

FINDLAY CITY COUNCIL MINUTES

REGULAR SESSION

November 6, 2018

COUNCIL CHAMBERS

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

ABSENT: None

President of Council Pro-Tem Russel introduced Boy Scout Jacob Patterson from Troop 322 that meets at Stonebridge Church of God. He is working on his citizens in the nation badge and will be leading tonight's Pledge of Allegiance, followed by a moment of silent prayer.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough to accept the October 16, 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: - none.

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS: - none.

PETITIONS:

Status of Binner (Lone Tree Drive) annexation

On August 22, 2018, annexation documents for the Binner annexation were received and have been in the office of the City Clerk the required 60 days ending October 22, 2018. Attorney Howard Elliott, acting on behalf of Jeffrey Whitman, agent for the petitioners Richard R. Binner and Brenda R. Binner. This annexation will be referred to as the Binner (Lone Tree Drive) Annexation. Resolution No. 013-2018 (services the City will provide if annexed into City limits) was adopted during the July 17, 2018 City Council meeting. Ordinances No. 2018-109 (accept and approve the annexation) and 2018-110 (rezone the three parcels) were created and are to receive their first reading during the November 6, 2018 City Council meeting.

Zoning amendment request – 606 Howard Street

James and Barbara Dysinger would like to change the zoning of 606 Howard Street to O1 Institutions and Offices. It currently is zoned R2 Single Family Medium Density. Referred to City Planning Commission and Planning & Zoning Committee.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS:

Charles Williams – Why would you deny a citizens their 1st amendment right to speak in City Council?

Mr. Williams watched City Council two (2) weeks ago from his home and he about came out of his chair. He has a lot of friends that he met in Vietnam. One of his friends was brought home in a casket after fighting for everyone in this room. What Mr. Williams heard from that City Council meeting blew him away. He asked why anyone would deny a citizen their first amendment right to speak at City Council. He asked Council President Monday (serving as Acting Mayor tonight) if he would like to answer that question. President Pro-Tem Russel replied that Mr. Williams can make a statement to Council, but it is not his purvey to question Councilmembers during his time to speak. Mr. Williams asked if he can do so outside of the Council Chambers. President Pro-Tem Russel replied that outside he can do pretty much whatever he wants. Mr. Williams replied by stating "we know how that works now don't we". Mr. Williams continued "with that said, that just shows how many cowards there are in City Council", but clarified by stating that he is not talking about everyone. It is just disgusting. Councilman Harrington sits there with a smirk on his face. Councilman Harrington replied that he is not a coward. Mr. Williams replied that he is. Councilman Harrington replied that he takes offense to that. Mr. Williams replied that he is a coward. Councilman Harrington replied that he is not. Mr. Williams noted that there were one hundred thirty (130) people here a month ago which says this is a great country. If someone has a problem, right or wrong, they deal with it. There is a family on 830 East Sandusky Street who started a petition to get on the ballot. Mr. Williams sat on Main Street and did his thing with his red truck. There were people yelling and screaming, but only had two (2) negative people, one (1) being Council President Monday who was laughing and taking a picture who thought it was kind of funny, but when you talk to him, he does not think it is all that funny and he will not talk to you because he is a coward. People line up in droves at 830 East Sandusky Street to sign the petition which shows you how great this country is. His father-in-law fought in Japan and his brother-in-law was shot down in Germany as a prisoner. They fought for this stuff, but yet a citizen comes here and is denied to speak. He asked if that person had said something wrong or if what he had said was negative or threatening. He would like to know that answer, but being that he will not be getting that answer, he told Council to have a good day.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Municipal Court Activities Report – September 2018. Filed.

Treasurer's Reconciliation Report – September 30, 2018. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for City Barbeque LLC, dba City Barbeque & Patio, located at 15033 Flag City Drive, Findlay, Ohio for a D5l and D6 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – City Barbeque LLC, dba City Barbeque & Patio, Findlay, Ohio. A check of the records shows no criminal record on the following:

- Richard Malir
- James O'Connor

Councilman Slough moved for no objections be filed, seconded by Councilman Harrington. All were in favor. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Vivir Modern Mexican LLC, dba Vivir Modern Mexican, located at 119 East Crawford Street, Findlay, Ohio for a D1 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Vivir Modern Mexican LLC, dba Vivir Modern Mexican, Findlay, Ohio. A check of the records shows no criminal record on the following:

- Joseph P. Rowan

Councilman Harrington moved for no objections be filed, seconded by Councilman Slough. All were in favor. Filed.

Parks and Recreation Board minutes – March 19, 2018, April 16, 2018, June 18, 2018 and August 20, 2018. Filed.

Traffic Commission minutes – August 20, 2018 and September 17, 2018. Filed.

City Planning Commission agenda – November 8, 2018; minutes – October 11, 2018. Filed.

Mayor Mihalik – 3rd qtr Key Performance Indicators (KPIs)

The third quarter Key Performance Indicators or "KPIs" have been compiled. These are the performance measurements the City monitors for each department on a continuous basis. A few highlights of the third quarter are:

- Safety - incidents and lost days are down considerably compared to prior year(s) and the target
- Police - crime rates are running at or below average through 9 months
- Fire – response rates are good and showing steady improvement
- Fire - days of optimal manpower is showing improvement in August and September
- Water - unaccounted for water has decreased for August and September
- Sewer - sewer maintenance is a bit behind previous years
- Airport - fuel sales are up over prior year and above target

Filed.

City Auditor Staschiak – RLF Administration

The Hancock Regional Planning Commission has submitted an invoice for their expenses/staff time for RLF administration for July 2018 through September 2018. This is now a routine request where Council has approved requesting the appropriation without going to committee each time. Legislation to authorize a draw from the Revolving Loan Fund account and appropriate \$6,916.53 from the RLF to General Expense #21010000-449400 to pay the invoice is requested. Ordinance No. 2018-111 was created. Filed.

Service Director/Acting City Engineer Thomas – Recreation Maintenance Storage Structure project number 31983700

As part of the 2017 Capital Improvement Plan, Recreation Maintenance was planning to construct a storage building, but would like to change the scope from the construction of a storage building to the purchase of two (2) smaller prebuilt storage buildings. This change will allow them to end up with more square footage while reducing the cost of the project. Funds for the project have already been appropriated, therefore, no legislation is needed. Filed.

Service Director/Acting City Engineer Thomas – Marathon Diamonds

Recreation Maintenance had it in their budget for a contractor do some regrading on two (2) of the fields at the Marathon Diamonds this year with the remaining fields being regraded in the future. During the year, this information was communicated with Findlay Girls Fastpitch Softball Club (FGFSC) and Findlay Youth Baseball who had asked if the City would consider regrading all four (4) fields if they donated funds to help offset the additional cost. Checks from both organizations have been received and those funds need to be appropriated back to the Recreation Maintenance budget. Legislation to appropriate funds is requested. Ordinance No. 2018-112 was created.

FROM:	General Fund (Findlay Girls Fastpitch Softball Club)	\$ 5,450.00
FROM:	General Fund (Findlay Youth Baseball)	\$ 5,450.00
TO:	Recreation Maintenance #21042000-other	\$ 10,900.00

Filed.

City Auditor Jim Staschiak – year-end items to appropriate

The following accounts require an appropriation or a transfer for this budget year.

Appropriation Ordinance

FROM: CR 236 TIF Fund \$ 47,519.66
TO: CR 236 Widening Debt Service #23060310-other \$ 47,519.66

FROM: CR 236 Widening Debt Service #23060310-other \$ 47,519.66
TO: CIT – Capital Improvements restricted account \$ 47,519.66

REASON: The CR 236 debt payments were appropriated and paid initially by Capital Improvements money for 2018. We have received a total of forty-seven thousand five hundred nineteen dollars and sixty-six (\$47,519.66) in 2018 of TIF revenue to offset a portion of the 2018 debt payment. These appropriations allow the TIF Fund money to be used for the debt and reimburse Capital Improvements.

FROM: County Permissive Fund \$ 132,828.34
TO: CR 236 Widening Debt Service #23060310-other \$ 96,959.34
TO: CR 236 Land Debt Service #23060210-other \$ 35,869.00

FROM: CR 236 Widening Debt Service #23060310-other \$ 96,959.34
FROM: CR 236 Land Debt Service #23060210-other \$ 35,869.00
TO: CIT – Capital Improvements restricted account \$ 132,828.34

REASON: The CR 236 debt payments were appropriated and paid initially by Capital Improvements money for 2018. There was a balance in County Permissive Fund of seven thousand one hundred fifty-four dollars and eighty-one cents (\$7,154.81) and were able to draw one hundred twenty-five thousand six hundred seventy-three dollars and fifty-three cents (\$125,673.53) from the County Permissive Fund to pay the 2018 debt payments as an allowable use of the money. These appropriations allow the County Permissive money to be used for the debt and reimburse Capital Improvements.

FROM: Special Assessments Sidewalks #28020000 \$ 1.18
TO: General Fund \$ 1.18

REASON: In 2004, the City made the final debt payment on the 2003 Sidewalk Construction Program, however, there were several assessment deferrals granted at that time in addition to several property owners that had chosen not to pay the assessment. Also, the City made the final debt payment on the 2010 Sidewalk Repair and New Construction projects in 2014. About half (1/2) of the assessed property owners chose not to pay this assessment, therefore, the City had to cover the costs of the debt payments with General Fund money and was to be reimbursed when the property owners finally made payment. The one dollar eighteen cents (\$1.18) represents the amount of money that was received in 2018 for some of these properties. This money should now be returned to the General Fund. There are still a few outstanding assessments to be collected from these projects.

FROM: Special Assessments Pavements #28010000 \$ 1,965.56
TO: General Fund \$ 1,965.56

REASON: in 2008, the City made the final debt payment on the 10-year Prospect Avenue Pavement Special Assessment, however, there were several assessment deferrals granted at that time in addition to several property owners that had chosen to not pay the assessment. The City had to cover the costs of the debt payments with General Fund money and was to be reimbursed when the property owners finally made payment. The one thousand nine hundred sixty-five dollars and fifty-six cents (\$1,965.56) represents the amount of money currently showing in the Special Assessments Pavements Fund that is from one of the deferrals. There is still one property from this special assessment project that is remaining on deferred status.

FROM: Severance Payout Reserve Fund \$ 15,000.00
TO: Severance Payout #22090000-personal services \$ 15,000.00

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

Ordinance No. 2018-113 was created.

Service Director Thomas – The Interlocal Purchasing System

Service Director Thomas is requesting Council's authorization to join The Interlocal Purchasing System (TIPS), a National Cooperative Purchasing Program offered by Region VII Education Service Center located in Pittsburg, Texas. Participation through membership and utilization of competitively bid and awarded vendor contracts in a cooperative purchasing program specializing in the management of high quality cooperative procurement solution will be beneficial to the taxpayers through the anticipated savings to be realized. Legislation authorizing the Service Director to sign any necessary documents requesting membership in TIPS. Resolution No. 028-2018 was created. Filed.

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

COMMITTEE REPORTS:

An **AD HOC COMMITTEE** met on October 16, 2018 to continue discussions from the June 14, 2018, May 8, 2018, April 10, 2018 and February 15, 2018 AD HOC COMMITTEE meetings to review Council's Rules of Procedures for the 2018-2019 Council term.
We recommend continue discussion and review of Council's Rules of Procedures.

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

Discussion:

Councilwoman Frische noted that she recently attended her first committee meeting on Council's rules of procedure. She thanked Councilman Russel for sending her the updates and is unsure if all Councilmembers received it or not, but thinks everyone should as there are some things being proposed on this. She also noted that the committee was looking at scheduling a meeting yet this week and asked if that has been scheduled. Councilman Russel replied nothing has been scheduled yet.

All were in favor. Filed.

An **AD HOC COMMITTEE** met on October 17, 2018 to continue October 3, 2018 discussions on the Mayor's 2020-2023, City Auditor's 2020-2023, Council President's 2020-2021, and Councilmember 2020-2021 salaries.
We recommend the committee continue to meet to discuss the salary levels of elected officials.

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

Discussion:

Councilwoman Frische was not able to attend tonight's meeting and asked if additional information could be given on where this is at and what they are leaning towards. Councilman Hellmann replied that there was no meeting scheduled tonight, but that there is one scheduled tomorrow. Councilwoman Frische asked if there are any notes or anything he could share. Councilman Hellmann replied not at this time. There is research that is being done by the Human Resources Director. The committee has also met with the Deputy Auditor Sampson who has been very helpful. A lot of that will be discussed at tomorrow's meeting.

All were in favor. Filed.

An **AD HOC COMMITTEE** met on November 1, 2018 to continue discussions from the October 16, 2018, June 14, 2018, May 8, 2018, April 10, 2018 and February 15, 2018 AD HOC COMMITTEE meetings to review Council's Rules of Procedures for the 2018-2019 Council term.
We recommend continued discussions on Council's Rules of Procedure.

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

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 027-2018

second reading

(Hengsteler annexation – services City will provide if annexed into City limits) requires three (3) readings

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST FOURTH (1/4) OF SECITON 5, T1N, R11E, A TRACT OF LAND CONSISTING OF 36.689 ACRES OF LAND, MORE OR LESS.

Second reading of the Resolution.

RESOLUTION NO. 028-2018 (TIPS) requires one (1) reading

first reading adopted

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY TO JOIN THE INTERLOCAL PURCHASING SYSTEM (TIPS), A NATIONAL COOPERATIVE PURCHASING PROGRAM, OFFERED BY REGION VIII EDUCATION SERVICE CENTER THAT SPECIALIZES IN THE MANAGEMENT OF HIGH QUALITY COOPERATIVE PROCUREMENT SOLUTION.

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

Discussion:

Councilman Hellmann asked if there is a service charge or fee to belong to this organization. Service Director/Acting City Engineer Thomas replied no, just the paperwork has to be filled out to sign up to become a member. There is no fee to become a member.

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

RESOLUTION NO. 029-2018 (no PO) 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 Harrington moved to adopt the Resolution, seconded by Councilman Hellmann.

Discussion:

Councilwoman Frische asked why there was not a purchase order for this. City Auditor Staschiak replied he cannot answer that and does not want to guess on behalf of the courts.

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

ORDINANCES

ORDINANCE NO. 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. 2018-097 (credit card policy) requires three (3) readings

tabled after second reading on 10/2/18

AN ORDINANCE APPROVING THE BANK CREDIT CARD POLICY ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A.

ORDINANCE NO. 2018-099

third reading adopted

(2018 annual sewer & manhole lining program project no. 35680200) requires three (3) readings

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-099 and is hereby made a part of the record.

ORDINANCE NO. 2018-100

third reading adopted

(WTP underground utility capacity increase project no. 35776100) requires three (3) readings

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische asked what the location of this is. Service Director/Acting City Engineer Thomas replied it is the City's water plant. In order to clean the filters, they run water through filters to backwash it. The sewer that it goes to does not have the capacity, so they turned down the flow so that they do not overload the sewer. Larger pipes will be put in the back part to act as a detention area so that they can turn up the volume on the filters, which will store it until the sewer can catch up.

Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-100 and is hereby made a part of the record.

ORDINANCE NO. 2018-104 (bicycle ordinance) requires three (3) readings

third reading adopted

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

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Watson. Ayes: Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Harrington, Hellmann. Nays: Frische, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-104 and is hereby made a part of the record.

ORDINANCE NO. 2018-105 (WTP roof replacement) requires three (3) readings

second reading adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Harrington pointed out that this the reason this is receiving its third reading tonight is to move it up due to weather so that it can be done in a timely manner. This is a roof replacement.

Ayes: Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-105 and is hereby made a part of the record.

ORDINANCE NO. 2018-106 (*Production Dr ROW dedication plat*) required three (3) readings **second reading**
AN ORDINANCE ACCEPTING THE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE PRODUCTION DRIVE RIGHT-OF-WAY DEDICATION PLAT, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2018-107 (*2475 Crystal Ave rezone*) requires three (3) readings **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 2475 CRYSTAL AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO "M2 MULTI-FAMILY".

Second reading of the Ordinance.

ORDINANCE NO. 2018-109 (*accept and approve the annexation*) requires three (3) readings **first reading**
AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF MARION, COUNTY OF HANCOCK, STATE OF OHIO, AND SITUATED IN THE SOUTHEAST FOURTH (1/4) OF SECTION 9, T1N, R11E, A TRACT OF LAND CONSISTING OF 0.2789 ACRES OF LAND FOR PARCEL A, 0.2777 ACRES FOR PARCEL B, AND 0.277 ACRES OF LAND FOR PARCEL C (HEREINAFTER REFERED TO AS THE HUMBLE ROBINSON ANNEXATION).

First reading of the Ordinance.

ORDINANCE NO. 2018-110 (*rezone the 3 parcels*) requires three (3) readings **first reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY AS R1 SINGLE FAMILY LOW DENSITY (HEREINAFTER REFERRED TO AS THE BINNER (LONE TREE DRIVE) ANNEXATION).

First reading of the Ordinance.

ORDINANCE NO. 2018-111 (*RLF Administration*) requires three (3) readings **first reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Harrington moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-111 and is hereby made a part of the record.

ORDINANCE NO. 2018-112 (*Marathon Diamonds*) requires three (3) readings **first reading** **adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Harrington pointed out that this is money that has been donated.

Councilman Russel asked who the donation(s) were received from. Service Director/Acting City Engineer Thomas replied the Girls Fastpitch Softball Club and Findlay Youth Baseball. Councilman Russel pointed out that each organization donated five thousand four hundred fifty dollars (\$5,450.00).

Councilwoman Frische asked what will be done with the donations. Councilman Russel replied the diamonds at the CUBE facility will be regraded. Initially, the City was going to do two (2), but with the donations, the other diamonds will also be done at the same time.

Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2018-112 and is hereby made a part of the record.

ORDINANCE NO. 2018-113 (*year-end appropriations*) requires three (3) readings **first reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS: **OLD BUSINESS**

Councilwoman Frische asked if there will be some clarification information out to the general public on the water quality. There are still some complaints out in different areas. She received a phone call today from a resident in the West Park area. When residents have to do a boil because of a dig up or repair, there needs to be communication about it with the public. She asked if there is going to be a report or something for the public to have a better understanding of what is going on. Service Director/Acting City Engineer Thomas replied that he has been putting out the updates. They have conducted testing throughout the whole ordeal. The City has tested for everything that could possibly be tested for and have had no issues with that. Individuals on social media have asked to see the report. There have been discussions about putting it on the website and are trying to determine how to do that to show what the limits are and what the results are. He talked with the Water Treatment Plant Supervisor to put something on the website to show that there is no microcystin nor any other harmful toxins in the water. The process happens every year. Unfortunately, it was bad this year. The results change from year to year. It is not as simple as turning the dial on it because of what time of year it is. Every year it is different. The Water Department is going out on a complaint basis and flushing out hydrants in the area. Most of the complaints they have been receiving are on the dead-end lines where there is not as much flow and the water sits. If a resident is still having water issues, they just need to let the Water Department know and will go out and flush the hydrants in the area to take care of it. Councilwoman Frische pointed out that the EPA did some testing. She asked if something is broken if that needs to be discussed by the Water and Sewer Committee. She asked if there needs to be better check valves or back up if there isn't one. Service Director/Acting City Engineer Thomas replied that the recommendation from the EPA is to have a second carbon pump. The purchase order for that has already been approved and the Water Treatment Plant Supervisor is in the process of purchasing it. Other than that, there weren't any other recommendations from them that we do anything differently. They did not say that we are doing anything wrong and are doing everything that we are supposed to be doing and are not over any limits.

Councilman Harrington asked if the City water is fine except for the smell and taste. Service Director/Acting City Engineer Thomas replied that is correct.

City Auditor Staschiak reminded Council that the City collects income tax from Mt. Cory, Vanlue, and Arlington. A few weeks ago, the City Auditor's Office received a copy of a collection services agreement to collect on behalf of the village of Carey, but that he has not received any legislation that Council has passed authorizing them to do so. In 2016, Council passed legislation to collect for Mt. Cory, in 2014 for Vanlue, and in 2002 for Arlington. Legislation is not needed to collect it for Carey, but for the City Auditor's Office to pay them. He does not have the authority to pay them anything unless Council authorizes it. He requested legislation to do so. Councilwoman Frische asked if Arlington will need renewed since the legislation is back to 2002. City Auditor Staschiak replied renewal legislation is not needed the way the 2002 one is written.

Councilwoman Frische asked if the City purchased the former gas station on Tiffin Avenue across from Tiffin Avenue. Law Director Rasmussen replied no the City did not purchase it. Councilwoman Frische noted that she has received some phone calls on the lot being vacant with items for sale placed on it. Councilwoman Frische asked who owns it. Law Director Rasmussen replied the owner. Councilwoman Frische added that she was under the impression that the City was looking into purchasing it. Law Director Rasmussen replied the owner left and it has not transferred. The City scraped the site to make it more slightly in anticipation of the sign company looking at it. He has seen campers and other vehicles for sale on it. He thinks they think it is City property or their property and can just park on it. Nothing has happened with that site since.

NEW BUSINESS

City Auditor Staschiak informed Council that they will see a request to fund the Self-Insurance Fund to a million dollars (\$1,000,000) which is used for the City's liability on environmental claims and to pay deductibles when there are claims against it. The Severance Payout Reserve Fund is not looked at very often. It is the fund where money is put aside for pending retirements that are expected in the next year or so and for money for those that are eligible to retire but have not said one way or the other what they are doing. That fund will be down to about three hundred thousand dollars to three hundred fifty thousand dollars (\$300,000-\$350,000) at the end of this year. He does not believe it will be enough because there is well in excess of one and a half million dollars (\$1,500,000) worth of possible payouts based on those who are eligible to retire in the next year or so. He requested this be discussed in an Appropriations Committee meeting prior to the budget hearings so that an appropriate amount of money would be available while the City is in a strong cash position to set aside so that the individual payouts do not drain the cash in the General Fund unexpectedly. The last one that was appropriated was one hundred fifty thousand dollars (\$150,000). Some of the payouts are relatively large such as former Fire Chief Lonyo's payout. Councilwoman Frische asked what is currently in that fund. City Auditor Staschiak replied three hundred seventy-five thousand dollars (\$375,000) and will end between three hundred to three hundred fifty thousand dollars (\$300,000-\$350,000). There are always employees who do not inform his office ahead of time. No matter what is planned for, it is always a question of how much to plan for. He requested that discussion take place.

City Auditor Staschiak pointed out that he spoke with Safety Director Schmelzer and Service Director Thomas who have given the okay to start drafting the salary ordinance so that it can be in place January 1, 2019. This is a different ordinance that is in the works for elected officials which will hopefully be in place before the end of the year and well before the next primary filing date. He strongly encouraged Council to have a member or two be involved in the process. It is vital that Council be involved in making sure that the salary ordinance states what they want it to say so that those retiring are funded and to address concerns. He also thinks Council is due for a review of exempt and non-exempt employees that qualify for overtime, who is salaried, and who is exempt from overtime so employees can come back and file if they are inappropriately classified.

Councilman Hellmann asked if a policy could be adopted making it mandatory that employees give the City a certain amount of notice when they plan to retire and expect to be paid. City Auditor Staschiak replied it currently is thirty (30) days notice to qualify. Employees do give notice but sometimes do not decide they are going to retire until something happens in the year. It could be a life change or they may just not want anyone to know because of the concern that it could affect how they are treated on the job. The policy has served pretty well, but is Council's purvey if they want it changed to require employees to give more notice prior to being eligible for a payout. He will refer this to the Law Director as he did not feel all the money that was paid out to the former Fire Chief should have been, so it is vey complex. Councilman Hellmann asked if the Law Director could provide some information at the next meeting. Law Director Rasmussen replied that Council did not adopt what he had suggested after the former Fire Chief payout situation where he made a suggestion that Council could change it. Councilwoman Frische asked what the Law Director proposed to be changed at that time. Law Director Rasmussen replied to change the language of retirement.

Councilman Harrington: **PLANNING AND ZONING COMMITTEE** meeting on November 8, 2018 at 12:00pm in the first floor Council Office (CO).

- agenda: 1. Hengsteler Annexation rezone
2. 606 Howard Street rezone

Councilman Russel: **APPROPRIATIONS COMMITTEE** meeting on November 13, 2018 at 4:00pm in the third floor conference room beside the Mayor's Office (CR1). Councilman Russel (chair) will be out of town and unable to attend.

- agenda: 1. Severance Payout Reserve Fund
2. retirement definition

Council President Pro-Tem Russel adjourned Council at 7:44pm.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL PRO-TEM