brought up in the New Business portion of tonight's meeting and a motion made for it to be amended.

Councilwoman Frische noted that she was not questioning leaving a department in for Safety-Service combined, but a combined Service-Safety position is already funded and knows that it is not in the budget to pay both Paul Schmelzer and Brian Thomas out of the combined positions, so a new position needs to be created. She asked if that is already done per one of the things she mentioned in her letter to Council. There are a lot of i's undotted and t's not crossed, so she does not see why the Ordinance needs to be amended. She feels the Ordinance just needs to be reviewed in a Committee of the Whole meeting to truly vet the process. Law Director Rasmussen replied that may be as far as what should be paid, but has nothing to do with creating positions in an ordinance.

Councilman Harrington noted that it appears the Auditor's Office has some legal questions that should be brought up with legal counsel. Once those questions are resolved, they can make any proposed changes at the next Council meeting. He questions why a Committee of the Whole meeting is necessary when the City's legal counsel is more than adequate to take this matter under advice and present it to Council. Councilwoman Frische replied it is not only a legal counsel question, it is also a question of moving money and funding departments which is what is going to be done, so Council needs to have a full understanding of what they are funding and what those job descriptions are, and if it makes sense for the dollar amount. That is not the Law Director's job. It is Council's job. City Auditor Staschiak pointed out that it is Council's job to do the salary ordinance. It is not only Council's job to do so, but also to answer some of the questions he has as they are decisions that Council needs to make as part of this. Most importantly, it would be a huge mistake that the Administration and the Law Director did not include the City Auditor's Office on any of the conversations until the legislation was in the Council packets. Two-thirds (2/3) of the discussions Council have had would not have happened had proper communication taken place with the City Auditor's Office. His door is open and he reserves two (2) days a week for the Administration and he hopes in the future they take advantage of that. It should not be this way and he is sorry it happened, but cannot let these things go by.

Councilman Wobser noted that this situation also has him concerned. For the year and a half he has been on Council, he has received very few phone calls on any of the issues that have brought up, but this is the one that for some reason, he has gotten several. Individuals are concerned about it. The Mayor has done a good job of answering this via her letter that was in tonight's packet, but agrees with Councilwoman Frische and Councilman Watson that it is Council's job to take care of the money. He recommends this go back to a Committee of the Whole to get it straightened out and bring it in its fully finished form to Council.

Councilman Russel asked if these conversations can happen between now and the next City Council meeting or if it requires Council's participation in the legal hashing out. Councilman Watson noted that there is some disagreements between the Auditor's Office and the Law Director's Office and not necessarily something that full Council needs to weigh in on and would best be discussed and come to some measure of agreement and then come to Council. Law Director Rasmussen replied he has no problem discussing those matters. The way the Ordinance is written is nothing that Council has ever been involved in before. Council submits what the jobs are and what they are going to fund them for.

City Auditor Staschiak pointed out that Council is out of line and the Law Director's historic perspective is skewed. There was a day when Council refused to allow the Administration to participate in the construction of the salary Ordinance, but instead, hired outside consultants who did rate studies and did the entire thing on their own to make sure that it was right and proper with the community. Now, how business is being done is changing, and he will not allow shots to be taken at him unnecessarily.

Councilman Shindledecker noted that there are three (3) branches of government: legislative, executive, and judicial. This is a judicial decision. Yes there are a few i's that need to be dotted and t's that need to be crossed, but this is basically an executive decision. Council has certain say on salaries, but are ranging a little bit too far a field.

Councilman Russel noted that Council has a general trust in the Administration to simply assemble a salary ordinance in a manner that they find will run the City the best in a consulted role that they bring to City Council to approve their work. The process is working well. The proof is the condition of the City and how things are working. He tips his hat to progress and that outside counsel to create is not needed to provide salary ordinances.

Councilman Wobser noted that at no point in any of this discussion has anyone stated that this is a bad thing to do. Council is onboard with it and just wants to get it done the right way.

Ayes: Frische, Hellmann, Wobser Nays: Harrington, Monday, Niemeyer, Russel, Shindledecker, Watson. The motion to go to a Committee of the Whole is denied.

City Auditor Staschiak was happy when the City was informed by Ohio Treasurer Mandel that based on how the City approaches transparency and the different things that have been done, that Findlay was probably the most transparent city in the state. There have been multiple requests that have saved a lot of time using the transparency system to get questions answered, but are now getting phone calls because individuals cannot find the transparency system on the City website. Originally, it was on the cover of the website. He requested the transparency be added to the general government tab. He has been informed by the Computer Services Department that Councilman Russel is the one taking care of those requests. There is an excess of four thousand (4,000) regular users on that site, so people are using it, it saves money and time, and needs to be more easily accessible on the website. Councilman Russel replied those requests can be emailed to him.

Service-Safety Director Schmelzer noted that at the last City Council meeting, one of the oral communications requested a report on the number of crashes involving bicycles on Main Street. There were three (3) injury crashes in the last two (2) years: two (2) at South Main Street and South Main Cross Street, and one (1) at South Main Street and Front Street. There was also a non-injury crash at South Main Street and Main Cross Street. The report is on crashes on Main Street from the intersection of Lima Avenue to just south of Center Street from April 24, 2015 to April 24, 2017. City-wide, there thirty-six (36) crashes involving bicycles and twenty (20) crashes involving pedestrians. He will scan it and email it to anyone interested in it.

### **NEW BUSINESS**

Councilman Harrington presented a formal request to the Traffic Commission for a traffic and parking study to be conducted in the Jefferson School area, including but not limited to Fairlawn Avenue, Seventh Street, and Maple Avenue. This area can only be described as chaos during the school year. Traffic patterns cause near collisions and put both students and parents in physical danger. He suggested to restrict parking, increase enforcement, and one-way traffic should be considered on all three (3) streets aforementioned, along with the immediate area. He drops his grandsons off in that area every morning. The traffic pattern is usually Seventh Street going from east to west. On Fairlawn Avenue, the school buses try to travel from east to west, but with traffic going west to east with the vet street is inadequate. Currently, there is parking on both sides of the street even though it is restricted during certain periods of time, it is not enforced. He has seen several collisions and several near misses to students and adult pedestrians and feels that there has to be a better system. In talking with the Principal, she too is also frustrated and has made an attempt to educate the parents and those dropping off students to follow specific patterns, but seems to be ignored because everyone is in a hurry. A formal study should be conducted with a solution brought forth. Service-Safety Director asked if that is a request of the Traffic Commission or where. When asking for a formal traffic study, that has a whole different connotation to it. Councilman Harrington replied he does not know where it should go, but would like the traffic pattern to be looked at, especially during the school year with the solutions be either one-way or parking restrictions during certain times. The drop off period is around 9am and pick up is around 3:30pm. It is not a problem the rest of the day and when school is not in session. Local residents are allowed to park in front of their homes on the south side of Fairlawn Avenue, but with the size of the buses and traffic going east to west, and others also parking on the south side, it ends being pure chaos. Service-Safety Director Schmelzer replied he will recommend patrol take some observations during that timeframe. The most logical place to start would be the Traffic Commission for an examination of current parking rules that are in place and by feedback from the Police Department on how that is functioning, and then if warranted, the Traffic Commission can recommend a full traffic study if necessary.

Councilman Hellmann pointed out that today is Councilman Monday's birthday. He has been a long time member of Council. He wished him a happy birthday.

Councilman Monday asked if there is anything for the Appropriations Committee. Service-Safety Director Schmelzer replied there is nothing he is aware of. Councilman Monday noted that there will not be a May Appropriations Committee meeting.

Councilman Russel made a motion to excuse the absence of Councilman Klein. Seconded by Councilman Harrington. All were in favor. Filed.

Councilman Russel asked if Council wants to accept the proposed amendments to Ordinance Nos. 2017-038 and 2017-021 that were presented as add-ons so that Council can go forward with the updated language for subsequent City Council meetings.

Councilman Russel moved to accept the proposed amendments for Ordinance No. 2017-038, seconded by Councilman Harrington. Councilman Harrington noted that even if there might be more proposed amendments to the Ordinance, if the amendments that were proposed today are accepted, any other amendments can be made at the next meeting. Ayes: Frische, Harrington, Hellmann, Monday, Niemeyer, Russel, Shindledecker, Watson, Wobser.

Councilman Russel moved to accept the proposed amendments for Ordinance No. 2017-021. There was no second to the motion. The Ordinance was not lifted from the table, so it remains tabled.

President J. Slough adjourned Council at 9:02 pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL