

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

October 2, 2018

COUNCIL CHAMBERS

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

ABSENT: Wobser

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

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

- Councilman Harrington moved to accept the September 18, 2018 Public Hearing to rezone 716 Franklin Street via Ordinance No. 2018-082, seconded by Councilman Slough. All were in favor. Motion carried. Filed.
- Councilman Slough moved to accept the September 18, 2018 Public Hearing to rezone 310 Frazer Street via Ordinance No. 2018-083, Seconded by Councilman Shindledecker. All were in favor. Motion carried. Filed.
- Councilman Slough moved to accept the September 18, 2018 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 Russel moved to replace the following on tonight's agenda. Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

REPLACEMENTS:

- Ordinance No. 2018-102 (**LEGISLATION** section)
 - o Changed FROM & TO

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS:

Thomas Ross – building and maintenance codes

Mr. Ross introduced himself. He is a Relator and Property Manager in Findlay. He is before City Council tonight on behalf of the Findlay Area Apartment Association as well as those sitting in the audience tonight to discuss their concerns about free property rights based on statements heard from the Administration both publicly and privately. He asked if documents he brought with him could be made part of the record, but would like to use them as a reference with his communications. Council President Monday replied that he can use them now, and when he is done, he will give them to the Council Clerk to put with the minutes. Mr. Ross continued stating that Mayor Mihalik has been out talking to several different groups about several things, never one thing consistently over time. She has been discussing a maintenance and building code, land bank authority, and charter government. Mr. Ross explained that these three (3) concepts work together as a three-legged stool of government in a controlled type structure. It is referred to that when studying any type of government out there in the world. Everything that the Administration seems to be wanting has absolutely nothing to do with improving the City at all. It appears to more of a power grab, quite frankly, with property rights being taken away from citizens with zero (0) to no property rights when it is all said and done. It lends itself to corruption. In fact, it has lent itself to corruption in most of the other cities where it has been implemented. The Mayor handed out a proposal to a group of individuals on September 5, 2018 (*he held up a document*). He is submitting it for Council's review, but more importantly, it is asking for an additional building and maintenance code. As a private citizen, everyone should ask themselves what is currently in place right now. It is very important to know that as a City, County, Municipality, and Township, everyone in the State of Ohio is subject to the Ohio Building Code (OBC). So much so, that the City has to adopt it every time there is a change. (*Mr. Ross held up a document*) stating it is Section 1301 of the Findlay Administrative Code that this Council, or actually the previous Council, had adopted Ohio Building Code on January 1, 2016 as amended to date and identified by Division 4101 Ohio Administrative Code at Skeeter, so there already is an Administrative Code. To his knowledge and to date, it has not been enforced nor has it been enforced other than a minor permit section piece. Secondly, there is the Neighborhood Enhancement and Abatement Team (N.E.A.T.) ordinance Section 521 of the Administrative Code which are the general offenses. They are out there and are managed by the City's Zoning Office, headed by Todd Richard, who are actively enforcing the Ordinance. Council President Monday reminded Mr. Ross that he has one (1) more minute left on his time. Mr. Ross replied that he understands. Mr. Ross continued stating that in addition to that, there are Health Department Sanitation Codes that unfortunately, the Administration cannot seem to work together with the Health Department on. He is unsure why as those codes are on the books and are enforceable. The Nuclear Option is the famed water shut off rule or the failure to comply with any City Ordinances in the City of Findlay which means if someone does not comply, the City shuts their water off until they are in compliance. To his knowledge and to date, and as per the Law Director, the City has not enforced that once anywhere in the City. The City has all the tools to do their job, so he is not sure why anyone is asking for additional legislation at this point. Another piece that is important for this is foreclosures. Dilapidated structures and clean up has been talked about. Two percent (2%) in the City and three percent (3%) in the County as a whole which is well down from where it was. Council President Monday notified Mr. Ross that his time has expired, but if he can wrap up his comments in just a few seconds, he will let him finish. Mr. Ross informed Council President Monday that he has a few more minutes to go and asked for that time. Council President Monday replied no, the rules are very specific on that. Mr. Ross replied that Council President Monday gives a lot of latitude to others, asked who is next to speak, and asked for their minutes and stated that he will be done in four (4) more minutes. Council President Monday replied no sir and asked the Officer in the audience to remove anyone who cannot follow the rules.

Discussion:

Councilman Harrington noted that Mr. Ross has made some remarks, especially towards the Administration, so he would like the Mayor to respond. Mayor Mihalik replied that everyone needs to deal with facts. Several weeks ago/several Council meetings ago, there was an individual who came and spoke on behalf of a neighborhood in Findlay who was very concerned about a piece of property at the corner of Windsor Place and Imperial. During her remarks, she made several comments about the need for the adherence to general property maintenance. Her remarks had to do with common sense property maintenance. She responded to her that the City does not have a property maintenance code in Findlay and would certainly look at utilizing the existing codes already in place to try and achieve some resolution at that corner property. Following that meeting, she had a conversation with that property owner and asked her if she would like to have a conversation about what a property maintenance code actually is, so she arranged a meeting in her driveway with around twenty (20) other neighbors in and around the neighborhood. A sample property maintenance code was distributed so that they could understand what an actual property maintenance code is. At that point in time, they discussed what is already on the books. The Beaver Creek option is a strict option. Her conversation with that group of individuals was if it is something they would like to do, that it would require a lot of conversation with the community before the City would even begin to talk about it at Council. No legislation has been proposed, nothing has been talked about at Planning Commission meeting, a Planning and Zoning Committee meeting, or in this Council. In fact, there has not been a meeting since the meeting in the driveway off of Imperial. While she fully understands why a bunch of individuals in this community would be upset if they were told what they have been told by Mr. Ross, the Administration is not in a position at this point to even talk about proposing legislation relative to a property maintenance code. That is where the City is at, at this point. No one has mentioned a land bank. The County is actually responsible for the creation of the administration of the land bank. We have had conversations about the advantages of a land bank. There are communities such as Fostoria that are utilizing the land bank in conjunction with Habitat for Humanity to take underutilized properties and put them back into production. There has not been any conversations about charter government. The last time charter government came up in this community was back when Jerry Murray was a Councilmember At-Large in which she was not Mayor at the time. Council had a conversation about whether or not to convene a charter commission which is what is necessary in order for that conversation to even be had. As is the case in several incidences with Mr. Ross, he has a hard time having a conversation about the facts. Tonight is yet again another Citizens For Findlay moment where Mr. Ross comes out amongst the shadows and creates issues and mistrust. There are no conversations about a property maintenance code being legislated in this body. In fact, there has only been one driveway meeting to address the concerns of individuals who came to the Council, very similar to what Mr. Ross has done. There is no need to create panic. There is a process that would have to be gone through. She is not even convinced yet that this community wants to entertain that notion. Mr. Ross informed Council President Monday that he gets to answer before getting back into regular Council stating that for the record, the City has a building and maintenance code that is subject to the State of Ohio and that why the Mayor would tell someone that we don't, is a lie. Mayor Mihalik replied that we do not have a residential building code. Mr. Ross argued that we do and that it is subject to the State of Ohio and that the Mayor does not know her own stuff and suggested she do her homework before she starts casting conversions as well. Council President Monday asked Mr. Ross not to involve an argument. Mr. Ross replied that he is allowed to rebuttal. Council President Monday replied that he is trying to work with Mr. Ross and had told him what he was going to do to which Mr. Ross thought that was a great idea. Mr. Ross replied he does. Council President Monday asked if Samuel Littlepage is here. Mr. Littlepage (from the audience) replied he is. Council President Monday asked him if he would relinquish his four (4) minutes to Mr. Ross as he has asked for it. Mr. Littlepage replied no. Council President Monday informed Mr. Ross that his time has expired. *Individuals in the audience shouted that they would.* Council President Monday noted that Charles Williams has relinquished his four (4) minutes to Mr. Ross. Mr. Ross continued stating the Mayor is on the record as saying that this document (*holding up a document*) is in fact what she wants to pass as a building and maintenance code in addition to what is already in place. It is very punitive and is a wonderful document. It was presented to that town hall meeting. It is extremely punitive. In fact, it contains information about needing a one hundred dollar (\$100) permit to simply trim your own trees. It is punitive in nature. It is designed to be what is called strict liability, in another words, there is no appeal. There is absolutely no appeal. When the overlords over here tells someone they are busted, that's it. There is no appeal process. In addition, if for some reason an elderly person cannot afford to pay a one hundred dollar (\$100) permit fee, then there is a one thousand dollar (\$1,000) fine if you get caught in a felony charge, so now the City wants to tie up the courts and the Police chasing people who aren't criminals. He asked if it would be better served spending their time going after the Heroin epidemic in Findlay using those valuable resources like the courts and law enforcement. There is an epidemic in this town and . . . Council President Monday informed the audience that there will be no comments given by the audience. Mr. Ross interrupted stating Council President Monday is taking his allotted time. Council President Monday replied he will give Mr. Ross more time. Council President continued stating that if there are comments given like there has been from the audience, he wants the Officer in the audience to remove the individual/individuals from the Council Chambers. Mr. Ross replied that the last time he checked, this was a constitutional republic and the people have the right to speak. Council President Monday replied that there is a State law that disturbing a lawful meeting is a criminal violation in which Council has a right to enforce it. Council President Monday informed Mr. Ross that he has three and a half (3 ½) minutes. Mr. Ross replied very good and that he'll be done in a minute. This type of punitive enforcement is ridiculous. It is essentially City Government picking the winners and losers in this community. It is ridiculous. It is punitive in nature and is absolutely an abomination on this kind of activity. He asked why in the world the City would even want something like this when it already has everything it needs but is currently not enforcing it. The answer is land bank which has been mentioned at the Housing Consortium by the Mayor and was mentioned as one of her goals, so she is lying again on the record which is ridiculous to call him a liar when she is the one lying. She mentioned two (2) of their goals which are land bank and a full building code. That is exactly what is on her goal setting. If you do not believe him, go to the website and look. He asked why the City needs a land bank. He asked why on earth anyone would consider a land bank. Findlay is not a community with a tremendous amount of blighted properties like Fostoria, Toledo, or Cincinnati where a land bank is actually implemented. The reality is there has to be a punitive building and maintenance code for a land bank to work. Where there is a land bank, a charter government isn't far behind which is what all the forty (40) counties with punitive building maintenance codes and land banks actually operate under. There are forty-four (44) counties in the State of Ohio. This is dangerous. There shouldn't even be discussions about it and information on it shouldn't be handed out to the public in which people get the wrong idea. It is ridiculous. With a land bank, a property is seized by the County. A land bank is an independent authority that no one regulates. The taxpayer's money is used to raise the property and get it ready for sale. It is sold for a dollar (\$1.00) to a developer at a loss to the taxpayer. It is ridiculous and is not needed. He will not waste Council's time on charter government since the Mayor, as well as Safety Director Schmelzer have said, on the record, that the City has no interest in that as well. There are all four (4) legs already in place that are not currently be enforced. He challenged Mayor Mihalik to stand up in her seat and proclaim to this community that she will not ever pursue an additional regulation, but will instead collaborate with the public and private entities to enforce what is already on the books in the best interest of the City and stop telling people lies. Stop telling people she wants something, and then doesn't do it.

Safety Director Schmelzer noted that he has never heard this Mayor state that she wanted to enact the Beaver Creek Ordinance. She did state that this would be an extreme example of one and not something that this community would support. That is a fact. Mr. Ross replied that he has eye witness accounts of something different, but he appreciates his input.

Councilman Russel added that he was at the neighborhood driveway meeting and that Safety Director Schmelzer is correct that the Beaver Creek Ordinance was held up as one extreme of a maintenance code that would not be appropriate for the City of Findlay. It was just to say here is one level and what the City is doing with the N.E.A.T. program is another level. It was offered as a discussion item. Based on the conversation in the driveway, there was a consensus of those there that the Beaver Creek example, based on a few things that were mentioned, wasn't appropriate for the City of Findlay.

Councilman Watson asked if anything that was discussed by Mr. Ross would have to come through Council at some point. Law Director Rasmussen replied that is correct whether it is Charter Government, which was tried and voted down a long time ago, or whether it was a building code. Councilman Watson replied he is struggling to wrap his mind around tonight because it is the most bizarre thing for him to even think about because there is no legislation and there has been no discussion. He sits on Council, so none of the committees he has ever been on have ever heard or seen minutes of this. It seems odd to him that it is being discussed tonight and appears to be an ephemeral thing that is not happening. Mr. Ross replied that it has in fact come up multiple times. In fact, this has been defeated. This is the third time he has spoken about this very issue in front of this governing body. Some current Councilmembers were not elected at that time, but it keeps coming up, so those in the audience tonight are trying to head it off. They do not want the discussion. It is not needed from the reasons he's proven tonight and the community does not want it. That is it. The people are speaking right now. This room is full of good and decent people who are going to be harmed by any of that legislation. He asked what a poor person is supposed to do. Somebody on a fixed income that needs to get a one hundred dollars (\$100.00) permit to trim their own tree is ridiculous. It shouldn't even be handed out. Councilman Watson replied there has been no Council related discussion on this. Mr. Ross replied it doesn't matter. They want to head it off before there is Council related discussion. Councilman Watson replied there are all these branches of government that he knows Mr. Ross is aware of. The Administration is one. Council is another. Council has had zero conversation on it. None. Mr. Ross replied that kind of strikes him as odd because the Mayor is out there talking about stuff and handing it out and a Councilmember is unaware of it. He feels it would be interesting to find out that she wasn't including Council in the conversations. Councilman Watson replied that he did not attend the driveway discussion, but in terms of Council discussions, this is news to him. He is always excited to see people come out and be engaged in a process like this. He is never intimidated to see people at City Council and is exciting for him because it means they care about City government and care about what is happening, but he is here to tell you from his perspective, there is nothing happening here. There is no legislation, no discussion . . . Mr. Ross interrupted stating that Mr. Watson is aware of. Councilman Watson replied that it will have to come before Council if anything like that were to happen. He would like to sway some fear out there because from his perspective, it is not happening.

Mayor Mihalik noted that it is important to recognize that while the Council Chambers may be filled with individuals who are upset about the possibility of this, it was not too long ago that these Council Chambers were filled with a neighborhood of people who were irritated about a particular property and how they felt the City wasn't doing anything about it. It is the City's job to be responsive to all citizens . . . Mr. Ross interrupted stating that he agrees. Mayor Mihalik continued stating that one of the things she mentioned at the neighborhood meeting that took place in the driveway not too long ago, was that Beaver Creek is an example of a property maintenance code that is out there and that it needs to be talked about as a community as a whole. If there are a handful of individuals who are interested in some minor additions to what currently is on the books, then that conversation should take place because they want to have their voices heard too. That's how this process works (Mr. Ross interrupted and was speaking during the same time as the Mayor – could not hear what he was saying due to talking at the same time). Council President Monday asked Mr. Ross to let the Mayor finish. She did not interrupt him while he was speaking. Mr. Ross replied that he is tired of political double standards and he does not need to hear it. Council President Monday informed Mr. Ross to have a seat. Mayor Mihalik continued stating that her point is that there is a process and it would be followed, and that the City is not to the point yet where drafting a document is not even being considered. It has been talked about what is out there in other communities relative to a property maintenance code. The conversation was had because of a need that arose at a Council meeting and she was trying to be attentive to it, just like she would with anybody else. The Administration has a track record of doing that. She told the audience that she is sorry that they have been led to believe that there is an ordinance on the table, that an ordinance is being drafted, or that there are conversations more than just what was had in a driveway in one meeting. It hasn't been talked about in this in other parts of the City, but have had other individuals express their concerns to her about the deterioration of specific properties in their neighborhoods. She is just trying to be attentive to the needs of the residents of this community. Unfortunately or fortunately to those in tonight's audience, the person who sits in this seat has to listen to everyone. We have to be responsive to those concerns. She appreciates everyone coming here and having their voices be lifted by Mr. Ross, but wants them to know that there is no property maintenance code in the works. The City is not in charge of a land bank. She has not been to a Housing Consortium meeting since she was the Grant Administrator for the Hancock Regional Planning Commission. There have been no conversation about charter government since prior to her being elected.

Councilman Shindledecker agrees with the Mayor and Councilman Watson that it is gratifying to see so many people take an interest in government, however, he apologized that those here tonight were all brought here under false pretenses. It is nothing more than sound and fury signifying nothing.

Samuel Littlepage – building code

In 1980 and 1993, the voters repealed residential building codes passed by City Council (he obtained that information out of the Toledo Blade). He believes folks will start doing things and then all of a sudden, there is a blowup. He proposed having this one issue on the ballot and then maybe a year from now, vote on it. Residential building codes and their revisions should only be approved by a vote of the people in a regular election. While looking on the internet, he ran into a story where a citizen, like himself, came before City Council about a building code revision who wanted the people to vote for it to which the Building Council replied it would never get passed. While that may be funny, he is afraid it is true. That is what he is proposing and is trying to get it on the ballot for next year.

Discussion:

Mayor Mihalik noted that there is a distinct difference between a residential building code and a property maintenance code, and she wants to make sure that everyone is on the same page. There has never been a conversation about a residential building code at least in her time here. She has had individuals ask her about it, in fact, in the driveway that day, there was a homeowner who asked her if the City has a Building Inspector for residential buildings in Findlay to which Mayor Mihalik replied we do not. The City of Findlay has a commercial building code, but does not have a residential building code to which that individual replied that he was not aware of that. He also asked a few follow up questions. The conversation in the driveway was not a residential building code conversation. It was about the interest in that neighborhood of potentially having a conversation and about a property maintenance code, not how a building is constructed, and not how electrical systems are to be maintained. There are a couple of homes on Windsor Place that have had the Tyvek showing on them for some time and also have no gutter and no downspouts. The homeowners to either side of them were saying how it is unfortunate because when it rains really hard, the rain falling on the roof is not caught by anything and the water flies into either direction on either side of the home to which the City does not have the ability to regulate that at this point, but civilly, you can do anything

If the actions from someone else's property are impacting someone else in a negative way, there is the civil route to take. Those were the types of conversations that took place that day in that driveway. Not about a residential building code. She is fully aware of the history of this community and its dislike of a residential building code. Mr. Littlepage replied if a building code or maintenance code is so great for the people, and he has heard people say that, shouldn't the people vote on it. Mayor Mihalik replied that she agrees with Mr. Littlepage. If that is the tool that needs to be used in order to get something like that enacted, so be it. Mr. Littlepage replied that the Mayor can do that easier than he can. Mayor Mihalik replied not necessarily. The process is pretty much the same. Talks were about a residential building code. It was a conversation about a maintenance code and whether or not it was something people wanted to continue to have a conversation about. There is one small section of Findlay that wants to get this done, so her reply to them is that there needs to be conversations around the City in different neighborhoods about whether or not they believe this is a problem and whether or not they believe that this would be a tool that could be used to help remedy some of the issues and concerns that were brought forth by that neighborhood several Council meetings ago.

Marilyn Young – tree permits and related issues

Ms. Young moved to Findlay in 1980 and has been here ever since except for a short ten (10) year period that she lived in the Purdue area. She reminded Mayor Mihalik about something she said tonight which is that they have not had that conversation yet which makes her think that it might be in the works. Her concern is for the permits for trimming trees and the consequences of the City being able to control what property owners do on their personal property, which concerns her a lot. The more control the government has, the less the people have a say. She is tired of big government trying to force things on them. She has already been the victim this year of a zoning rule that should never have been permitted. There was a person on that committee who should have recused herself, but did not, and it barely passed. She does not believe that what everyone here tonight has heard, what has been discussed, and the possibility of it, should ever come before a Council, but should go to the people.

Discussion:

Mayor Mihalik clarified that the reason she said yet, is because it is her intention to continually have a conversation with other individuals in this community about what they feel the City is lacking, if anything at all, to help with neighborhood issues like what was brought to her attention. It is irresponsible of her not to listen to everyone and their concerns. That is why she has been elected and those are the decisions that she has before her. It is important for her to listen. Just because someone has one opinion does not necessarily mean that there isn't someone else that disagrees with them. There could be someone who has a differing opinion. It is important to listen, which is why she said yet. It would not be fair for her to say that there is nobody else in this community that wants to have that conversation, because she does not know. She is not going to say after tonight that she is not going to keep her word with those individuals that she had a conversation with in that neighborhood that night. She said she would talk with other individuals in the community about it. Ms. Young replied that is your right. Mayor Mihalik replied it is not necessarily her right, but is the responsible and right thing to do. Ms. Young replied that she hopes the Mayor will always think of all the citizens of this community and not just a few. Mayor Mihalik replied she does with every decision she makes.

**Daniel Young – chose not to speak. He has questions, but preferred to listen.
Sherri Schaeffer – gave her time to Charles Williams to speak**

Charles Williams – why someone can address Council without signing an oral communications form

Mr. Williams asked Council President Monday if he stated "that is not how it works". Council President Monday replied he did say that. Mr. Williams replied he respects that. (while looking at the audience) Mr. Williams told them to hear him out. Council President Monday informed Mr. Williams to go ahead with his comments. Mr. Williams pointed out that he was here at the last meeting and noted that Councilwoman Frische was wonderful. He pointed to Council President Monday stating that he thought he had ants in his pants when he called Coach Stozich's daughter up here to speak against Councilwoman Frische, but it backfired on him. Coach Stozich's daughter (aka Judy Scrimshaw) told Councilwoman Frische that they met that lady and she did not want to close that street, but that she could put a bridge across that creek to get to her property. (While looking at Council President Monday) Mr. Williams stated to Council President Monday that he is smiling again because on Main Street, and that they had a good time with that, that this family, whom he was trying to intimidate the family that resides at 830 East Sandusky Street. To put a bridge across would cost two million dollars (\$2,000,000) like at Blanchard, and it took twenty (20) years to get it to her property. The next thing Mr. Williams knew, a lady from the Park Division (Lisa Mansfield) came before Council to brag about Findlay. He didn't see her sign any paper and give it to the Council President. He did not see the Coach's daughter give the Council President a piece of paper, but with his little gavel (Mr. Williams demonstrated by hitting the podium), made sure that it was really important.

Minutes typed verbatim:

Mr. Williams (while looking at Council President Monday): if you are going to set here and tell me and everybody in here that we have to go by your rules, then you have to go by the rules also. This family at 830 East Sandusky Street that was persecuted by this poor excuse of a Mayor, (Mr. Williams turned and faced the audience stating) they need five thousand dollars (\$5,000.00) for a lawsuit. I wish you guys would come together . . . I'll give a thousand (\$1,000.00) myself tonight . . . to get them a five thousand dollar (\$5,000.00) to get this lawsuit going that costs Findlay millions of dollars because this Mayor here is so vindictive of this family. As a matter of fact ma'am, in North Carolina where I'm from, Richlands near Jacksonville, a little baby drowned in a flood, but you are okay with that (looking at the Mayor). If this family's kids drown because they can't get away from their house because you closed the street (looking at the Mayor). They sat here four to zero (4-0) not to close that street. You (pointing at the Mayor) sat right there and said we will find a law, and you did. Shame on you. (Looking at the audience) Now anybody else, what do you think? (Looking at Council President Monday) Now, Mr. Monday, are we going to go by the rules. Council President Monday replied address your questions and comments to Council please sir. Mr. Williams replied you are the one who makes the rules. Council President Monday replied address your comments to Council. Mr. Williams – okay Council, let's do this here then. This gentleman (pointing to Council President Monday) here says you got four (4) minutes. I got no problem with that. Says you gotta sign a paper. I got no problem with that, (pointing at Council President Monday) but don't sit there and call somebody up here to speak because he wants to go against Holly. That is just wrong. And then, about the curbs (while looking at the audience), that's what the Administration is talking about how great Main Street is. They took away parking places for people to have businesses. Are you kidding me? The Mayor (pointing at the Administration side) got two million dollars (\$2,000,000.00) from Marathon (looking at the audience) to do this. Praise the Lord. Okay. Now, we got a gal outside of Findlay that's got an RV place. She's got forty-eight (48) acres because this Mayor (pointing at the Mayor) does not want people in Findlay to see what happened to us. He parked his motor home way out there on the grass, so he put stone in and this great Todd Richard come out there and said oh you can't do that. You have to asphalt that. Council President Monday informed Mr. Williams that his time has expired. Mr. Williams replied good. You have a good one sir.

Marlene Rhodes: he can have my four (4) minutes.

Mr. Williams: Do I have another four (4) minutes? Council President Monday: go ahead. Mr. Williams: good. Isn't this great? Isn't this what is called free speech. That these people here wants to stifle. And you too sir (*pointing to one of the Councilmembers*) right there. You are a wonderful person. Councilman Harrington: we're listening to you. Mr. Williams: I'm glad you are because you have some remark to make up here the other day. I appreciate that from you. Now, you know, who elected her? Did anybody in here elect her? I sure didn't. Show of hands (*while raising his hand*). Who elected her? There ain't no hands in here. Okay. Now this lady here (*pointing to Councilwoman Ostrander*) I think you live in Pheasant Run, correct ma'am? Councilwoman Ostrander: That is true. Mr. Williams: Okay, good. And you got a nice fence up there. Okay. And my wife she calls you a chirper because you don't have nothing to say. No matter if it is right or wrong, you have nothing to say. Councilwoman Ostrander: Sometimes it's not worth saying something. Mr. Williams: well you sure don't say anything. You agree with everything the Mayor has to say. And this gentleman (*pointing to Councilman Shindedecker*) back there, he does the same thing. Everything the Mayor has to say, you agree with it. It's called puppets. It's called communism. My brother was a Klu Klux Klan member. You got it. He burned houses down. He killed people. He is twenty-one (21) years older than me. I shot him five (5) times because he kicked my mother in the vagina, beat her like she was a pulp. I went got rags and shoved them in her vagina so she would quit bleeding. I was seven (7) years old. I got a gun and I shot him five (5) times. Made a mistake. Had the wrong damn ammunition in it. They were bird pellets, not double ought buck. So I was raised around crap like this. I like North Carolina. I'll tell you why I like North Carolina. I gave my dress coat that I worked all summer at thirty-five cents (\$.35/hour) in tobacco to buy. I gave my dress coat, and you know me sir, right? (*pointing to someone in the audience*) I gave my dress coat to this black lady holding a baby, because the Mayor don't care for babies, holding a baby, because the lady was sitting there with a slip on. Nothing else on that baby in a diaper freezing. I took my coat off and gave it to her. I had to leave North Carolina at sixteen (16) years old. I feared my life because my brother would have killed me or the Klu Klux Klan would have killed me. I came up here because of a lady called Margaretta Schuck. Oh she turned my life around. I love that lady and its too bad she is not here because if she was here, she (*pointing at the Mayor*) wouldn't be here. Council President Monday: You have one more minute. Mr. Williams: Good. Good. Good. You know, I've been a very successful person in Findlay. It has been very good to me. I lost a million dollars (\$1,000,000.00) to Mr. Obama, but we don't hold grudges. And the Mayor, she spent hundreds of dollars to get elected. Right? I sat in front of the Courthouse with a dancing Santa Claus with a prisoner outfit on and a blonde wig that said corrupt Mayor, Monday, and Rasmussen. The Mayor went wild. She even came down Main Street and gave me the finger. You know, that's a shame because I thought you (*looking at City Auditor Staschiak*) were number one, now you are number two. Now I've said enough. Have a good day.

Discussion:

Mayor Mihalik: Just so that we are clear: The acquisition that I flipped off Mr. Williams was made on a day that I actually was in Indianapolis for my Aunt's funeral. This is absolutely positively ridiculous.

Council President Monday noted that Judge Hackenberg and Judge Miller were on the agenda to talk about Issue 1. They are going to address that during NEW BUSINESS.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Director of Public Service Thomas – annual Community Park Improvement Program Grant

The City of Findlay Public Works Department is applying for the annual Community Park Improvement Program Grant through the Hancock Park District. Six thousand dollars (\$6,000) is requested for restroom restoration and to replace several grills within the City parks system. The restroom is near the newly built Pickleball Courts at Riverside Park. The restoration work includes: concrete repair, replacement of all sinks, toilets, stalls, flooring and lighting in both men's and women's restrooms. The Public Works Department will be performing all the labor on the project. There is an alternate request of five thousand dollars (\$5,000) for tree replacement in several City parks. The Hancock Parks grant is offered each year to communities within Hancock County to improve their park systems. This grant is then divided among the communities that request the available funds. These funds are at no cost to the community and do not require matching funds. The City has completed many projects in our parks using these grant dollars. One of the requirements of the grant is to obtain project approval during a public meeting from its governing body. Legislation authorizing the Director of Public Service to apply for grant funds is requested. Ordinance No. 2018-098 was created. Filed.

Service Director/Acting City Engineer Thomas – 2018 annual sewer & manhole lining program project no. 35680200

By authorization of Ordinance No. 2018-019, a bid opening was held for this project on September 21, 2018. Bids were received from three (3) potential contractors with bid amounts ranging from #320,986.00 to \$322,582.50. Bids were also received for five (5) alternates ranging from \$48,519.00 to \$53,044.85. The lowest and best bid was received from Inland Waters Pollution Control, Inc. of Detroit, MI. This project is included in the 2018 Capital Improvement Plan and the total project estimate is within the budgeted amount. \$20,000 was previously appropriated to this project for design and startup. At this time, an appropriation for construction, inspection and contingency is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2018-099 was created.

FROM: Sewer Fund \$ 365,900.00
TO: 2018 Annual Sewer & Manhole Lining Program *Project No. 35680200* \$ 365,900.00

Filed.

Service Director/Acting City Engineer Thomas – WTP underground utility capacity increase project no. 35776100

By authorization of Ordinance No. 2017-006, a bid opening was held for this project on September 13, 2018. Bids were received from six (6) potential contractors with bid amounts ranging from \$79,499.00 to \$98,690.00. The lowest and best bid was received from Brenneman Excavating of Elida, Ohio. This project is included in the 2018 Capital Improvements Plan and the total project estimate is within the budgeted amount. \$20,000 was previously appropriated to this project for design and startup. At this time, an appropriation for construction, inspection and contingency is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2018-100 was created.

FROM: Water Fund \$ 80,000.00
TO: WTP Underground Capacity Increase *Project No. 35776100* \$ 80,000.00

Filed.

Service Director/Acting City Engineer Thomas – Park Street rehabilitation project no. 32875900

This project is now complete. During construction, additional costs were incurred due to extra undercutting to correct soft spots in the roadway and unplanned catch basin work because of the poor condition of existing structures. \$20,000 and \$238,000 were previously appropriated to this project for design, startup, and construction. At this time, an additional \$20,217.46 is now needed to cover these increased costs. Legislation to appropriate and transfer funds is requested. Ordinance No. 2018-101 was created.

FROM: CIT Fund – Capital Improvement Restricted Account	\$ 15,117.46
FROM: Sewer Fund – Stormwater Restricted Account	\$ 5,100.00
TO: Park Street Rehabilitation <i>Project No. 32875900</i>	\$ 20,217.46

Filed.

City Planning Commission agenda – October 11, 2018; minutes – September 13, 2018. Filed.

Service Director/Acting City Engineer Thomas – ODOT Aviation Grant Airport Beacon and Windsock, Project No 35284600

The City of Findlay was awarded the ODOT Aviation Grant to replace the damaged beacon and move the existing windsock at the airport. Due to the tight timeframe with the grant, engineering on the project needs to start as soon as possible. There are funds available in the Airport’s operating budget to cover the design fees. Legislation to transfer funds is requested. Resolution No. 023-2018 was created.

FROM: Airport Operations #25010000-other	\$ 23,000.00
TO: ODOT Aviation Grant Airport Beacon and Windsock <i>Project No. 35284600</i>	\$ 23,000.00

Discussion:

Councilman Hellmann asked what the total value of the grant is. Service Director/Acting City Engineer Thomas replied it is one hundred thousand dollars (\$100,000.00). Councilman Hellmann asked if the City is responsible for the twenty-three thousand dollars (\$23,000) of that. Service Director/Acting City Engineer Thomas replied the City is responsible for the design services and the engineering to do the actual plans. Since the tower is being moved, electric to it has to be put in. The tower has to be redone, that sort of thing. That is the quote that was received to do the engineering part of it.

Councilman Russel asked if this is something that needs done tonight. Service Director/Acting City Engineer Thomas replied it would be helpful if it was done tonight. The project has to be completed by the end of March. The soon the plans can get done, the sooner it can go out to bid and the sooner it can be finished. Filed.

Service Director/Acting City Engineer Thomas – aviation fuel

The average cost per gallon for aviation fuel for 2018 was \$.16 per gallon more than what was budgeted for. The sale of aviation fuel has been strong this year and the year to date volume sold is up thirteen percent (13%). While the increase in sales is good for operations, when combined with the increased cost, a shortfall in the budgeted amount is projected for the fuel loads that will need to be purchased through the end of 2018. Legislation to appropriate and transfer funds is requested. Ordinance No. 2018-102 was created.

FROM: General Fund	\$75,000.00
TO: Airport Fund	\$ 75,000.00
FROM: Airport Fund	\$ 75,000.00
TO: Airport Operations #25010000-other	\$ 75,000.00

Filed.

Service Director/Acting City Engineer Thomas – ODOT Safety Grant for Blanchard Street/Lincoln Street project

The selected design consultant for this project mentioned the possibility of applying for a safety grant with the Ohio Department of Transportation (ODOT) for Blanchard Street. The Consultant prepared a corridor and safety study for Blanchard Street from Tiffin Avenue to Sixth Street. The purpose of the study was to determine if any operational or safety deficiencies exist and what improvements are necessary to correct any deficiencies identified. Based upon the results from the corridor and safety study, the City would be able to apply for a safety fund grant from the ODOT. Based upon the findings, the recommended amount for the grant is \$2,750,000. The preliminary total estimated construction cost for the multi-use trail on Lincoln Street and all of the work on Blanchard Street is \$4,659,388. The City has already been granted a TAP grant for \$1,200,000 and if awarded, the safety grant would be \$2,750,000. The City’s share of the construction costs would be the remaining \$709,388 or just over fifteen percent (15%) of the total estimated construction cost of the project. Attached are highlights from the corridor and safety study. Legislation in support of the submittal of a safety funding application to ODOT for the Blanchard Street project PID 104247 is requested. Resolution No. 024-2018 was created. Filed.

Service Director/Acting City Engineer Thomas – Ohio Public Works Commission grant application Howard Street waterline replacement

Engineering is preparing to submit a grant application for funding from the Ohio Public Works Commission (OPWC). The application will cover the replacement of an old transit waterline on Howard Street from Broad Avenue to Wal-Mart, and the replacement of a four inch (4”) waterline with a twelve inch (12”) waterline from Main Street to Morey Street. Legislation authorizing City representatives to execute the necessary grant application(s) and/or agreement(s) to receive the grant funds is requested. Ordinance No. 2018-103 was created. Filed.

Judge Miller/Judge Hackenberg – Municipal Court credit card policy

Recently, the Ohio General Assembly passed H.B. 312 to establish additional safeguards concerning governmental use of credit cards. This legislation instituted Section 717.31 of the Revised Code relating to municipal corporations that utilize credit cards. This legislation is effective on November 2, 2018 and affords cities ninety (90) days to adopt a written policy on the use of credit card accounts. As a result of this legislation, the Judges of the Findlay Municipal Court have determined it best to also develop a credit card policy specifically for the Court. A copy of the Court's policy and related documents are attached. Findlay City Council is considering to legislate a policy for the use of credit cards by City officials and employees. The City's desire is to implement a policy that will cover all City offices. The Court is not a City office or department. A municipal court is an arm of the State of Ohio and ultimately answers to the Supreme Court of Ohio. Ohio Cons. Art. 4, §4(A) and §5 (the Supreme Court has "general superintendence over all courts in the state . . . [which is] exercised by the Chief Justice in accordance with rules promulgated by the Supreme Court."). Simply stated, the Court is a separate, independent and equal branch of government. Ohio Cons. Art. 4, §1. The Court acknowledges that the City of Findlay is a funding authority for the Findlay Municipal Court (along with Hancock County), however, counties and municipalities are creatures of statute and have only those powers expressly conferred by statute. As a matter of law, the City is not the operator of the Court, its Judges, or its employees, but rather the Court's appointees serve exclusively at the discretion and pleasure of the Judges, and the Court has autonomy over its fiscal policies. The "administration of justice by the judicial branch of the government cannot be impeded by the other branches of the government in the exercise of their respective powers." *State ex rel. Johnston v. Taulbee*, 66 Ohio St.2d 417 (1981). Further, a Court's authority to effectuate the orderly and efficient administration of justice without monetary or procedural limitations by the legislature is said to be within the inherent powers of the courts. *State, ex rel. Johnston, v. Taulbee*, 66 Ohio St.2d 417, at 420-422 (1981). The Ohio Supreme Court has held: "We recognize that the power to control what a court spends, or to totally regulate the process of obtaining funds, ultimately becomes the power to control what the court does. Such a principle is an anathema to an independent judiciary." *State, ex rel. Musser, v. Massillon*, 12 Ohio St.3d 42 (1984); *State, ex rel. Durkin, v. Youngstown City Council*, 9 Ohio St. 3d 132, 134-135 (1984). The determination of necessary administrative expenses rests solely with the court, and another branch of government may not substitute its judgment for that of the court. See generally *State ex rel. Foster v. Lucas Cty. Bd. Of Commrs.*, 16 Ohio St.2d 89, 242 N.E.2d 884 (1968). The purpose of this letter is to inform Council that the Court will be utilizing a Credit Card Policy adopted by the Municipal Court Judges. Please be aware the Court's Credit Card Policy was designed to comply with H.B. 312 even though the statute, by its own express terms, does not apply to the Court. In addition, the Court's policy adopts the Ten Best Practices as described by the State Auditor. Also, the policy duplicates much of the City's current policy and practices. This policy was previously submitted to the City Law Director and City Auditor for any suggestions prior to its implementation. Judge Miller and Judge Hackenberg are willing to meet with City officials to discuss matters of mutual concern. H.B. 312 affords Council ample time before a final policy must be adopted and allows other elected officials and department heads to work collaboratively so uniformity in policies can be achieved.

Discussion:

Councilman Russel asked if Mr. Beach is here tonight to speak on this issue. Mr. Beach from the audience replied no. Council President Monday added that according to the agenda, the Judges are here to speak on Issue 1.

Councilwoman Frische asked if the Courts want a separate policy from Council and asked if that is okay. Law Director Rasmussen replied yes. They are an instrumentality of the State, but he does not think that is their wishes. They still want to have a meeting with all three (3) of us and try to have a singular policy.

Councilman Russel asked if that meeting has been scheduled to work towards one policy. Law Director Rasmussen replied that they have requested to meet. Councilman Russel asked what is preventing them from having a meeting on a credit card policy to have one going forward. Law Director Rasmussen replied he is glad to meet anytime, but he is just one person and there is the Court and the Administration. Councilman Russel asked if there is an agreement they are working towards and if a meeting to merge everything into one will be taking place. He is willing to put a motion out to table the ordinance until such a meeting can happen if that would help. Councilman Shindedecker added that he would second it. City Auditor Staschiak replied that he was the one who requested the ordinance be brought to Council. It is for the policy that is currently in place. Some dates are being circulated in some emails and he has also requested to meet with each of the elected officials individually, particularly with the Judges because he has some other issues he needs to speak with them about that are financial in nature. He has let them know that, but he wants to take care of this part as a group once everyone is in agreement on a date. He is unsure who circulated the available dates, possibly Judge Miller. No one has responded to that email, at least not that he has received in the email chain.

Councilman Harrington called for a point of order and asked if it could be addressed under COMMITTEE REPORTS and if there could be a motion to table and/or second or if it should be addressed under LEGISLATION.

Councilwoman Frische pointed out that at the end of the day, its Council's legislation and should have somebody, perhaps Council President, attend the meetings with the City Auditor, Judges, Mayor and Law Director to be able to give back to Council what all the discussions were to help with putting together the Ordinance. She would question tabling the Ordinance that is currently out there only because it is the practice that is already in place and ordinances can be changed, which is done all the time. Although the time limit isn't until December or January, the current ordinance can be passed in case it takes longer and to make sure the City is in compliance. Law Director Rasmussen replied January 30 is the date. The ordinance before Council now is the same bank card policy that we have had. Councilwoman Frische replied that since it is the same policy that is in place right now, she sees no reason to table it. Council should go ahead and let it pass and continue discussions to figure out what needs to be tweaked, but also have someone or all of Council in on some of those discussions because at the end of the day, it is Council's policy and ordinance that they have to pass. It is the policy that the City is already using, so go ahead and let it pass and change it as we go. Law Director Rasmussen asked why would Council act on something that is exactly the same as what the City already has. Why would Council adopt an ordinance for a bank card policy that is already in place. Councilwoman Frische replied because it is required. Law Director Rasmussen replied it is required by the 30th of January. City Auditor Staschiak replied that he requested the legislation be drafted because as he mentioned in the last meeting, there are two (2) employees, the two (2) elected officials sitting down to his left, that are not in compliance with the current policy which has become pretty evident by the email chain. He would like to get everyone in compliance and would like everyone to come to an agreement. If it ends up that there will be multiple policies and the State Auditor's Office is okay with that, that is fine, but in the meantime, Council needs to do everything they can to protect the City against fraud and accidental expenditures. None of those policies that are in place were changed in any drastic manner since he has been in office. They are recommendations of prior Auditors through experience, particularly the meal section of the policy and the difficulty they had with illegal expenditures and meals that were difficult to get receipts back from the employees. The policy that is in place today has done the City very well. Ultimately, if the Courts end up with their own, he has complete respect for that and he looks forward to working with them no matter what they do. What is interesting about the whole thing is that the burden of expenditure reporting should be on the employee and not on the City to collect the receipts for improperly expensed items, which is the challenge it has created. He would like the policy that is in place go back to what happened in the old days, which is what he is trying to do to protect the City as best he can. Ultimately, whatever it is decided by Council, he will have complete respect for. Those are the reasons he requested the legislation.

Mayor Mihalik noted that during her conversations with the Auditor of State's Office, she was told that a guidance document will be coming in the next couple of weeks that can be used to make sure the City's policy is consistent with what has been passed by the state legislature. The reasons she would like to have a meeting about the credit card policy has to do with the issues that some employees experience in burdening themselves on forwarding expenses to later be reimbursed for. That sometimes can be cumbersome and sometimes, depending upon who you are, can be difficult to front those expenses. She would like to have a conversation because it has been brought up by members of her team, not just the Administrative team, but members throughout the City who travel. All she wants is a conversation about whether or not employees use credit cards for meals, parking, taxi cabs, etc. If the City Auditor does not want to do it, that is fine. This is not something she wants to fall on a sword for. She is trying to make it better and less burdensome for City employees to be able to travel when they need to.

Councilwoman Frische asked what the State Auditor is sending down in the next couple of weeks. Mayor Mihalik replied they are developing a guidance document knowing there are cities, school districts, counties, and other instruments of local governments that are developing a policy if they didn't have one and/or refining the policy that they already had. They are trying to make it easy so that policies can be compliant with the legislation that has been passed. She is asking Council to be a part of a conversation to make this easier. She is unsure why it is so difficult. She is trying to be attentive to employee's concerns. Councilwoman Frische replied that she believes Council is on that same page in wanting to make it easier for City employees, but also does not want it so easy that we lose control and ends up taking a longer process. She asked if Councilmembers make a motion to table this ordinance until further discussion, if in the meantime, the Mayor and Law Director would be willing to turn in their credit cards and follow the current policy that the Law Director has stated is already in place. Law Director Rasmussen replied that per the current policy, all the City Auditor had to do was ask him for his card back. He is not going to provide the card to the City Auditor until he no longer sees individuals that do not work for the Auditor's Office be in that office eating lunch during business hours. He does not know who that individual is, but that he has been there a number of times, so he is going to keep his credit card locked in a safe. Councilwoman Frische replied that she does not understand. Law Director Rasmussen continued stating that there is a friend of one of the Auditor's Office employees who comes in and eats lunch where all the important documents of the City are and has excused himself to their file room when a discussion in the Auditor's Office is going on. He is not going to turn his credit card over until they fix that problem. Councilwoman Frische replied that it is her hopes that the Auditor's Office is covered by bond and that there is not an issue and that she would like to see the policy that is in place and are supposed to be following and that everyone else is following. She asked if Council wants to continue discussion on the credit card policy and if Council wants to table the ordinance, if the Mayor and Law Director would be willing to turn in their credit cards. Mayor Mihalik replied that her card is kept in a safe as well. It is signed in and out. The reason she has access to it is in the event of an emergency expenditure that needs to happen (i.e. fuel). There has been instances where fuel needed purchased for a Police vehicles and equipment, so instead of asking the Officer to do that personally, she used her card. In the event there needs to be an emergency expenditure, she would like to have access to the card to use it in that case.

City Auditor Staschiak feels a committee would be a better place for a discussion like this with the political and misleading statements that have been given tonight. He took a look at the sign-in and sign-out cards for the two (2) individuals that still have their cards and noticed that they had signed them in and out pretty regularly until just recently, so they have not been holding their cards for a long period of time. It is very frustrating for him to hear the acquisitions made about the quality of his office. They welcome the general public and will continue to do so. He just sat through hours of PHI training with the City's HR Director who told him it was probably one of the better training sessions he has ever been in professionally and thanked him for inviting him to the training. PHI is one of the critical things they do. They know what they are doing. They are not sacrificing or risking anything in his office. He appreciates the opportunity to be a part of this, but the politics have gotten ridiculous to the point of when a Law Director tells you he hasn't hired an attorney, but yet he has almost eight thousand dollars (\$8,000.00) worth of bills for an attorney he hired at the beginning of the year on a Worker's Comp issue, is ridiculous. Let's stay with the facts. This can be dealt with in committee if Council wants to. If the City already has a good policy, it is his hopes that Council will not table it. He appreciates Councilwoman Frische's question that if Council does table it, if the Law Director and Mayor will turn their cards in where those cards will be protected properly. He has personal liability for the finances of the City which he takes very seriously to which he might seem overzealous at times, but he hopes the entire room would respect that. He will give the respect that he receives. His door is open and he would love the opportunity to talk with all elected officials. He has the outmost respect for the Judges who will ultimately be part of this even if the policy ends up separate. The world is changing. Government is changing. There are a lot of things going on here. We need to keep it professional.

Councilman Harrington noted that his wife is the School Treasurer for Perrysburg Schools and this is also an issue with them. At one point in time, there were hundreds of credit cards amongst the school employees. They too had to create a policy and rein it in. The Superintendent and Treasurer have always carried credit cards at all times that do not need to be signed in and signed out. It is an issue of trust. Those people have obtained that level through their professional development. It is his hopes that the politics here are not based on those accusations going both ways. He agrees with Councilwoman Frische that a member of Council should be in on that discussion and is unsure if it should be an Ad Hoc Committee or what. If the three (3) parties get together and someone from Council is involved and that consensus could be resolved.

Councilman Watson asked what PHI is. City Auditor Staschiak replied it stands for protected health information. It is employee's personal health information.

Law Director Rasmussen added that he welcomes all the discussion and asked the City Auditor to provide some dates that he is available. Filed.

COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service Director/Acting City Engineer to discuss the purchase of a vactor truck for hydro excavating to replace the Water Distribution Department's existing trailer vactor.

FROM:	Vincent Street Waterline Replacement Project NO. 35774000	\$ 79,000.00
TO:	Water Distribution #25053000-other	\$ 79,000.00

We recommend approval of transfer as requested.

Resolution No. 019-2018 was tabled after the 3rd reading during the 9/18/18 City Council meeting.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service Director/Acting City Engineer to discuss CUBE Department code updates, project no. 31984100.

FROM: CIT Fund – Capital Improvement Restricted Account \$ 595,000.00
TO: 2018 CUBE Code Updates *Project No. 31984100* \$ 595,000.00

We recommend appropriate funds as requested.

Ordinance No. 2018-091 received it's 2nd reading during the 9/18/18 City Council meeting.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request from the Service Director/Acting City Engineer to discuss the 2019 CIT Fund.

We discussed the 2019 CIT Fund.

Councilman Harrington moved to adopt the committee report. Councilman Slough seconded the motion. 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
Adopted during OLD BUSINESS

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

RESOLUTION NO. 021-2018 (*mid-year budget transfer*) requires three (3) readings

third reading adopted

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

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

RESOLUTION NO. 022-2018 (*over PO amount*) requires one (1) reading

first reading adopted

A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

Councilman Russel moved to adopt the Resolution, seconded by Councilman Harrington.

Discussion:

Councilwoman Frische asked what the projected amount for the asphalt is. Service Director/Acting City Engineer Thomas replied it is just for the street maintenance, so it isn't for a specific project.

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

RESOLUTION NO. 023-2018 (*ODOT aviation grant Airport beacon and windsock*) requires three (3) readings

first reading adopted

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

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

RESOLUTION NO. 024-2018 (*ODOT safety grant funds for Blanchard Street/Lincoln St*) requires three (3) readings

first reading adopted

A RESOLUTION SUPPORTING THE SUBMITTAL OF A SAFETY FUNDING APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR A MULTI-USE TRAIL ON LINCOLN STREET, AND VARIOUS UPGRADES TO BLANCHARD STREET WITHIN THE CITY OF FINDLAY LIMITS, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische asked what multi-use trail is. Service Director/Acting City Engineer Thomas replied that is what bike paths are called now. It will be a wider sidewalk that can be used by bicyclists, walkers, joggers, etc.

Councilman Hellmann asked if this will be constructed in 2019. Service Director/Acting City Engineer Thomas replied it will be constructed in ODOT's fiscal year 2020, so it can be done anytime after July of 2019. Councilman Hellmann asked if the City does the design work. Service Director/Acting City Engineer Thomas replied yes.

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

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. 2018-090 (*Airport jet refueling truck*) requires three (3) readings **third reading adopted**
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.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Shindledecker, Slough, Watson, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-090 and is hereby made a part of the record.

ORDINANCE NO. 2018-091 (*2018 Cube Code Updates, project no. 31984100*) 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 Shindledecker.

Discussion:

Councilwoman Frische asked what the updates are in this \$595,000 request. Service Director/Acting City Engineer Thomas replied that the big concern has to do with the maintenance room where the chillers are for the ice rink. Some of the requirements have changed as far as venting and different requirements for there. Some electrical panels will be upgraded, moving some electrical panels so that the ventilation can be changed. It will include a small additional to the back so that the Zamboni can be kept out of that room as there is some concern with it being in that room. If there would ever be a gas leak, there could be some issues. There is a small maintenance room on the side that will be added that will be a little bit bigger than what is there now.

Councilman Russel asked if these are the recommendations that came out of the CUBE study a year or two ago. Service Director/Acting City Engineer Thomas replied that is correct.

Ayes: Slough, Watson, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-091 and is hereby made a part of the record.

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

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

Discussion:

Councilwoman Frische asked if this is for parking on unimproved streets. Law Director Rasmussen replied it is not the situation where we have a curbed street, treelawn and sidewalk. It is where there are no curbs. It used to be a public roadway so there is no enforcement in the right-of-way. This will allow enforcement violations between an uncurbed street and the sidewalk or property line. Councilwoman Frische asked if it is for vehicles that are not running and/or parked for longer than twenty-four (24) hours. Law Director Rasmussen replied it could be either one of those. Councilwoman Frische asked if it will involve trailers. Law Director Rasmussen replied it could if it is in violation of the code. It is not Zoning Officers that are enforcing it. It is Police Officers. Councilwoman Frische asked if this came from the issue on Harrington Street. Law Director Rasmussen replied he does not know where it came from because there are a lot of uncurbed streets. What brought it to their attention was that neither Zoning or the Police Department had enforcement rights.

Councilman Russel added that Councilwoman Frische is correct that the Harrington Street issue is where he first became aware of the problem of no enforcement. It is what the Supreme Court called the devil strip. Ordinance No. 2018-068 was tabled that gave enforcement to the Zoning Department, but upon further review, it was determined that really wasn't the best way to approach it, so this ordinance was the change in how to do it. It gives the Findlay Police Department the capabilities.

Ayes: Watson, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-092 and is hereby made a part of the record.

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

third reading adopted

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-093 and is hereby made a part of the record.

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

third reading adopted

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-094 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.

tabled after second reading on 10/2/18

Councilman Russel moved to table the Ordinance, seconded by Councilman Shindledecker. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Harrington. Nays: Watson, Frische.

ORDINANCE NO. 2018-098 (*HPD annual Community Park Improvement Program grant*) requires three (3) readings
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO, TO APPLY FOR A COMMUNITY PARK IMPROVEMENT PROGRAM GRANT THROUGH THE HANCOCK PARK DISTRICT FOR RESTROOM RESTORATION AND REPLACEMENT OF OUTDOOR GRILLS WITHIN THE CITY PARK SYSTEM, AND DECLARING AN EMERGENCY.

first reading adopted

Councilman Russel moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Slough. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington. The Ordinance received its second and third readings. Councilman Slough moved to adopt the Ordinance as amended, seconded by Councilman Niemeyer.

Discussion:

Councilwoman Frische asked what the amount of the grant is. Service Director/Acting City Engineer Thomas replied it is in the letter and thinks it is six thousand dollars (\$6,000.00). Councilwoman Frische asked if everyone across the board is going to use it or just focusing on a certain area. Service Director/Acting City Engineer Thomas replied they are looking at the restroom at Riverside Park north of the ballfield between the baseball field and the firestation.

Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-098 and is hereby made a part of the record.

ORDINANCE NO. 2018-099 (*2018 annual sewer & manhole lining program project no. 35680200*) requires three (3) readings
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.

ORDINANCE NO. 2018-100 (*WTP underground utility capacity increase project no. 35776100*) requires three (3) readings
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.

ORDINANCE NO. 2018-101 (*Park Street rehabilitation project no. 32875900*) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

first reading

First reading of the Ordinance.

ORDINANCE NO. 2018-102 (*aviation fuel*) requires three (3) readings
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

first reading

Discussion:

Councilman Hellmann asked why money is to be taken from the General Fund to make up for this rather than charging more for the fuel. Service Director/Acting City Engineer Thomas replied we are not losing \$.16/gallon. It is \$.16 more than what we budgeted. We have been able to buy less with the amount of money that we had, plus we sold more than what we were planning on, so it is depleting the fund. Safety Director Schmelzer added that every time you sell more fuel, it is a good thing.

First reading of the Ordinance.

ORDINANCE NO. 2018-103 (OPWC grant application – Howard St waterline replacement) requires three (3) readings **first reading** **adopted**
AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO EXECUTE THE NECESSARY GRANT APPLICATION(S) AND/OR AGREEMENT(S) TO RECEIVE GRANT FUNDS FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE HOWARD STREET WATERLINE REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Harrington. Ayes: Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington, Hellmann, Niemeyer. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Russel, Shindledecker, Slough, Watson, Frische, Harrington, Hellmann, Niemeyer, Ostrander. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-103 and is hereby made a part of the record.

ORDINANCE NO. 2018-104 (bicycle ordinance) requires three (3) readings **first reading**
AN ORDINANCE AMENDING SECTION 373.11 AND REPEALING SECTION 373.13 OF CHAPTER 373 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

UNFINISHED BUSINESS: **OLD BUSINESS**

Councilman Niemeyer requested Council to look at Ordinance No. 2018-104 (bicycle ordinance) a lot harder. He has had a lot of calls on banning bicycles from Main Street. On the weekends, there are a lot of families riding bicycles. There are close to one hundred (100) individuals that ride their bicycles to the City Mission every day. Tenants at the Sherman House apartments have bicycles. He has tenants with bicycles in the downtown area. Downtown dining is where the focus should be as opposed to bicycles in the downtown. It is too much government forced on the public saying you cannot ride your bicycle on Main Street, but yet we can eat and drink where it is congested. Councilman Watson replied that there have been a lot of committee meetings where the public has been invited. It is important to spend a lot of time working on what it would look like. The City is not saying they do not want bicycles on Main Street. They want a dismount zone in the downtown business district and are not extending that to residential areas. Bicycles in the overall code are defined as vehicles. This debate and discussion has gone on for awhile, but that is where it stands for the committee right now.

Service Director/Acting City Engineer Thomas pointed out that Resolution No. 019-2018 (*Water Distribution vector truck*) was tabled at the last meeting because the Appropriation Committee report on it had not been approved yet. He asked Council to look at that again. Councilman Harrington moved to lift Resolution No. 019-2018 from the table, seconded by Councilman Slough. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson. The Resolution was lifted from the table. Councilman Harrington moved to adopt the Resolution, seconded by Councilman Slough. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

City Auditor Staschiak noted that some were not able to attend the pre-budget hearing tonight, so he will be available a half (1/2) hour prior to the start of the next regularly scheduled City Council meeting to catch Council up on some of the issues of significance that were touched on tonight. It was changed up a little bit this year. He appreciated everyone who was there and all the great questions.

NEW BUSINESS

Judge Starn/Judge Miller/Judge Hackenberg – Issue 1

Judge Hackenberg started out by stating that Issue 1 is a very important issue. Most of you know about it already, but if you do not, he guarantees you will when they get done talking about it tonight. He introduced Judge Starn who was a former Municipal Court Judge and is now the Judge of Common Pleas. He has been on the forefront educating people about the pitfalls and problems with Issue 1, so he would be best to bring everyone up to speed on the issue, and then Judge Miller and Judge Hackenberg will have some comments along the way.

Judge Starn pointed out that State Issue 1 is a ballot initiative that will be on the November 6, 2018 ballot. It is a proposed constitutional amendment in the State of Ohio what the proponents have labeled the initiative as the neighborhood safety drug treatment and rehabilitation amendment. What the ballot language says is that Issue 1 will reduce penalties for crimes of obtaining, possessing or using illegal drugs. Most of Council has been in politics for awhile. Judges rarely run around talking about State Ballot Issues because they do not talk about those kinds of issues, but this one is different. It started back in August when the Chief Justice of the Ohio Supreme Court came out and tried to make people aware of what this initiative is going to do. What State Issue 1 reports to do is to change the criminal designation of what they are calling low-level non-violent felonies, primarily drug offenses that are currently designated felony 4s and 5s, and changes them by constitutional amendment to misdemeanors. It then says that on the first two (2) convictions for misdemeanor possession of drugs, they cannot go to jail and then goes on to put forth additional provisions related to probation violations or what we now call community control violations and some provisions allowing for what had been called good time credit sentence reduction credits for those that are currently serving criminal offenses. The proponents of the amendments say it is to increase treatment for low-level drug offenders rather than putting them in prison, and to decrease the prison population by giving people an opportunity to better themselves and get out early. It has become a political issue. The governors candidates are on opposite sides. All the political organizations that you would expect to come down on this are coming down pretty much where you would expect.

The interesting point about this is that claims the proponents are making can only be achieved if you ignore the language of the amendment. What State Issue 1 primarily does is takes anything that is currently designated as a felony 4 or felony 5, which are the two (2) lowest level felonies, and makes them misdemeanors. It covers everything from the eighteen (18) year old college student who makes the choice to try cocaine the first time and gets caught with one dose of cocaine all the way to the convicted felon who gets released from prison and gets arrested with 19.99 grams of Fentanyl. According to the Drug Enforcement Agency, twenty (20) grams of Fentanyl is enough to kill ten thousand (10,000) people. This constitutional amendment says they cannot go to jail for possessing that much Fentanyl. They cannot go to jail the second time they get caught possessing that much Fentanyl. Only the third time in a two-year period do the Judges even have the option of sending them to jail. The reason the proponents say that is a good thing is because rather than sending them to jail or prison, they want them to get drug treatment. He has seen drug courts work. All the data indicates that they are being successful state-wide. This amendment will dispartate drug courts because the premise of a drug court and the premise of Judges being able to order treatment is that they have a hammer to be able to make people do what they are asking them to do. It is not about those who are voluntarily going to treatment to begin with. Under this amendment, Judge Miller and Judge Hackenberg with all the new drug cases they get can order them to go to drug treatment. The defendant can literally state in the courtroom that they are not going and there is nothing the Judges can do about it because they do not have the option of sending them to jail. It is also not limited to what they are calling low-level drug offenders. He does not believe nineteen (19) grams of Fentanyl or thirty-nine (39) doses of Heroine are low-level drug offenders. They also reclassify probation violations stating that any probation violation that is not a new crime and cannot resolve in being sentence to prison. The felony domestic violence case where a Judge makes a decision to try and get them counseling, treatment and therapy to remedy a problem that arises here, if they refuse to go, they go around the victim, violate their electronic monitoring, or violate their house arrest but are lucky enough not to commit a new crime, cannot go to prison. No matter how many violations they commit, they cannot go. The proponents say this is only down with low-level drug offenders. Today, the Ohio Department of Health releases their report on 2017 drug overdoses. There is good and bad news in it. He encouraged everyone to look at the report. Of the drug overdoses in the State of Ohio in 2017, 70.7% involved Fentanyl. The proponents of this amendment want to make it essentially legal to carry less than twenty (20) grams. When they cannot be punished by going to jail for carrying it, it is essentially legalizing it. There are websites out there on this. He recommended reading the text on the amendment. He is in favor of treatment, but does not give too many opportunities for treatment, but this is not about treatment. It will hurt treatment. He brought a fact sheet that he and the Judges put together, and specifically directed everyone to the back page that list the non-partisan organizations that deal with drug addiction, drug enforcement, and those types of issues. Everyone of them listed on it are coming out against State Issue 1. The local ADAMHS Board and the state ADAMHS organization that does treatment is opposing this amendment. The Community Corrections Planning Board here in Hancock County has passed a resolution opposing this amendment. The Chief Justice came out opposing this amendment. All of those listed are opposing it.

Discussion:

Councilman Slough asked if this will encourage dealers coming from out of state into Ohio knowing full well that they would be able to sell without any legal ramifications against them. Judge Starn replied yes. It does not change penalties related to trafficking. If they are caught selling, it would still be a felony. The Ohio Patrol at their conference a few weeks ago stated that their Fentanyl efforts, eighty-five percent (85%) of their drug addictions on Fentanyl involves less than twenty (20) grams. The drug dealer has zero incentive to not carry 19.99 grams. They will lose the drugs but will not go to jail. This cannot be fixed by having a legislator fix it. The judges cannot fix it. It is going in the constitution if it passes. Even those in favor of this amendment should still oppose it because criminal code should not be put in the constitution.

Judge Miller added that a smart drug dealer is going to carry a smaller quantity because if they get caught, it will only be a minor misdemeanor, rather than trafficking in a larger quantity. If this passes, it is going to have ramifications on how the Findlay Police Department and the Courts do business, and how we as a community go forward. In part, we will see more addicts using because it will not have negative jailing repercussions. In this community, where we have been able to hold the line on overdose deaths, we will start to see an increase that other communities are currently seeing, and that the State of Ohio is seeing. At any given time the Common Pleas Court Probation staff is supervising upwards of two hundred fifty (250) felons who have had F4 or F5 possession offenses. So far in 2018, there have been approximately one hundred fifty (150) felony indictments for F4 or F5 possession. If Issue 1 passes, going forward, they will be classified as misdemeanors. As of September 21, the County Prosecutor had one hundred fifty-four (154) cases waiting to go to Grand Jury. If Issue 1 passes, in theory, they would be able to go up to the second floor and file as misdemeanors. It has caused the Judges to have some concern and some philosophical debates on how the courts would go forward. As Judge Starn indicated, those on their first or second conviction, all that can be done is to be put on probation. If that person fails to meet with their Probation Officer, or shows up, but has a urine screen that shows that they have been using illegal substances, all that can be done is to be put on an ankle bracelet, be given community service, or increase the amount of treatment that they are supposed to go to. As mentioned, if that probation violation would constitute a crime, then they could be incarcerated. Some brief thought was given if it is even worth putting them on supervision. They have the responsibility under the Ohio Revised Code to put sentencing principles that are to protect the community, punish the offender, and provide rehabilitation. They are of the mindset to put them under supervision and hopefully be able to provide positive changes in their life without the threat of jail, but will come with a cost. When looking at what is happening in 2018 and pushing it into 2019, there will be an additional two hundred plus (200+) misdemeanor drug possession cases, and there are still three (3) months to go in this year. It is predicted that there could be an additional two hundred twenty-five plus (225+) cases that would be required to be supervised by the probation staff. That is the philosophy that it would take to employ for the safety of Findlay and Hancock County. Those supervised would be encouraged to get treatment that they would provide that level of guidance for them knowing that they may not even have any significance to hold over someone's head to force treatment which will come with a price tag.

Judge Hackenberg informed Council that there will be additional costs to the Municipal Court if Issue 1 were to pass. Those costs do not include what the Law Director may need in his budget for prosecuting these cases (i.e. testing, etc). The Director of Court Services has ran some rough numbers. They are only rough numbers because it is unknown how this will turn out, but would be looking at bringing on at least three (3) additional full-time Probation Officers just to manage the case load. They would also have to outfit and equip them as well as find some more space for them. Those changes would conservatively cost approximately \$330,000 to outfit, equip, and find space for three (3) Probation Officers, and may not be enough depending on how it goes if this Issue does pass. Those are just their best guesses on current numbers that they are seeing right now as Judge Miller has provided tonight. It is his hopes that Council considers all the negativity with Issue 1. He, Judge Miller and Judge Starn urge Council to take a public position in opposition to this by resolution or a motion and join the list of nonpartisan agencies, organizations, entities, and governments that are opposing Issue 1 and add the City of Findlay to that list that is growing every day. If nothing else, he asks that Council gets out and educate anyone they talk to about Issue 1 because it is that important. For the Chief Justice of the Supreme Court to take a position and write a letter on the forefront urging all eight hundred plus (800+) Judges to talk with their lawmakers, means it has to be important to Ohio.

Councilman Slough asked if Issue 1 passes if it would be the City's responsibility to train all of the City's Officers and provide them with what is needed for overdose situations. He asked if that is the City's responsibility. Safety Director Schmelzer replied it would absolutely be the City's responsibility to train the Officers with any changes in the law. NARCAN is what is used for overdose situations. Councilman Slough asked if in overdose cases if the City's Officers would have to dispense that. Safety Director Schmelzer replied that is not what he is saying and that would be a separate discussion. Councilman Slough asked if they would realistically have to do so. Safety Director Schmelzer replied that he is not sure that there is going to be any more addicts. What the Judges are talking about is their ability within the law as it exists today . . . Councilman Slough interrupted clarifying that if the law is such that they can hold this particular amount with the assumption they have that amount to sell, and with more of a market, it is going to create more overdose issues. Judge Hackenberg replied that nineteen (19) grams of Fentanyl is not for personal consumption. Councilman Slough agreed stating that will just put more out on the streets, and with more out on the streets, more will try it and get hooked, and overdoses will increase. As Judge Starn alluded to, deaths will increase significantly which is why he asked about the NARCAN and if City Officers will receive training on how to dispense it, as well as if the costs involved will be significant if Issue 1 passes.

Councilman Slough requested the Law Director draw up a resolution with Council's opposition of Issue 1 and support of the Judges, seconded by Councilman Russel.

Council President Monday asked if only two (2) requests are needed to do so and if it could be done for the next meeting. Law Director Rasmussen replied yes.

Judge Hackenberg thanked Council for their time and support on this important issue.

Councilman Russel asked if Issue 1 also includes all the other variances of drugs besides Fentanyl. Judge Hackenberg replied yes if it is a scheduled drug that is currently on the books. When a new drug comes out . . . Judge Starn stated that it would include any type of drug possession except Marijuana because Marijuana is already a misdemeanor level offense until it gets into large quantities. LSD, Heroin, Meph . . . it is not limited to drugs that are used. For instance, RGB (aka date rape drug) also becomes non-jailable if they are possessing five (5) times law. They are not using that drug because they are an addict. It covers all of them. It is not about treatment.

Councilman Russel made a motion to excuse the absence of Councilman Wobser, seconded by Councilman Harrington. All were in favor. Filed.

Councilman Russel: **COMMITTEE OF THE WHOLE** meeting on October 11, 2018 at 5:00pm in the first floor conference room of the Municipal Building (CR1). Superintendent Ed Kurt will be invited to attend.
agenda: school safety levy and budgetary effects for the City of Findlay

Service Director/Acting City Engineer Thomas provided Council with an update on the I-75 project. The last update he received was a week and a half ago to which he was notified that Lima Avenue would be closed beginning on Thanksgiving. There are now message boards stating that it will now close October 15, 2018, so he called the Project Manager to confirm who told him that the contractor moved some things around on the schedule and he is ninety-five percent (95%) sure that Lima Avenue will be closing on October 15, 2018. It will be closed for a year.

Councilman Harrington: **PLANNING & ZONING COMMITTEE** meeting on October 11, 2018 at 12:00pm in the first floor conference room of the Municipal Building (CR1).
agenda: 1. large lot mowing
2. 2475 Crystal Avenue rezone

Council President Monday expressed Council's condolences to Councilman Wobser on the loss of his wife.

Council President Monday adjourned Council at 8:56pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL