

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

December 5, 2017

COUNCIL CHAMBERS

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

ABSENT: Watson

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

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Wobser moved to accept the November 21, 2017 Regular Session City Council meeting minutes. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Monday moved to replace and add-on the following to tonight's agenda. Councilman Harrington seconded the motion.

REPLACEMENTS:

- Ordinance No. 2017-108 AS AMENDED (**LEGISLATION** section) – salary ordinance for non-elected officials

ADD-ONS:

- Tim Long (Financial Advisor to Ohio Logistics) Chuck Bills, Jerry Arkebauer (Executive Director of the Blanchard Valley Port Authority) (**ORAL COMMUNICATIONS** section) – Ohio Logistics PACE/Property Assessed Clean Energy Project Special Assessment
- Resolution No. 029-2017 (**LEGISLATION** section) – approve petition for Special Assessments for Special Energy Improvement Projects under ORC Chapter 1710
- Resolution No. 030-2017 (**LEGISLATION** section) – acquire & construct certain public improvements in cooperation with the City of Findlay, Allen Township (Hancock County), Ohio ESID, and the BVPA
- Ordinance No. 2017-125 (**LEGISLATION** section) – proceed with acquisition, construction, and improvement of certain public improvements in cooperation with the City of Findlay, Allen Township (Hancock County), Ohio ESID and the BVPA
- Ordinance No. 2017-126 (**LEGISLATION** section) – levying special assessments to acquire, construct, and improve certain public improvements in cooperation with the City of Findlay, Allen Township (Hancock County), Ohio ESID and the BVPA
- Ordinance No. 2017-127 (**LEGISLATION** section) – authorize the City's participation in financing Special Improvement Projects in cooperation with the Port Authority, and authorize the execution of documents to effectuate such financing

Discussion:

Councilman Russel pointed out that he has talked with the Law Director on why these items are to be replaced and added to tonight's agenda. This many add-ons at this late of notice does a dis-service to the legislative process of getting them adopted this year, therefore, he is not in favor of adding them to tonight's agenda. There have been continued discussions on the development of the agenda. He would like to see the burden on the Law Director and his staff to add items to the agenda at the last minute to cease.

Councilman Hellmann concurred with what Councilman Russel just stated and asked if there are reasons for these to be added at such a late date. Law Director Rasmussen replied he cannot speak for Frost Brown Todd LLC, but he is under the assumption they want to get this done under this year's business to move the ESID along.

Councilman Wobser pointed out that Frost Brown Todd LLC will not be in attendance for awhile, so Council cannot ask them any questions right now before it is voted on to add their part to tonight's agenda. Frost Brown Todd LLC does want to speak tonight. Law Director Rasmussen replied that is correct. They were asked to make sure someone would be present by 7:45pm to address Council realizing that tonight's agenda is rather short.

Councilman Monday asked that they be allowed to address Council outside the normal agenda and be fitted in just before the **LEGISLATION** section of tonight's meeting if Council approves to do so.

Councilwoman Frische is not comfortable changing the salary ordinance no. 2017-108 on short notice when there hasn't been a full discussion on the changes to it. President J. Slough suggested that be discussed when the reading of the amended ordinance is given during the **LEGISLATION** section of tonight's meeting.

Councilman Wobser is concerned with adding the ESID legislation to tonight's agenda because Council's received eight (8) different documents that are quite lengthy around 3:30pm this afternoon and would like to have a chance to read them. While he knows it is an ESID that the City has done before, but without any explanation of the reasoning for them, he would still like more notice of them. He asked if they can wait to be added to the agenda until the speakers are here. He asked the Law Director if that could happen since it would be outside the normal rules of Council. Law Director Rasmussen replied Council can do the replacements later in the agenda and can decide when and if they are going to add the ESID legislation. President J. Slough asked if that will include the salary ordinance. Law Director Rasmussen replied that can be done for all of them of just any one piece.

Councilman Monday withdrew his motion to replace and add them to tonight's agenda, and will renew the motion right after the speakers have arrived. Councilman Hellmann suggested putting it at the very end of the agenda. Councilman Monday replied Council will want to talk to them before the ordinance comes up.

Councilwoman Frische pointed out that there will be three (3) readings on the add-on legislation, so next meeting will be the second reading of them and can suspend the statutory rules to get the third reading in before the end of the year so that it does not fall off and have to start over again, so she is not sure why they cannot be added to tonight's agenda now. She sits on the ESID board and is learning that process. The ESID legislation is more of a pass through, not that Council shouldn't thoroughly read legislation, but does not see the harm in adding them on and let them get their first reading tonight. Law Director Rasmussen replied Council will have to suspend the statutory rules either tonight or the next Council meeting because there is only one meeting left this year and if all three (3) readings do not get done yet this year, they will fall off and will have to start over next year. Law Director Rasmussen added that it will not become effective until next year.

Councilman Harrington asked if the two (2) resolutions for the ESID project will require one (1) or three (3) readings. Law Director Rasmussen replied three (3).

Councilman Wobser made a motion to add the ESID legislation to the agenda before OLD BUSINESS portion of tonight's meeting, seconded by Councilman Hellmann. Ayes: Frische, Harrington, Hellmann, Klein, Niemeyer, Russel, Shindedecker, Wobser. Nays: Monday. Filed.

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Zoning amendment request – 632 Davis Street

Brad Brolex, Brolex Builders on behalf of current owners Roger and Rose Altman, would like to change the zoning to R-4 Duplex/Triplex, High Density. It currently is zoned R2 Single Family, Medium Density. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

President J. Slough introduced Boy Scout Alexander Sayer in the audience. Alex is with Boy Scout Troop 318, sponsored by Arlington United Methodist Church. He has been a Cub Scout for 7 years and in Boy Scouts for 2 years. He is working on his communications merit badge.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS:

Cheryl Buckland – candidate for State Representative of 83rd District

Ms. Buckland introduced herself to Council. She is a farm girl at heart, a Registered Nurse, and a formal successful small businessperson. She is running for State Representative because she wants to, not because she has to. She has been a servant leader most of her life. She has been a leader in healthcare, education, and most recently a leader in the Opiate crisis with pregnant addicted women here in Hancock County. She is before Council tonight to explain her intent and explain why she is running.

Discussion:

Councilman Harrington asked what other counties the 83rd District includes besides Hancock County. Ms. Buckland replied Hardin and the three (3) northern townships in Logan County (Richland, Bokescreek, and Rushsylvania). She has been a State Central Committee Representative for District 1 and knows the district well. Councilman Harrington pointed out that Findlay would be by far her biggest population. Ms. Buckland replied that is correct, Hancock County would be. She grew up in Wyandot County. She and Larry owned Independence House in Fostoria, Ohio. They moved back to Findlay about eight (8) years ago, so she considers Hancock County her home. Filed.

Attorney David Rogers, Frost Brown Todd LLC David Rogers, Ohio Logistics – ESID

Tim Long, Long Economic Development Advisor who is a Financial Advisor to Ohio Logistics handed out copies of a presentation they have prepared. Mr. Rogers is before City Council on behalf of Ohio Logistics. He is with the Bond Counsel with Frost Brown Todd Law Firm in Columbus, Ohio. He introduced Pam Orwick in the audience who is with Ohio Logistics and is representing Chuck Bills. He also introduced Jerry Arkebauer in the audience who is the Executive Director of the Blanchard Valley Port Authority. Mr. Rogers continued saying this is a proposed project to allow for financing energy efficiency improvements. He highlighted some areas in the PowerPoint presentation handouts. The City has already participated in property assessment energy financing in the past and created the Findlay Special Energy Improvement District in cooperation with the Toledo Lucas County Port Authority which is a great program. They make a loan to help finance energy efficiency improvements and then issue a bond to finance those projects. In this case, Ohio Logistics has found a separate lender and will issue bonds through the Blanchard Valley Port Authority. The Preliminary Project Description slide lists the buildings in the City of Findlay, Ohio, and also a building in the township. There is a joint petition being presented to Council tonight through the Ohio Logistics companies who are the property owners of the buildings in the City and Township. Pursuant to Chapter 1710, the City has the ability to decide if they feel the energy efficient improvements comply with the statute, and then at a future meeting, assuming the legislation will get a first reading tonight and the acceptance of the petition to consider whether or not to adopt legislation, the levy special assessment, and then after the special assessment is levied, to cooperate with the Blanchard Valley Port Authority in order to allow for the issuance of taxable bonds that will finance the energy efficiency improvements at this project. The City has participated in PACE financing in the past that has been a program that is run through financing at the Toledo Lucas County Port Authority. The statute clearly permits Council to allow the local Port Authority (Blanchard Valley Port Authority) to issue the bonds to finance it. They have been working with the City Attorney and have already provided copies of the necessary legislation to be considered for first reading tonight. The first resolution is to accept the petition, and the next three (3) pieces of legislation are required by Ohio Law. The second resolution is a resolution of necessity. The first ordinance is needed in order to proceed with the project being assessed, the second ordinance is to levy the assessment, and the third ordinance is to approve a Cooperative Agreement and allow the financing to be done with the Blanchard Valley Port Authority.

Discussion:

Councilman Harrington pointed out that Council has some concerns about the timing of this as it arrived on their desks last this afternoon. Mr. Rogers apologized and acknowledged that it is very late timing. Councilman Harrington added that the time is difficult in that normal legislation readings require three (3) readings unless Council suspends the rules and gives it a second and third reading, depending on the timing, but with this being December, there is only one (1) more meeting this year, so if the rules are not suspended and all three (3) readings are not given yet this year, it would force the ESID legislation to start all over next year. Mr. Rogers replied he is aware that if Council does not suspend the rules and give the legislation its third reading at the next City Council meeting, it would start over in January, so they are requesting consideration of the second and third readings at the next City Council meeting. He does not have an excuse on why this is late except that the company working with their Financial Advisor who is working with the people who are going to directly make the loans by the bonds by the Blanchard Valley Port recently came to the conclusion that they were ready to come to the City which is why he is here tonight. He would prefer to wait until January, but instead, they were asked if they could present this now to the City.

Councilman Wobser asked if there is anything that is time sensitive. Mr. Rogers replied it is a loan with an assumed interest rate of 6.4%. The actual interest rate would be determined right before Council would adopt the legislation in order to put in the exact special assessment. The proposal from the purchasers of the bonds, which is an outfit called Hannah and Armstrong, is the greater of 6.4% or an index above U.S. Treasury. If interest rates go up, then the interest rate may be higher which is the primary consideration and the secondary consideration is that they would like to get started on energy efficiency improvements. He is unsure if rates will stay the same or change.

City Auditor Staschiak pointed out that Council was provided with a schedule of payments for the last ESID so that there was no misunderstanding or misinterpretation and asked if there will be one on this one. Ms. Rogers replied there will be a schedule of assessments year by year for the entire twenty (20) years. City Auditor Staschiak noted that he is asking for Council's benefit because he does not want there to be any misinterpretation or for the City to certify assessments that are not in line with the debt. Mr. Rogers replied that those assessments would be available upon the second and third readings as the interest rate needs to be set in order to figure out what the assessment is. For example, if the rate is 6.4% or if it is 6.45%, they are two (2) different amounts. The documents today reflect the 6.4% rate. The City has no liability and will be indemnified by the company with the company paying all costs. His Law Firm as Bond Counsel will deliver an opinion to the City that all of the documents have been duly authorized, executed, and delivered, and that the City has no liability. They will work with the City Attorney and the Prosecuting Attorney representing the Township to point out exactly where in the legislation it states that. Ohio Law states it already. The only thing the City is asked to do is to do the procedures that he has talked about and levy the assessment. Ohio Revised Code states that the City is not liable and the documents he has prepared for the City will state that as well.

Councilwoman Frische asked if this has to go through the Port Authority or the ESID Committee. Executive Director of the Blanchard Valley Port Authority Jerry Arkebauer in the audience replied it has to go through ESID. There is a meeting schedule on December 19th. Councilwoman Frische asked if there are any differences in the documents from the last ESID, or if everything is the same except for different numbers. Mr. Rogers replied he did not work on the last ESID project. Mr. Arkebauer replied the process is the same process as the surgery center and the documents are the same as last ESID. Councilwoman Frische asked if the legislation is the same, if it will go to the City Law Director for his review, and if it will then go to the ESID Board for their approval. Mayor Mihalik replied that this ESID will be separate from last year's. Every ESID has to be done separately. Mr. Rogers added that the City does not have to provide a new one for each ESID. It is possible to use the existing Findlay ESID that has been created and add Allen Township similar to how Liberty Township had been added or is in the process of being added. One of the things that delayed this getting to Council sooner was because the individual who in charge of this at the Toledo Lucas County Port Authority was on an extended maternity leave. The Toledo Lucas County Port Authority is a client of his, and Mr. Arkebauer used to work at the Port Authority and did their bond financing for many years. His group decided that because it is not going through the Port Authority of Toledo where they make a loan and issue bonds that are backed by the Northwest Ohio Bond Fund, to instead do a private placement of a bond by the Blanchard Valley Port Authority directly with a sole lender. The most straightforward way for them to do this was to create one for this project. Council has the right under Ohio Law to do that which is what this set of documents would do. It will look like and perform like the other ESID did.

Mayor Mihalik added that timing is of concern that the client would like to get the project done this year so that they can possibly start the project next year. She has had conversations with Mr. Arkebauer about tax reform and how this potentially impacts private activity bonds. They are taxable bonds. Mr. Rogers agreed that they are taxable bonds but are not impacted by that. He is not aware of anything under Federal or State Law that would prohibit this from being done in January. The concern is with interest rate risks and delay in starting the project. Mayor Mihalik added that House Bill took non-taxable private activity bonds out and Senate Bill put it back in which can impact how we do things with the Port moving forward. Mr. Rogers replied this one is not affected by that. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Auditor Jim Staschiak –depository agreements

Currently, the City has active depository agreements with several institutions. Collateralization is necessary to protect public funds and recover ownership of those monies in the event of a bank failure. The City is required by Ohio Revised Code to designate its financial institutions and renew bank depository agreements every five (5) years. The current agreements expire October 31, 2021; however, a change to State Law by the State Treasurer is forcing the cities like Findlay to revise current agreements. Unfortunately for the City of Findlay, this change is not for the better and will ultimately end with fewer options for protecting our funds and significantly increased banking fees. In the past, every dollar (\$1.00) of the City's money was guaranteed at a minimum of one dollar two cents (\$1.02). Under the new State Treasurer program, this will be reduced to as little as fifty cents (\$.50). Legislation authorizing the City Auditor to immediately enter into revised agreements is requested. The banks are requesting the agreements be returned by December 15, 2017 in order to be ready for a January 1, 2018 deadline. Although it was unexpected that the banks would change their agreements with the City of Findlay, emergency language and passage will be required so that the City may continue with the protections afforded to us under Ohio Law. The goal is to maintain an excess of one hundred percent (100%) collateralization. Legislation allowing the City Auditor to arrange for the best collateralization attainable and sign the needed agreements is requested. Ordinance No. 2017-122 was created.

Discussion:

Councilman Hellmann asked how the City found themselves in this predicament and where it is going. City Auditor Staschiak replied the Lobbyist for the Finance Officers tried to get the Treasurer to change his mind with our two (2) major depositories, primarily Fifth Third, the one with the City's largest funds. Every dollar at Fifth Third is backed by \$1.05 of Federal Agencies, Treasuries, or cash. They cannot release those investments because they are held at the Fed in our name and cannot release them without his signature. The State has said there is an opportunity to change how business is done with the banks and an opportunity with banks across the state of Ohio to free up monies that are held for collateralization (giving the banks more money to work with potentially enhancing their profits). To do that, the State felt they needed to take control of that pool of money. Instead of us having treasuries that are pledged to us and held at the Fed, the State Treasurer will have a set of agencies and treasuries and financial obligations that are pooled together and obligated across the state to different governmental entities. For a lot of entities, it has been decades since their public monies were at risk due to a potential bank failure. If they do go down to fifty cents (\$.50) on the dollar, and if that bank fails and nobody picks up the investments, customers could be left holding fifty cents (\$.50) for every dollar they had in that institution. That will change January 1st. He has spoke with the institutions we have agreements with. Fifth Third has agreed in writing via an email he received today, that although we originally the pooled collateral with the State at 102% or \$1.02 for every dollar that the City has deposited when their Software Technicians are able to institute a pledged component that is obligated to the State. They will give us the opportunity and we will be able to participate in that. For the other major account that he uses, he found an institution that will remain in pledged and will continue to pledge approximately one million dollars (\$1,000,000) in backing which would be 105% or \$1.05 for every dollar he has with them. All of the banks, with the exception of one, will send him new agreements. They are having some challenges following the laws, so the agreements starting coming in a couple of weeks ago. He did not think we would get agreements from the banks that we do our primary business with, but at the last minute, he did. He is unsure if it was due to a misunderstanding of implementation because the primary communications were between the State and the banking institutions, not between the State and us. They told us it was happening, but did not know when, where, what or how. It has happened and is happening quickly, ultimately causing Council another emergency piece of legislation and is important to pass it, and pass it quickly. The agreements are going to change. The law has changed. As we speak, the banks are learning to comply with the law and the attorneys are changing their documentation to make sure they are in compliance with the law. We are getting those documents from the institutions as the attorneys are changing them. With Council's permission, he will sign those documents binding our all institutions in making sure we have more than a dollar backing for every dollar we have, but will not be in our name. The main difference between pooled and pledged collateral is that with a pool, you stand in line when a bank goes down, everyone that money is obligated to that is determined by someone somewhere, who gets what portion is liquidated to pay off that debtor or investor. That is not the case when it is pledged. In that case, we know that treasury is ours. We are one of the few, if not the only public entity right now pushing for being a component of this pledge. Fifth Third at this point has said they will do it. The legislation that is before Council tonight states that wherever we have pledged collateral in the past will continue to have a pledge of collateral in the future. Technically, we will not have the pledge, we will have the promise of pledge with Fifth Third. As they get through the technology side of getting us that pledge obligation through the State Treasurer's office and not to us directly, he will keep Council informed on a monthly basis until it happens. It is his hopes it will be done the first quarter. If not, the legislation will need to be amended. Law Director Rasmussen added that it gives the City Auditor the authority of what he can do and move forward. Filed.

City Auditor Jim Staschiak – Parking Fund receipts

One of the primary roles of the City Auditor is to monitor receipts and appropriations throughout the year to ensure the City complies with State Budgetary Law. Year to date Parking Fund receipts have come in significantly lower than expected and projected for 2017. At the time of writing this letter, the receipts are down twenty percent (20%) which is approximately twenty thousand dollars (\$20,000). In order to be prudent and to comply with his statutory duties, he is reducing the Parking Fund revenue projection accordingly. This reduction in revenue necessitates a need for an immediate appropriation of money within the City Parking Fund. This appropriation will reduce the projected General Fund year-end balance by the same amount and is necessary to continue Parking Enforcement operations. Legislation to comply with Statutory Law of the State of Ohio, and for Council to waive the Statutory Rules and pass the legislation as an emergency is requested. Ordinance No. 2017-123 was created.

FROM: General Fund \$ 25,000.00
TO: Parking Fund \$ 25,000.00

Discussion:

Councilman Wobser asked what the reason is for the decrease. Mayor Mihalik replied she was just given this letter at the beginning of this week, so she has not done any research on it. There is a pending retirement. That employee is done within a week or two. The position has just been offered to someone else. Downtown construction might have had an impact on it.

City Auditor Staschiak added that this is a normal part of the budget process. Sometimes these things become evident which is what has happened here and something that would not have been uncovered in the budget the year before. There are not as many Marathon employees parking downtown like there had been which caused a loss of revenue. There is some value to the consideration you can have recognizing that this is part of what merchants downtown have gone through too. They have seen a loss in their revenues too. Although we didn't expect it, we can certainly handle it. The question next year will be if Council wants to do something with the parking lots that the business wants to acquire as that will have an impact like this and potentially create more subsidies down the line.

Safety Director Schmelzer pointed out that in an addition to the downtown project, we will see a different number that will normalize itself. While all the construction was going on for a number of years on various projects, there was a shortage of parking spaces. 2011-2013 revenues compared to 2014 and 2015 when the major construction was going on had individuals parking where they now have a different place to park which lead to an increase in revenue. When looking to see what is normalized, we are not down as significantly as relative to those numbers where we are now and combine that with the street project, we are where we are. It can be contributed to having a very effective Parking Enforcement Officer because when you are effective, some do not want to pay and tend to do what they are supposed to do and not park for longer than two (2) hours. Parking is one of those funny things that when you are doing what you are supposed to do and when there is proper enforcement, people tend to follow the rules.

Councilman Russel pointed out that this states that this amount is necessary to continue Parking Enforcement operations and asked if that is for the rest of the year. Safety Director Schmelzer replied yes. Councilman Russel then asked if for the next three (3) weeks it will take twenty-five thousand dollars (\$25,000) to run the City's parking enforcement operations. City Auditor Staschiak replied yes because there is a payout and there is payroll. That number comes from the Deputy Auditor who follows those numbers closely and feel strongly that it needs passed. If not, then there is a statutory issue that will have to be addressed. Safety Director Schmelzer added that there was no way for anyone to know what the revenue number required for operations would be at the time that there was going to be a payout. We just received that letter this year. Councilman Russel asked if that payout is in 2017. Safety Director Schmelzer replied yes. Councilman Russel then asked if individual retirement payouts come out of the individual funds as he thought they came out of the retirement funding into a general City pool. If someone retires from the Water Department, it comes out of the Water Fund. Safety Director Schmelzer replied that is correct. Filed.

Mayor Lydia Mihalik – Appointment of Hancock Metropolitan Housing Authority Board

Mayor Mihalik appointed Dow Campbell to serve on the Board of Commissioners for the Hancock Metropolitan Housing Authority. This appointment will be effective through December 31, 2022. The appointment does not require Council's confirmation. Filed.

Income Tax Board minutes - August 4, 2017. Filed.

Parks and Recreation Board minutes November 20, 2017. Filed.

City Planning Commission agenda – December 14, 2017; minutes – November 9, 2017. Filed.

Traffic Commission minutes – November 20, 2017. Filed.

Service Director/Acting City Engineer Brian Thomas – CR 300 drainage improvements project no. 35575100

By authorization of Ordinance No. 2017-006, a bid opening was held for the above-referenced project on November 28, 2017. Bids were received from twelve (12) potential contractors with bid amounts ranging from \$117,385-\$204,490. The lowest and best bid was received from Fenson Contracting, LLC of Ft Jennings, Ohio. This project is included in the 2017 Capital Improvements Plan, and the total project estimate is within the budgeted amount. \$20,000 was previously appropriated to the project for design and startup. An appropriation for construction, inspection, and contingency is now needed to complete the project. Legislation to appropriate funds is requested.

FROM: Sewer Fund – Stormwater Restricted Account	\$ 140,300
TO: CR 300 Drainage Improvements, Project No. 35575100	\$ 140,300

Ordinance No. 2017-124 was created. Filed.

City Income Tax Monthly Collection Report – November 2017. Filed.

COMMITTEE REPORTS: - none.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 012-2017 (*opposition of State Governor's proposed 2017-2018 budget*) **tabled after 1st 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. 028-2017 (*Humble Robinson/Strauch Annexation (services City will provide)*) requires three (3) readings **second reading**
A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST FORTH (1/4) OF SECTION 5, T1N, R11E, A TRACT OF LAND CONSISTING OF 48.920 ACRES OF LAND, MORE OR LESS.

Second reading of the Resolution.

ORDINANCES

ORDINANCE NO. 2017-021 AS AMENDED (*bicycle riding in downtown business district*) **tabled after 3rd reading on 4/18/17 and during 9/19/17 meeting**

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.

During NEW BUSINESS portion of the May 2, 2017 City Council meeting, a motion was made and seconded to accept the proposed amendments (second amendment to the Ordinance), which was approved. A motion was then made to lift it from the table, but no second to that motion was given, so it was not lifted from the table and remains tabled.

During OLD BUSINESS portion of the September 19, 2017 City Council meeting, a motion was made and seconded to lift it from the table. All were in favor. Then a motion was made and seconded to adopt it, but after discussion, a motion was made and seconded to retable it. The Ordinance remains tabled.

ORDINANCE NO. 2017-073 (*HWE Franchise Agreement*) requires three (3) readings **tabled after 3rd reading on 8/15/17**
AN ORDINANCE GRANTING TO HANCOCK-WOOD ELECTRIC COOPERATIVE, INC. ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF FINDLAY, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY AND OTHER SERVICES TO PARTS OF THE CITY OF FINDLAY AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH AND ACROSS SAID CITY OF FINDLAY, STATE OF OHIO, SUBJECT TO AND IN COMPLIANCE WITH THE CERTIFIED TERRITORIES FOR ELECTRIC SUPPLIERS ACT (OHIO REVISED CODE SECTIONS 4933.81 TO 4933.90).

ORDINANCE NO. 2017-091 (*salary ordinance for City Councilmembers, President of Council, Treasurer*) **tabled after 3rd reading on 10/17/17**
AN ORDINANCE ESTABLISHING THE SALARIES FOR CITY COUNCIL MEMBERS, PRESIDENT OF COUNCIL, AND TREASURER OF THE CITY OF FINDLAY, OHIO, AND REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

ORDINANCE NO. 2017-108, AS AMENDED (*salary ordinance*) requires three (3) readings **second 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. 2016-108, ORDINANCE NO. 2017-038, AND ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-109 (*ee payroll deductions for HSA*) requires three (3) readings **third reading adopted**
AN ORDINANCE AUTHORIZING THE AUDITOR TO MAKE PAYROLL DEDUCTIONS FOR THOSE EMPLOYEES WHO HAVE ELECTED TO ENROLL IN THE HEALTH SAVINGS ACCOUNT (HSA) PLAN AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Frische, Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindlecker, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-109 and is hereby made a part of the record.

ORDINANCE NO. 2017-110 (*RLF Administration*) requires three (3) readings **third reading adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Harrington, Hellmann, Klein, Monday, Niemeyer, Russel, Shindlecker, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-110 and is hereby made a part of the record.

ORDINANCE NO. 2017-112 (*Park Street rehabilitation*) requires three (3) readings **third reading adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Klein. Ayes: Hellmann, Klein, Monday, Niemeyer, Russel, Shindlecker, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-112 and is hereby made a part of the record.

ORDINANCE NO. 2017-114 (*826 Washington St rezone*) requires three (3) readings **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 826 WASHINGTON STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY" TO "M2 MULTI-FAMILY, HIGH DENSITY".

Second reading of the Ordinance.

ORDINANCE NO. 2017-115 (*E Main Cross St vacation*) requires three (3) readings **second reading**
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS EAST MAIN CROSS STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

Second reading of the Ordinance.

ORDINANCE NO. 2017-116 (*Water Distribution System analysis/assessment*) requires three (3) readings **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2017-117 (*Public Safety Software*) requires three (3) readings
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

second reading

Second reading of the Ordinance.

ORDINANCE NO. 2017-118 (*Dog Warden contract renewal for 2017-2018*) requires three (3) readings
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH THE BOARD OF COMMISSIONERS OF HANCOCK COUNTY, OHIO, FOR DOG WARDEN SERVICES IN THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

second reading

Second reading of the Ordinance.

ORDINANCE NO. 2017-119 (*salary ordinance for City Councilmembers, President of Council, Treasurer*) requires three (3) readings
AN ORDINANCE ESTABLISHING THE SALARIES FOR CITY COUNCILMEMBERS, PRESIDENT OF COUNCIL, AND TREASURER OF THE CITY OF FINDLAY, OHIO, AND REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

second reading

Second reading of the Ordinance.

ORDINANCE NO. 2017-122 (*depository agreements*) requires three (3) readings
AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY TO SIGN DEPOSITORY AGREEMENTS, AND DECLARING AN EMERGENCY.

first reading adopted

Councilwoman Frische moved to suspend the statutory rules and give the ordinance its second and third readings, seconded by Councilman Wobser. Ayes; Klein, Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilwoman Frische. Ayes: Monday, Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Klein. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-122 and is hereby made a part of the record.

ORDINANCE NO. 2017-123 (*Parking Fund receipts*) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

first reading adopted

Councilwoman Frische moved to suspend the statutory rules and give the ordinance its second and third readings, seconded by Councilman Hellmann. Ayes; Niemeyer, Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Klein, Monday. The Ordinance received its second and third readings. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Russel, Shindledecker, Wobser, Frische, Harrington, Hellmann, Klein, Monday, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume VV, Page 2017-123 and is hereby made a part of the record.

ORDINANCE NO. 2017-124 (*CR 300 drainage improvements*) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.

Councilman Monday moved to add to the agenda: Ordinance No. 2017-108 AS AMENDED, Resolution Nos. 029-2017, 030-2017, Ordinance Nos. 2017-125, 2017-126, 2017-127, seconded by Councilman Harrington. All were in favor.

Discussion:

Councilman Harrington noted that Ordinance No. 2017-108 AS AMENDED was read prior to it being an add-on, but because it was a second reading, it does not need to be re-read at this time. Law Director Rasmussen replied that Council stated they will consider the replacement Ordinance, so it can be replaced and not voted on if Council wants to go to a third reading and vote on it at the next Council meeting, otherwise, Council can not have it put back into the agenda and just have it on the agenda at the next Council meeting. Ordinance No. 2017-108 AS AMENDED received its second reading earlier in tonight's meeting and does not need to be re-read.

RESOLUTION NO. 029-2017 (*ESID - approve petition for special assessment for Special Energy Improvement Projects*)
A RESOLUTION APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS UNDER OHIO REVISED CODE CHAPTER 1710.

first reading

Discussion:

Councilman Hellmann asked if the ESID legislation is not passed on an emergency tonight, if there will be a second reading at the next Council meeting. President J. Slough replied that is correct. Councilman Hellmann then asked if Council can give this Ordinance its second and third readings at that Council meeting. President J. Slough replied it is up to Council if they want to do that. Councilwoman Frische asked if the two (2) Resolutions only need one (1) reading. President J. Slough replied they need three (3) readings.

First reading of the Resolution.

RESOLUTION NO. 030-2017**first reading**

(ESID - acquire & construct certain public improvements in cooperation with the City of Findlay, Allen Township, Ohio ESI, and the BVPA)
 A RESOLUTION DECLARING THE NECESSITY OF ACQUIRING AND CONSTRUCTING CERTAIN PUBLIC IMPROVEMENTS IN COOPERATION WITH THE CITY OF FINDLAY, ALLEN TOWNSHIP (HANCOCK COUNTY), OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT AND THE BLANCHARD VALLEY PORT AUTHORITY AND DECLARING AN EMERGENCY.

First reading of the Resolution.

ORDINANCE NO. 2017-125**first reading**

(proceed with acquisition, construction, and improvement of certain public improvements in cooperation with the City of Findlay, Allen Township (Hancock County), Ohio ESID and the BVPA)

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT, OF CERTAIN PUBLIC IMPROVEMENTS IN COOPERATION WITH THE CITY OF FINDLAY, ALLEN TOWNSHIP (HANCOCK COUNTY), OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT AND THE BLANCHARD VALLEY PORT AUTHORITY AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2017-126**first reading**

(levying special assessments to acquire, construct, and improve certain public improvements in cooperation with the City of Findlay, Allen Township (Hancock County), Ohio ESID and the BVPA)

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN COOPERATION WITH THE CITY OF FINDLAY, ALLEY TOWNSHIP (HANCOCK COUNTY), OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT, AND THE BLANCHARD VALLEY PORT AUTHORITY AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2017-127**first reading**

(authorize the City's participation in financing Special Improvement Projects in cooperation with the Port Authority, and authorize the execution of documents to effectuate such financing)

AN ORDINANCE AUTHORIZING THE CITY'S PARTICIPATION IN FINANCING SPECIAL ENERGY IMPROVEMENT PROJECTS IN COOPERATION WITH THE PORT AUTHORITY; AUTHORIZING THE EXECUTION OF DOCUMENTS TO EFFECTUATE SUCH FINANCING; AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:**OLD BUSINESS**

Councilwoman Frische pointed out that besides the changes Council received from the Human Resources Department for the amended salary ordinance (2017-108 AS AMENDED) consisting of some spelling errors and the changing of who is responsible for different items, she noticed other changes in the ordinance, and asked if those changes have been discussed in a committee as she was not at the last salary ordinance committee meeting. She asked if adding positions and changing salary ranges were discussed and if they decided to add that onto the ordinance. Safety Director Schmelzer replied the positional change was not discussed at the Appropriations Committee meeting. What was discussed is that they are still looking at making some changes and would get those in ordinance form to Council, which is what has been done. There are two (2) changes, one has to do with the Grounds Maintenance Keeper. There is some work that the Administration would like to get done at a lower entry rate than what would be required to pay currently. The other has to do with a position that Elicia Mitchell is currently doing with some strategic planning and want to expand some of her responsibilities and create a position that puts that in a range. The other changes were HR Director/Safety-Service changes. Councilwoman Frische pointed out that when Ms. Mitchell was hired, that position was not what was originally explained to Council when money was budgeted and has now gone to her position, and have not discussed adding a Performance Data Management Technician position into the budget. Before Council passes another salary ordinance, it should have been discussed. Last year, when the Safety-Service Director position was split, a salary range was set for the Safety Director position and a smaller range for the Service Director position. The range for the Service Director position is now being increased. When that was discussed, the reason for not making it equal to the Safety Director position, was based off experience and she finds it odd that the City Engineer's position, which is a certified professional position, is valued at a lesser dollar range than the Safety and Service positions. She asked if another Ground Maintenance position is being added and if so, where that person will be working and what will that position do. It will show up in the budget, but would like to know what it is about. Safety Director Schmelzer replied that Councilwoman Frische has brought up Ms. Mitchell's position before and has stated before that she was not hired based upon what was discussed. He disagreed with that statement before and disagrees with it now. The Administration is eliminating the consultant that the City currently pays for facilitate the strategic plan. As part of that, Ms. Mitchell will take on those responsibilities for the same pay. It is an evolution that the Administration has wanted to get accomplished as it would allow things to be done more on our schedule and also save some money. Councilwoman Frische's comment on passing the ordinance without discussion, Safety Director Schmelzer clarified that it is up to Council if they want to pass it or not. The Administration is asking for it to be replaced and it can be discussed during the budget hearings. It is a logical progression and far from illogical. He is happy to answer any questions Council has. The new Grounds Keeper position is a different position. There already are individuals in position as described. The Administration wants to hire someone at a lower rate. Councilwoman Frische asked what that person will do. Safety Director Schmelzer replied grounds maintenance. Councilwoman Frische asked where. Safety Director Schmelzer replied at parks, the Rec Department, the CUBE. Councilwoman Frische asked if the position is for Dorney Plaza or Main Street. Safety Director Schmelzer replied it is not. When the Administration first started the transition of putting everyone under one Superintendent, the intent was to accomplish everything that needs to be accomplished with free or low labor costs. Councilwoman Frische recalls a past discussion about Ms. Mitchell's position and that it was created to cover lunches for the Administrative Secretaries in the Mayor's Office. Safety Director Schmelzer replied that the City did not hire anyone to cover lunches. Councilwoman Frische then asked if N.E.A.T. Department's Becky Greeno comes over to the Mayor's Office to cover lunches. Safety Director Schmelzer replied she is not hired specifically to cover lunches.

Councilwoman Frische noted that when the position was discussed, money was appropriated into the budget to hire someone to cover lunches in the Mayor's Office because the Administrative Assistants are busy. Those funds were not spent right away, but were spent for this position without discussion because it was added in. That position was added in at the end of the year and the budget was increased at the end of last year during budget hearings, which she asked about it at that time. Now, that job description is being changed and will potentially pay her quite a bit more than what she is currently being paid. She also travels with the Mayor. She is bringing this up so discussions are taking place at Council and everyone will be on the same page because the salary ordinance is something that Council has passed and needs to understand. These three (3) items were not discussed in the email. All that was discussed was spelling errors and some change in wording. Councilman Wobser sees the Grounds Keeper position on the amended ordinance and asked what the other position is that has a change. Safety Director Schmelzer replied it had to do with the strategic planning position. Mayor Mihalik added that Ms. Mitchell is being moved from an Administrative position to Performance Data Management Technician and is not being paid any more money. It is preposterous to think the City would ever hire someone to cover lunches. We have been very efficient with the use of our current personnel.

NEW BUSINESS

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

Councilman Russel asked for an update on the street analysis project. Service Director/Acting City Engineer Brian Thomas replied they are finishing it up. He hopes to have the end result by the end of the year so that it can be used for planning next year. Councilman Russel asked if it can be shared with Council once he has it. Service Director/Acting City Engineer Brian Thomas replied he will provide whatever information Council wants.

Councilwoman Frische noted that Judge Hackenberg is willing to swear in Councilmembers for their 2018-2019 term. It is scheduled for 6:30pm on December 19, 2017 which is the next City Council meeting night. Councilman Monday noted that he will not be participating in that swearing-in as he has made other plans for his.

Councilman Monday asked Safety Director Schmelzer if there are any agenda items for the December Appropriations Committee meeting. Safety Director Schmelzer replied there are no agenda items to discuss. Councilman Monday pointed out that there will not be an Appropriations Committee meeting in December unless something comes up in the meantime.

Councilman Russel: **AD HOC COMMITTEE** meeting on December 12, 2017 at 4:00pm in the first floor Council Office (CO).
agenda: 2018-2019 Council subcommittee assignments

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on December 14, 2017 at 4:00pm in the first floor Council Office (CO).
agenda: 1. 6th Street vacation
2. 632 David Street rezone

City Auditor Staschiak thanked the Administration and departments for their efforts on the budget books. The kick-off meeting was about a month ago. The schedule was proposed by the Administration and is in the front inside cover for the benefit of Council. The book will be transferred to a .pdf and will be posted online by the end of business tomorrow, provided there are no technical difficulties with the City website. Councilman Wobser asked why budget hearings on the first night are scheduled for three (3) hours and only one (1) hour on the second night. He was under the impression the reason for going with two (2) different nights was to even it out so they would not be there for a long period of time. Mayor Mihalik replied they are trying to get everyone done in one night and have other elected officials and other offices on another night just so everyone knew where they fell. She does not see a problem with how the budget schedule is proposed. The goal is to have more meaningful dialog on the budgets, so this will allow ample time on the second night for discussion and address concerns. If anyone is not comfortable with what is proposed, there are several options available. The budget is a very complex document. It is more than looking at just boxes and reams of paper. Some of the big ticket items were discussed in her email. The way the budget is proposed is to get some of the departmental budgets done to allow for extra time for other departmental budgets that take more time. For example, Municipal Court has required significant amounts of discussion over the last few years. That department budget takes up more time than most of the other departments do. Councilman Wobser pointed out that the longer they sit through the budget hearings, the harder it is to concentrate and ask meaningful questions. Mayor Mihalik replied that in the past, budget hearings lasted anywhere between five to six and a half (5-6 ½) hours. It is her hope to get it done in less than that within the two (2) day period. City Auditor Staschiak added that the City is projected to start off 2018 in a very strong cash position of approximately twelve million one hundred thousand dollars (\$12,100,000) which is slightly down from last year of approximately thirteen million four hundred thousand dollars (\$13,400,000). So the City is down about one million four hundred thousand dollars (\$1,400,000) partly due to a million dollars (\$1,000,000) capital transfer out of the General Fund. Overall, the City is in a strong position financially.

President J. Slough adjourned Council at 8:38 pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL