

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

September 18, 2018

COUNCIL CHAMBERS

PRESENT: Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser

ABSENT: Ostrander

President of Council Pro-Tem Russel opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the September 4, 2018 Regular Session City Council meeting minutes. Councilman Wobser seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ONS:

- Letter from President Pro-Tem Russel – Ad-Hoc Committee on elected officials compensation (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)

REPLACEMENTS:

- Ordinance No. 2018-097 Exhibit A (**LEGISLATION** section)
 - o Exhibit A (no changes to the ordinance)

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Zoning amendment request – 2475 Crystal Avenue

Philip Rooney, on behalf of Blanchard Valley Health System would like to change the zoning of 2475 Crystal Avenue to M2 Multi-Family. It currently is zoned C1 Local Commercial. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS:

Charles Williams – Do we stand up for what is right or take flight and run away

Mr. Williams noted that what he has to say is normally negative, but what he has to say tonight is somewhat positive. He met a guy named Dave Honse who rectified an injustice that was done here in Findlay to him. Mr. Williams addressed Service Director/Acting City Engineer Thomas asking if he recognized the piece of paper he was holding up. Council President Pro-Tem Russel informed Mr. Williams that he needs to address City Council. Mr. Williams replied he will address City Council. Mr. Williams continued stating that the paper he is holding up was given to him by Service Director/Acting City Engineer Thomas. Mr. Williams's initials are on the paper: WCW. It also states 7'x9'x2' = 127 sq ft. and has "JC" which stands for Jack Crow. The measurements are of Jack Crow's dump truck. Mr. Williams has been trying for the last four (4) months to get an answer from Mr. Thomas on why he cannot take his brush to High Street and is still waiting on that answer. He felt he could get a solution by taking the shrubs from 804 Fishlock out in a dump truck with his wife out to the City's green waste site where he witnessed a man on a front-end loader driving around like a maniac who pulled up beside his truck, so Mr. Williams got out of his truck and took the tarp off to which the front-end loader driver came over to him yelling and screaming that he could not dump there unless he talks to his boss. He did not hear him clearly, so he started walking toward him to which the coward ran screaming "don't hit me, don't hit me". Mr. Williams had no intention of hitting him. He dumped his truck and drove to his shop on Williams Street. Soon after, a white truck with Ohio license plates and the driver wearing a green shirt, which is how he knew it was not the front-end loader driver. That driver got out of his truck and told Mr. Williams he would like to compromise to which Mr. Williams replied he does not compromise and will dump his truck. Another individual pulled up and was listening to what was going on and stated that he has a fourteen-foot (14') truck that is four foot (4') high that he dumps there. Another issue is that there is an area on Midland that the Service Director/Acting City Engineer Thomas has been telling him that he will fix the hole that a lady had fell inside of and had came crying to him, but it still has not been taken care of it. Instead, he put something over it. Four (4) days later, they are repairing the alleys and taring. The Service Director/Acting City Engineer did not have the courtesy to contact him, but did make a comment that he would take a bucket of dirt there and fill the hole in. It will take more than a bucket of dirt to fix it. Mr. Williams added that the Mayor thinks he is number one (#1) because when he was sitting in front of the Courthouse one day, she flipped him off. He also noticed Council President Monday smiling and took his picture. Mr. Williams likes seeing him too.

Hancock Regional Planning Commission Director Matt Cordonnier – Ordinance No. 2018-095

Mr. Cordonnier noted that on tonight's agenda is Ordinance No. 2018-095 for a Revolving Loan Fund. He gave information to Councilman Harrington about amending the amount of the loan by two hundred forty-nine dollars (\$249). The State of Ohio noticed a mathematical error in paperwork and contacted him today. The overall amount of the loan stays the same at one hundred thousand (\$100,000). It is just moving it from machinery and equipment to working capital.

Recreation Administrative Supervisor, Lisa Mansfield – Miracle League All-Star weekend

Ms. Mansfield noted that she is before Council tonight as part of the Miracle League All-Star game from this past weekend and provided an update on how that went. They ended having ninety (90) players coming to Findlay from twenty-five (25) different states, four (4) of them being from Ontario Canada. The amount of appreciation she saw for Findlay this weekend coming from those that had never been to Findlay before, was truly amazing. The City received a lot of positive comments and feedback from the moment the guests arrived, when they checked into the hotel, and when they were driving around town. As soon as they arrived, they drove out to the field to see what it looked like and what it had. It is just two (2) years old and some additions have already been made to it. The first few individuals she talked to told her they wanted what we have, which is where the first miracle field was built at. To see where it had started and where it has come to and how much it has evolved in just a ten (10) year time period was very neat. Also, the stories there were sharing about our downtown and how neat it looks, was very nice to hear. Our visitors stated how kind everyone in Findlay was to them. The visitors told her that many do not take a second look at them and that they are treated somewhat like second-class citizens, but that Findlay had opened their arms and welcomed them to our town. It was really something to be a part of. Councilman Hellmann was there. It was a neat event that she wanted to share some positive feedback to Council. She read a letter from one of the visitors:

As we travel home today, I must say we were very impressed with the inaugural Miracle League All-Star Game weekend. We have never heard of Findlay, Ohio before, but let me tell you, from the Director Brad Koehler and his team all the way up to Mayor Lydia Mihalik, they have really embraced the love and mission of the Miracle League. Top notch and class act leaders. Thank you for your warm hospitality. Truly blessed and grateful to have met you all. Miracle League of Palm Beach County, Florida.

Ms. Mansfield noted that she just wanted to give some positive feedback for a change.

Discussion:

Councilman Hellmann thanked Ms. Mansfield for being there and for all that she and the City gave that weekend. The visitors felt very welcomed. He also received the same kind of comments. He congratulated Ms. Mansfield, the Safety Director, the Mayor, and the entire staff that worked on it. It was a great event that turned out perfectly and made the City of Findlay look good.

Councilman Harrington asked where next year's event will be held. Ms. Mansfield replied in Sioux City, IA. Councilman Harrington added that he has heard that they are following the model that Findlay put on this past weekend and that they were taking a lot of notes. Ms. Mansfield added that the Recreation Department will be working closely with them to help them.

Council President Pro-Tem Russel asked Ms. Mansfield to tell the story about what the person from Sioux City had said. Ms. Mansfield replied that they were actually from Tennessee. Friday night at the mixer, while conversing with a lady who told Ms. Mansfield that they were taking a lot of notes and a lot of pictures because they are hoping in three (3) or four (4) years to put a bid in to host it **wo** which she then paused with her voice changing before stating that Findlay set the bar really high. Ms. Mansfield is not sure exactly what she meant, but thinks it was positive feedback. Council President Pro-Tem Russel then asked Ms. Mansfield to share what was said about the energy. Ms. Mansfield replied that if Saturday's positive energy could be bottled, all of the City's facilities could have been ran out of there for the next year. Council President Pro-Tem Russel added that the social media comments on it echoed Ms. Mansfield's comments times ten (x10).

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Income Tax Monthly Collection Report – August 2018. Filed.

Findlay Police Department Activities Report – August 2018. Filed.

Findlay Municipal Court Activities Report – August 2018. Filed.

Findlay Fire Department Activities Report – August 2018. Filed.

Hancock Regional Planning Commission Director Matt Cordonnier – Early Years 4 Day Care LLC RLF

On September 5, 2018, the City of Findlay Revolving Loan Fund Committee awarded a loan to Early Years 4 Day Care, LLC in the amount of one hundred thousand dollars (\$100,000). The funding will provide funds for Machinery & Equipment purchases, as well as some working capital funds. The closing date for the loan has been set for September 25, 2018. Legislation to appropriate funds on an emergency basis in order to accommodate the timeline of the business and the bank that are involved in the financing of the project is requested. The appropriation of City RLF funds have historically been passed on an emergency basis in order to accommodate the time sensitive needs of businesses. Ordinance No. 2018-095 was created.

FROM:	City of Findlay Revolving Loan Fund	\$ 100,000.00
TO:	Early Years 4 Day Care, LLC	\$ 62,590.67 M&E
TO:	Early Years 4 Day Care, LLC	\$ 37,409.33 W.C

Discussion:

Councilman Slough asked what would happen if they had to discontinue operations and asked if the City of Findlay is to contribute any funds that they would not be able to meet. Mr. Cordonnier (from the audience) clarified that the funds are not from the General Fund. They are funds from the State of Ohio through different economic development grants. The State can recall those funds if they wish. When doing a RLF project, the City takes a second seed to the bank. During closing, they do file mortgages and they do have to sign personal guarantees. If a project were to go under, the City does have legal standing to those funds.

Councilman Wobser asked what the term is on the loans. Mr. Cordonnier replied the working capital on this particular loan is five (5) years at four percent (4%), and the machinery and equipment was seven (7) years at four percent (4%). They are being done as one loan, so it is five (5) years at four percent (4%). Councilman Wobser asked if the whole loan is five (5) years. Mr. Cordonnier replied that is correct.

Councilman Hellmann asked if there is any personal equity required from the borrower on these. Mr. Cordonnier replied that with the RLF, the program requires ten percent (10%) personal equity, but can go as low as five percent (5%) on the equity side. Councilman Hellmann asked if the RLF finances working capital as opposed to just machinery and equipment. Mr. Cordonnier replied it can finance the acquisition of property building rehabilitation working capital machinery equipment, etc., so, it is a wide variety of things. Councilman Hellmann asked if RLFs in the past were restricted to primarily machinery and equipment and did not fund working capital. Mr. Cordonnier replied the RLF does quite a bit of working capital loans. They are capped at forty-five thousand dollars (\$45,000) and cannot exceed that amount of working capital on any project. This loan is typical. They usually consist of a larger percent of machinery and equipment and a smaller percent of working capital.

Councilwoman Frische asked if this is a ten percent (10%) personal equity loan. Mr. Cordonnier replied he believes so. He does not know the exact percentage but knows that they were not below ten percent (10%) and are much higher than ten percent (10%).

Councilman Slough asked if the individuals that own this company are Findlay natives. Mr. Cordonnier replied that they live and work in Findlay. They are heavily invested in Findlay.

Councilman Harrington asked if the minimum is ten percent (10%) and if they have at least that amount. Mr. Cordonnier replied that anyone that signs on a RLF are asked to personally sign to a percentage depending on the equity of the LLC or the corporation that has made the application. He clarified that the minimum is ten percent (10%) and would not even be considered unless it is at least that amount. In this case, it is in the seventeen to eighteen percent (17-18%) range. Any of these types of loans are vetted by a committee that includes bankers, accounts, himself, Councilman Harrington, Jim, and members of the community who do not take it lightly. The majority do pay it back as agreed. There has only been a minimal amount where the RLF has had to go after individuals, which is rare.

Councilman Wobser thinks this is a great investment. It is his hopes that this business is very successful because Findlay is short of adequate childcare for the working class. He wished them the very best of luck and could use more of them in the City.

Mr. Cordonnier requested Council suspend the rules and give the legislation its three readings tonight as they usually do for RLFs. Filed.

Service Director/Acting City Engineer Thomas - US Communities

The City of Findlay can receive a discount on equipment purchases, materials, supplies and services by becoming a member of the U.S. Community purchasing program. In order to do so, the City of Findlay will need to enter into a joint cooperative purchasing program agreement with U.S. Communities, which will exempt from any bidding requirements otherwise required by law. This is important because there are equipment, materials, supply and service items for which there is no State bid. If the equipment does not have a State bid, the City either needs to become a member of a purchasing alliance like U.S. Communities to assure competitive pricing, or the City will have to formally assemble, advertise, bid, review and award a contract for the item. This is cumbersome and a waste of time when the City can receive the same product through such an alliance. Legislation authorizing the Service Director to enter into a joint cooperative purchasing program agreement with U.S. Communities is requested. Ordinance No. 2018-096 was created.

Discussion:

Councilman Wobser asked what type of equipment and supplies are for this. Service Director/Acting City Engineer Thomas replied that the City can do anything that is part of it. The reason the City is looking to join is because the roof at the Water Treatment Plant needs replaced, and there is no State bid for the system they would like to use, but they are part of this US Communities. This would allow the City to go through them to get that price. Councilman Wobser asked if the City is looking specifically for that project for this. Service Director/Acting City Engineer Thomas replied yes right now for this, and if in the future there is something else the City wants and are a member, we can use this one. There is no cost to join.

Council President Pro-Tem Russel asked if the City joins this, if it will make the bids that they City receives a part of the US Communities. He asked how this one bid for the WTP roofing become a national bid through this organization. Service Director/Acting City Engineer Thomas replied they bid certain items out just like the State. The State will bid out a full-size pickup truck. Council President Pro-Tem Russel asked if the US Communities organization is doing the bidding or if it is individual members. Service Director/Acting City Engineer Thomas replied it is the US Communities. Filed.

City Auditor Staschiak – credit card policy

Governor John Kasich signed House Bill 312 into law on August 2, 2018 establishing new safeguards to combat credit card abuse at Ohio's local governments. The State Auditor spearheaded this legislation to combat this serious issue. Fortunately, the City of Findlay's current Bank Credit Card Policy (in place today) appears to fully conform to the proposed legislation and must now be adopted by Council to comply with the new law. City Auditor Staschiak submitted a copy of the City of Findlay's Credit Card Policy to each Councilmember with the November 6, 2017 City Council meeting packet with additional information to make sure they were aware this change was coming.

Bank and credit card fraud is a serious issue today. Over the years, the City Auditor's Office has worked fraud prevention controls into all aspects of banking including managing the risk of credit card fraud using the best recommendations and practices available to date. Each month, the Auditor's Office works to compile the proper documentation so that it is available for audit. HB312 requires that a legislative authority of a municipal corporation that holds a credit card account on the effective date of this legislation shall adopt a written policy for the use of credit card accounts. Attached is a copy of the City's current policy. Legislation to adopt this policy is requested. Ordinance No. 2018-097 was created. Filed.

City Auditor Staschiak – summary financial reports

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

- Summary of Year-To-Date Information as of August 31, 2018
- Open Projects Report as of August 31, 2018
- Cash & Investments as of August 31, 2018
- Financial Snapshot as of August 31, 2018

Filed.

President Pro-Tem Russel – Ad-Hoc Committee on elected officials compensation

President Pro-Tem Russel is creating an Ad-Hoc Committee to establish compensation of the following elected officials for term of office starting January 1, 2020:

- Mayor
- Auditor
- Law Director
- City Council President
- City Council Representatives

He is appointing the following to serve on that committee:

- Dennis Hellman, Chair
- Tom Shindledecker
- Jim Slough

COMMITTEE REPORTS:

The **STRATEGIC PLANNING COMMITTEE** met on September 4, 2018 to continue August 7, 2018, June 5, 2018, May 1, 2018, April 3, 2018 and March 6, 2018 discussions on year one (1) goals and expectations.

We recommend to develop an RFQ document ready for release by the end of September.

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

Discussion:

Councilwoman Frische asked what the RFQ is for. She asked if someone is being hired to do this. Councilman Wobser replied it will be to hire someone to help with a strategic plan. Council will see the RFQ before it is goes out. The goal is to get it out by October so that it will be known how much money will be needed for the 2019 budget cycle. Councilwoman Frische pointed out that this is the first time she has heard anything about hiring someone for this. She thought the strategic plan was to implement practices for Council to work with citizens on feedback, etc. She asked what someone will be hired for. Councilman Wobser replied that it is part of the process for Council and the Administration to interact with the community in gathering information on a year to year basis, but when the committee started looking at the whole process of a strategic plan, it gets to be a little bit larger than one small thing. There are many different areas that need to be looked at - from land use to the City's finances and long-term goals - as far as those issues go. When the committee started meeting about this, they quickly became aware that in order to put this together to in a way that it would have enough gravity and be taken seriously by the public, it would require some assistance in putting it together in order to get the proper feedback from the community so that when it moves forward, it will have been looked at from all angles.

All were in favor. Filed.

The **STREETS, SIDEWALKS, & PARKING COMMITTEE** met on September 11, 2018 to continue July 17, 2018, August 9, 2018 and August 22, 2018 discussions on a bicycle ordinance.

We recommend that the Law Director draft legislation to present to Council with specific changes to Section 373.11 A1(c), A1, A1(a) (Downtown District Definition) and Section B and D combined. In addition, remove Section 373.11 C (Business District).

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss large lot mowing.

We recommend to continue discussion at the October 11, 2018 Planning and Zoning Committee meeting.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to review the proposed zoning code revisions regarding wind turbines.

We recommend to pull this from the agenda.

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

Discussion:

Councilwoman Frische asked why the recommendation was to pull it from the agenda as she thought everything was clarified. Mr. Cordonnier replied that several meetings ago, the ordinance was separated. The original ordinance consisted of two (2) zoning amendments and the definition of a wind turbine. The wind turbine portion was separated from it and was not referred back to the Planning Commission during that City Council meeting. The committee was concerned that if they moved forward with discussion, it would not be the proper procedure and could be challenged.

All were in favor. Filed.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 019-2018 (*Water Distribution vector truck*) requires three (3) readings **tabled after third reading on 9/18/18**
A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to table the Resolution, seconded by Councilman Slough.

Ayes: Harrington, Hellmann, Russel, Shindledecker, Slough, Watson, Wobser. Nays: Frische, Niemeyer. The Resolution is tabled.

Discussion:

Councilwoman Frische asked for clarification on why the ordinance was tabled. Council President Pro-Tem Russel replied that today's Appropriations Committee meeting report did not make it onto tonight's City Council agenda, therefore, the resolution cannot be adopted until the committee report is accepted by Council, so it is being tabled until the next City Council meeting.

RESOLUTION NO. 021-2018 (*mid-year budget transfer*) requires three (3) readings **second reading**
A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Resolution.

ORDINANCES

ORDINANCE NO. 2018-068 (*Zoning personnel enforcement rights in right-of-way*) requires three (3) readings **tabled after third reading on 8/7/18**
AN ORDINANCE ENABLING THE CITY OF FINDLAY ZONING DEPARTMENT PERSONNEL ENFORCEMENT RIGHTS WITHIN RIGHT-OF-WAY AREAS WITHIN CITY LIMITS, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-082 (*716 Franklin St rezone*) requires three (3) readings **third reading adopted**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 716 FRANKLIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX".

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Shindledecker.

Discussion:

Councilman Wobser noted that this was brought up during tonight's public hearing and asked if Council is satisfied with the parking situation there. Councilman Harrington replied it was addressed at Planning and Zoning Committee. The Zoning Department does have specific rules based on the type of properties (duplex or triplex) that they have specific parking per parcel, which is required. Any additional parking would then have to go onto the street, which is addressed at any hearing that the Planning and Zoning Committee and the City Planning Commission has. It did not seem to be an issue at the Planning and Zoning Committee.

Councilwoman Frische clarified a comment that was made by a citizen during the public hearing who was concerned that the property owner will follow through with putting in the additional parking out back and not have congested parking on the street because it is already narrow. He wanted to make sure that when it goes through, that it would have to go back through committee to change it over to make the addition for proper parking and would cover his concern when it went back through for approval. The zoning was changed on this and the individual that commented during the public hearing wants to make sure that it is followed through and that they do not use street parking instead of putting the required parking in the back of the lot off of the alley, which would have to be readdressed due to the construction to add on to that structure. She asked if the City will make sure adequate parking is there. Safety Director Schmelzer replied that if they do not, they are in violation of the zoning code. They will get the zoning permit based upon the plan and then are expected to execute the plan.

Ayes: Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-082 and is hereby made a part of the record.

ORDINANCE NO. 2018-083 (*310 Frazer St rezone*) requires three (3) readings **third reading adopted**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 310 FRAZER STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX".

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-083 and is hereby made a part of the record.

ORDINANCE NO. 2018-090 (*Airport jet refueling truck*) requires three (3) readings **second reading**
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT WITH SKYMARK FOR THE PURCHASE OF A REPLACEMENT JET REFUELING TRUCK FOR THE CITY OF FINDLAY AIRPORT, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2018-091 (2018 Cube Code Updates, project no. 31984100) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

second reading

Second reading of the Ordinance.

ORDINANCE NO. 2018-092 (parking in right-of-way) requires three (3) readings
AN ORDINANCE AMENDING SECTION 351.03(a)(21) OF CHAPTER 351 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

second reading

Second reading of the Ordinance.

ORDINANCE NO. 2018-093 (mid-year budget appropriations) requires three (3) readings
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

second reading

Second reading of the Ordinance.

ORDINANCE NO. 2018-094 (High Street Sewer Replacement) requires three (3) readings
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

second reading

Second reading of the Ordinance.

ORDINANCE NO. 2018-095 (Early Years 4 Day Care LLC RLF) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

first reading

adopted

Councilman Harrington moved to amend the Ordinance to read under machinery and equipment sixty-two thousand eight hundred forty dollars (\$62,840.00) and under working capital thirty-seven thousand one hundred sixty dollars (\$37,160.00) for a total of one hundred thousand dollars (\$100,000). It is moving two hundred forty-nine dollars (\$249.00) from working capital to the machinery and equipment due to a mathematical error. The total amount of the loan is unchanged. Seconded by Councilman Slough. Ayes: Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann. The ordinance is amended. Councilman Slough moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer. The Ordinance received its second and third readings. Councilman Slough moved to adopt the Ordinance as amended, seconded by Councilman Wobser.

Discussion:

Councilman Niemeyer noted that Mr. Cordonnier stated five percent (5%) and then Councilman Harrington stated ten percent (10%). He asked if only a five percent (5%) down payment is needed. Mr. Cordonnier replied that the rules have been ten percent (10%) for many years. A year or two ago, City Council, at his request, amended the rules down to five percent (5%) which is the threshold that the State allows, so he is getting the rules in line with what the State allows. Each of these loans are reviewed by the Revolving Loan Fund (RLF) before they go to the State who reviews them and signs off on them. The current rules allow for as little as five percent (5%) equity on a RLF project.

Ayes: Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Russel. The Ordinance was declared adopted as amended and is recorded in Ordinance Volume XXI, Page 2018-095 and is hereby made a part of the record.

ORDINANCE NO. 2018-096 (US Communities) requires three (3) readings
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO AN AGREEMENT WITH U.S. COMMUNITIES TO PARTICIPATE IN A JOINT COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

first reading

adopted

Councilman Harrington moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Slough. Ayes: Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance as amended, seconded by Councilman Slough. Ayes: Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-096 and is hereby made a part of the record.

ORDINANCE NO. 2018-097 (credit card policy) requires three (3) readings
AN ORDINANCE APPROVING THE BANK CREDIT CARD POLICY ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A.

first reading

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS

Safety Director Schmelzer asked who Ordinance No. 2018-097 (credit card policy) is applicable to. City Auditor Staschiak replied according to the legislation that was adopted and signed by the Governor and Council, is to adopt a single policy that applies City-wide. It is a finance policy. The policy that the City currently has had in place for a significant period of time, accomplishes three (3) main things: it ensures that the cards are only in possession of the employees at the time they are being used which has helped significantly in preventing electronic fraud that is seen today. There have been situations in the past where employees have accidentally used City cards. It does not make sense that if they are not using the card that they carry it with them. The State Auditor does not want the cards in the possession of employees of governmental entities which is very clear in the literature that he passed out in November last year. It also makes sure that the cards are used only for a specific purchase and a purchase order is needed in order to use the card. The limits are set to protect the City on those purchases. There have been some exceptions to that (i.e. derecho a few years ago, a snafu with the fueling of some City vehicles). In those cases, the Auditor's Office worked directly with some of the departments to make sure they had access as needed for some additional funds on a temporary basis, which is the way it is supposed to be per the State Auditor's recommendations. It also removes the risk for accidental and highly likely improper use of the cards. Over the years, most of the misuse has been fraudulent access to the card, and also with meals. His predecessor, going back two (2) Auditor's ago, Janet Wobser did a wonderful job taking care of the City financially who made the decision back then, because it is such a big deal to the State Auditor's Office, not to charge meals improperly. When employees go to conferences, they do not always know if they can charge a meal or not. Employees used to submit a letter to the City Auditor's Office prior to their traveling and would know ahead of time if a meal was included with their travel or not. If a meal was included, employees would not get reimbursed. They do not have the opportunity to head those things off anymore. Ms. Wobser eliminated employees charging meals to help monitor improper charges and help prevent fraud. Occasionally, things like alcohol would show up on receipts, which is completely against the law in Ohio. Fraudulent access even happened to one of our Judge's card when it wasn't even in his possession. Because of the internal controls in place, the Auditor's Office was able to stop it and get it corrected very quickly. The State Auditor identified this as a serious source of consumer concern and is concern for his office. If a governmental entity has cards out there, they need to have these policies in place on day one when this law takes effect, which he believes is within three (3) months. The policy has to be adopted by Council. There is a good policy already in place that does not need changed. It is pretty simple at this point. Based on conversations by the Administrative side to make a request of Council to change the policy, Council will need to be deeply involved in constructing the policy because Council is who adopts it. If this policy is changed significantly, Council President Monday will be spending a lot of time in the Auditor's Office because the law specifically states that the head of the legislative authority will take an active role. Also, if it is not the Finance Officer of the City as a Statutory City, the City Auditor is the Finance Officer. He asked the Accounts Payable Clerk to track the time it took him to reconcile just one statement - it took him almost sixteen (16) hours. It is not an insignificant task. It is a finance policy that creates accountability in the City's finances. That is the definition of what the City Auditors is supposed to do. That is where it is going to and where it is applied to. Safety Director Schmelzer asked if all the money that flows through the City's credit card accounts, if all the cards will be held in the Auditor's Office. City Auditor Staschiak replied all the cards should be held in the Auditor's Office according to the policy in place today. There currently are two (2) employees that are in violation of the current policy who have not turned in their cards as they should have. That is what the policy is now and has been for a long time. There are other reasons for that as well. Part of it has to do with the agreements with the banks and how they want to see the cards named and some other things. There are a lot of facets to this.

Councilman Harrington noted that the Municipal Court's credit card policy is based on the Ohio Supreme Court's decision and asked if it could be addressed in City Auditor Staschiak's policy so that it is stated that their policy is directed by the Ohio Supreme Court. City Auditor Staschiak replied that the Court and the Administration, in working with the Law Director, issued a new travel policy several months ago which took him by surprise. It makes it a little tougher for the general public to follow what is going on with public travel. At that time, it was suggested to issue a new credit card policy. That policy was not issued at that time. He received an email from the court stating they have a policy they would like to consider to be effective January 1, 2019, so he anticipates there will be some discussions at that time. He is unsure what Councilman Harrington is referring to with the Ohio Supreme Court. He talked to Judge Miller and is planning on sitting down with him in a couple of weeks to hash this out and figure out where the Municipal Court is going with their policy, and to inform them where the rest of the City is going with theirs. His interpretation of the law states that this Council will adopt a policy and ultimately if the Court would like to see some changes to it, they should address Council because if they make changes similar to what is in their policy, it might affect the duties of the Council President, so Council will want to tread very lightly on how they want to do that. He informed Council President Monday that the Auditor's Office has only one computer that they do the banking, so he can come to the Auditor's Office anytime.

Councilwoman Frische is glad Safety Director Schmelzer brought this up because there is a lot to it. Mayor Mihalik forwarded an email from the Law Director to Council last night that she has questions on. She asked who is responsible for the Court credit cards and if they are also kept in the City Auditor's Office. City Auditor Staschiak replied they are in the Auditor's Office in a safe. Judge Miller brought his back today. Everyone has been in compliance with that rule except for a couple. Councilwoman Frische noted that the Law Director's email that was forwarded to the Mayor appears as though he wants to have separate policies for the Administration, Law Department, and Courts. She asked if all credit cards for the Law Director, the Administration, and the rest of City departments are kept in the City Auditor's Office. City Auditor Staschiak replied there are approximately seventy (70) credit cards. Each card, because of banking rules, is in a specific employee's name. There are no generic cards for the City or for a department. Every card has an employee's name on it, which is a wonderful rule that the banks have in place and comply with. According to the policy that has been in place for some time, all those cards are checked out, signed out when being used, and are supposed to be turned back in to the City Auditor's Office immediately upon completion of that use, to be locked up and kept in the safe. Councilwoman Frische asked the Law Director what he does not like about the policy if City employees are following that policy, why it would not just be adopted if it is working, and why there should be separate policies for each department. Law Director Rasmussen replied he is not advocating separate policies for each department. He would like to see a single policy. There have been discussions on the issues with the current credit card policy earlier this year and he would like to continue those discussions. He is not saying it is a bad policy. The State's policy does not exactly match up to what the City Auditor is saying, and he does not think there should be separate policies but does think there should be discussion because the City is paying too much for some items that could be purchased through credit cards much cheaper. The Court also believes that. Councilwoman Frische asked what type of items. Law Director Rasmussen replied paper, pens, supplies, furniture for the Court, etc. There pretty much is only one vendor who supplies everything that the City pays a pretty hefty premium on. He does not care if the City Auditor's Office, each department, each employee, or a Fiscal Officer who could be someone appointed by Council's policy, keeps the credit cards and he is not against adopting a policy. He would like to have discussions about it to see what can be done. Councilwoman Frische asked if there are employees who are not following the policy and if there are any kind of reprimand recourse for employees who do not turn their credit card back in or if any kind of action can be taken because it is a risk to the City. She asked if anything legally or through the Human Resources Department can be done. It should be a security issue and a legal issue. Law Director Rasmussen replied it is an issue that should be addressed with this policy and there should be discussions on it.

Councilman Watson asked if he understood what Law Director Rasmussen stated in that right now, the City is paying more because of the purchase order policy rather than using an online vendor such as Amazon. Law Director Rasmussen replied the City is not utilizing online vendors for the most part and are going through a Central Stores procedure with a certain vendor and are paying a premium on those items. City Auditor Staschiak replied if that is happening, it would be a situation where a department is not working through the avenues that they can work through which is completely misleading. There have been a number of cases where the credit card is the best way to purchase, however, with credit card incentives and the different offers that are out there, there are situations where the City could rack up points or credits or see discounts. There have been times it has been analyzed for business purposes, but it was decided not to do that because of the cost accounting for the way those things have to be credited, audited and accounted for to the State who make it very difficult. The Administration puts the office supplies out for bid. If they are not getting the best price for an office supply provider, they should change how they are putting that bid out. Stating that credit cards are being used is silly, not proper, is misleading, and Council should deal with the facts.

Councilman Wobser asked if the email from the Mayor asks for this to be tabled until conversations have been held. Law Director Rasmussen replied he does not think so. It is stating that a policy needs to be adopted by January 30, 2019. If the Auditor's Office does not want to sit down and discuss it, there is nothing he can make them do so. Councilman Wobser agreed that discussion should take place. Everyone should be in an agreement on a policy that will ultimately be put in place. If Council allows this legislation to follow through its three readings and eventually pass it, it can always be changed later on if those discussions are held into the new Council year beginning in January. Law Director Rasmussen replied that is possible. The Court also wants a singular policy and also wants to be in on that discussion, but the City does not actually control them because they are an instrument of the State. Councilman Wobser noted that work still needs to be done on this, but that there is really no harm in letting it pass through. Law Director Rasmussen agreed and stated that he thinks there needs to be some discussion and see where it leads. It is always good to have discussion.

Councilwoman Frische pointed out that the City just received an audit back and asked if there have ever been any comments from the auditing firm on the City's credit card policy. City Auditor Staschiak replied that in the past, the very first file in the first batch of files that the Auditor's Office sends out every year to them are the credit card files. It is high on their list when they come in. They tend to review the City's travel and how the credit cards are being used, they want to know who has them. They are given a whole list of things that deal specifically with this. There have not been negatives given on the policy. The policy has been enhanced over the years both from some of the seminars that he and some of the Auditor's Office staff has gone to and have gotten from the FBI. The Sheriff has done a nice job at seminars dealing with digital security. The local Alliance has also done it. The City is already using the policy. The policy is in place and he would like to get the policy passed while he and the Administration work through it. He has already reached out to Judge Miller who does not see any issues with sitting down and talking with the different groups. He does not believe the State allows for multiple policies, but it might. There is a loop hole for everything. The ultimate goal is have it be a good policy that will not burden Council with a lot of the challenges and duties that they will end up with if they switch directions on this, and the Finance Officer, being the City Auditor, does not maintain possession of the cards. That single fact changes everything should there be an allowance by Council or a change to the current rule. It is his hopes that Council will pass it while he and the Administration work behind the scenes discussing it and possibly tweaking it. Policies are tweaked all the time. The only difference is that Council has to formally adopt it according to the new law. It is his hope that it is looked at on a regular basis. He and the Auditor's Office look at the finance policies very regularly.

Councilman Wobser asked the Council Clerk why Council received two (2) copies of the Statutory Rules of City Government chart and asked if she is advocating for a new form of government. Council Clerk DeVore replied the organizational chart did not come from her. When she attached it to the Ordinance, it was done so by mistake. She provided another copy of it tonight separately as an FYI. There were no changes to it.

Councilman Watson noted that he has heard that there is a potential safety grant for Blanchard Street and asked if that is true. Service Director/Acting City Engineer Thomas replied that he applied for some safety grant money from ODOT to use on Blanchard. He will have a letter for the next City Council meeting asking for a resolution of support for it. He has to give a presentation to the Board in Columbus the second week in October. They are the ones who make the final decision. He has been told that if he has a letter of support from Council, it helps out. It would be something to tack on with the TAP funding. If awarded, it would allow for the paving of Blanchard from Tiffin Avenue to Sixth Street. It will also upgrade the signals, update all the ADA ramps, and do all of that work. Councilman Watson asked what the potential award is. Service Director/Acting City Engineer Thomas replied that the TAP that the City already received included the work on Lincoln Street which was one million two hundred thousand dollars (\$1,200,000). It was a ninety-five percent (95%)/five percent (5%), so the City has a five percent (5%) match for construction for two million five hundred thousand dollars (\$2,500,000), which would be a ten percent (10%) match.

Council President Pro-Tem Russel noted that before the meeting, he spoke with Council President Monday about how best to do this to which he suggested that two (2) Council Representatives make a request for a letter in support. He believes that should be coming from Councilman Watson soon. Councilman Watson moved to have a letter in support to allow the Service Director/Acting City Engineer Thomas to apply for the grant. Council President Pro-Tem Russel replied that it is a request for resolution, so it does not have to be a motion, but that he will second the request. He suggested that the letter should be jointly from City Council and the Mayor.

Councilwoman Frische asked if the sharrow lanes will be put on Blanchard to Sixth Street and asked if the TAP will have anything to do with a potential bike lane on Sandusky Street. Service Director/Acting City Engineer Thomas replied that the last one received is for Sandusky Street going from Bright Road to Riverbend Park. Councilwoman Frische noted that she has received some phone calls on it asking if the City will be taking property or if it will be a sharrow lane. Service Director/Acting City Engineer Thomas replied it is going to be a separate path that ODOT said could be put in their right-of-way, so the City will not be taking any property for it. Councilwoman Frische noted that those properties have setbacks and could be made into four (4) lanes on Sandusky Street. She asked if it will be a single bike lane or if there will be a bike lane going each way. Service Director/Acting City Engineer Thomas replied it would be a single ten foot (10') wide path from Bright Road out to Riverbend Park on the north side.

Councilwoman Frische asked if anyone went to the National League of Cities meeting as Councilman Harrington had expressed interest. Councilman Wobser replied that there was no interest in going, so the money is available to Council if they want to use it for something else. It would have been a tough trip to go clear out to Los Angeles, but the conference does move around, and so hopefully next year, it will be somewhere closer. Councilman Harrington pointed out that he did consider it and the dates were available to him, but the topics on the agenda did not match up very well with what is currently going on here in our area. A lot of it had to do with urban and not suburban cities of our size. The amount of the class did not justify the end result, so he did not think it was a wise use of the City's money.

City Auditor Staschiak reminded Council that per the schedule he provided, the pre-budget meeting is on October 2, 2018 at 6:00pm. He does not expect it to last very long. There was a pre-cursor on capital planning in tonight's Appropriations Committee meeting. It is an important part of the City's bond rating.

Councilwoman Frische noted that there are dates set for end of year budget in December and the meeting notice states they are set for 2:00pm. That time does not work for her. Councilman Russel asked to address the budget schedule at another time. It does not have to be done tonight. The pre-budget meeting for October 2, 2018 is set. Councilman Wobser pointed out that there was a typo on the meeting notice. There are two (2) dates listed as the same date. He asked if it should be a Wednesday and a Thursday date, so two (2) days in a row. Councilman Russel replied he also noticed that. It should be Wednesday, December 12, 2018 and Thursday, December 13, 2018.

Safety Director Schmelzer pointed out that there has been some discussion about a neighborhood meeting that was held and with the property maintenance code. He clarified what is going on as things can get out of hand on social media, including one about the Mayor wanting a Charter Government. The discussion that took place was around the concerns that were addressed by a resident. There were some Councilmembers present at that meeting. Some examples were given on both our code and the code from Beaver Creek providing two (2) extremes. One is the current policy in which the resident said was inadequate, and the other was a policy on property maintenance. Unless it has proposed, discussed, or moved forward by Council, he is unaware of any effort to move the Beaver Creek Ordinance forward on property maintenance. It may have a role in strategic planning discussions. There was some interest in that neighborhood meeting, and with some others, to warrant some additional discussion on property maintenance. The Administration is not moving forward with presenting the Beaver Creek ordinance, nor pursuing a Charter Government. Councilwoman Frische added that she attended that meeting. It was made very clear that they were not suggesting ideas from Beaver Creek to look at but were giving it to citizens to look at. She asked the Safety Director when and where the additional meetings are scheduled. She did not know there were additional meetings scheduled and thought it that it was only that the neighborhood had invited her out which ended up with quite a few individuals there, including elected officials. Safety Director Schmelzer replied he knows of no other scheduled meeting and only talked about this situation at that particular meeting, but that if there was enough interest in the topic, that additional neighborhood meetings should be held. The intent of the Administration is that they wanted to be responsive to concerns that were brought up to Council. He will let Council know if anything else ends up scheduled. Councilman Watson asked what body is calling these meetings. Council President Pro-Tem Russel replied that particular meeting was called by the neighbors across the street from a house on Imperial Lane that citizens came to Council and talked about. The meeting was held on a driveway across the street from the house so that they could see the issues with it. He was also in attendance. The Safety Director and the Zoning/Floodplain Administrator were informing them what the City can and cannot do per the code. The meeting was held at the request of the citizens. The Mayor was invited and brought the Zoning Department employees. Councilwoman Frische added that it was on Jessica Richter's property who spoke about a month ago. She went door-to-door and on social media about the meeting. Councilwoman Frische received a personal invite to stop out.

NEW BUSINESS

Councilman Slough made a motion to excuse the absence of Councilwoman Ostrander, seconded by Councilman Harrington. All were in favor. Filed.

Councilman Hellmann pointed out that he is unsure if a report from the Ad-Hoc Committee for the salary review of elected officials can be ready by the first meeting in October because it only gives them about ten (10) days to meet. He asked if that date can be moved back, especially if legislation is requested. Council President Pro-Tem Russel's memo in tonight's packet stated that he would like legislation for the first meeting in October. Council President Pro-Tem Russel replied that Council's rules currently say by October which he thinks is written in error. The letter requesting the Ad-Hoc Committee present something to Council does not mention a deadline. The consensus is to hold this now and to have something in place prior to filing petitions for those running for offices so that they will have an idea of what their compensation will be for the term that starts January 1, 2020, so there is time to do this in thorough manner. It can be done on the Ad Hoc Committee's timeline. Councilman Hellmann noted that they may add someone from the outside. Council President Pro-Tem Russel replied that the committee can construct it as they wish.

Councilman Harrington opened the invitation to everyone for an event in honor of Todd Garlock who passed away after a long struggle with a horrendous disease that caught him by surprise. The Findlay Rotary Club, Habitat for Humanity, Black Swamp Bucks Unlimited, and Hancock County Home Builders are hosting the event on Saturday, September 29, 2018 from 4:00pm to 10:00pm on East Crawford Street. The event is called Garlock's Big Deal. When Todd was at Cleveland Clinic, he received many get-well letters in which one of the nurses brought in a basket full of them and told him he must really be a big deal which warmed his heart. The event will shut down East Street between Beech Street and East Crawford. There will be a live band, food and beverages. He would like to see all Councilmembers there not only in support of Todd, but also in support of his four (4) favorite charities.

Councilman Niemeyer pointed out that a stop and go light is missing from the intersection of Western Avenue and West Main Cross, and instead is a 4-way stop sign. That is a very busy intersection with Marathon and Cooper Tire, especially at busy hours. Traffic gets backed up for over a block at certain hours. Many motorists do not look at stop signs as they should and there will end up being some accidents there. He was in that area on Sunday and stopped by The Courier going east to Main Street where someone flew right in front of him going from south to north on Western Avenue going about thirty to forty miles per hour (30-40 mph). Safety Director Schmelzer asked if he heard correctly that Councilman Niemeyer stated West Main Cross and Western Avenue. Councilman Niemeyer replied he meant Western Avenue and West Sandusky Street. Safety Director Schmelzer replied that is one of the intersections that he has been working on with the Rail Commission to try get an actual signal put up there. The 4-way stop that is there now, in the Rail Commission's opinion, is the safest option for that intersection which is quite the contrary to Councilman Niemeyer's statement. It is an expensive project, but there is a temporary proposal for a significant match on it under Ohio Rail Development Commission (ORDC). He and the Service Director/Acting City Engineer have been working on it for about two and a half (2½) years to try to get that issue addressed. He will relay the minutes, Councilman Niemeyer's comments, and anyone else's comments on that intersection to the Rail Commission. Councilman Niemeyer added that it would be great to have a Patrolman out there, maybe even all day at times, to watch what happens there.

Council President Pro-Tem Russel adjourned Council at 8:23pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL PRO-TEM