

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**FEBRUARY 19, 2019**

**COUNCIL CHAMBERS**

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

**ABSENT:** Wobser

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

## **ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:**

Councilman Slough moved to accept the February 5, 2019 Regular Session City Council meeting minutes. Councilman Hellmann seconded the motion. All were in favor. Motion carried. Filed.

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

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

### **ADD-ONS:**

- Interim Mayor Monday – Board of Zoning Appeals appointment (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)

### **REPLACEMENTS:**

- Ordinance No. 2019-013, AS AMENDED (**LEGISLATION** section) – 1<sup>st</sup> qtr 2019 Capital Improvements
  - Changed "SERVICE-SAFETY DIRECTOR" in the header to now be "SERVICE DIRECTOR AND THE SAFETY DIRECTOR"
  - Changed "2017" in the header to now be "2019"
  - Changed "APPROPRIATING FUNDS" in the header to now be "APPROPRIATING AND TRANSFERRING FUNDS"
  - Changed "Service-Safety Director" in SECTION 1 to now be "Service Director and the Safety Director"
  - Changed "2017" in SECTION 1 to now be "2019"
  - Changed "DR Site Buildout at CUBE 3199xx00-other" in fourth (4<sup>th</sup>) appropriation to now be "DR Site Buildout at CUBE 31990400-other"
  - Changed "Municipal Building Roof Replacement #3199xx00-other" in fourth (4<sup>th</sup>) appropriation to now be "Municipal Building Roof Replacement 31990500-other"
  - Changed "Street Preventive Maintenance 2019 #3289xx00-other" in fourth (4<sup>th</sup>) appropriation to now be "Street Preventive Maintenance 2019 #32885200-other"
  - Changed "Safety Nets and Poles #3199xx00-other" in fourth (4<sup>th</sup>) appropriation to now be "Diamonds Safety Nets and Poles #31990700-other"
  - Changed "Traffic Signal Upgrades #3289xx00-other" in fourth (4<sup>th</sup>) appropriation to now be "Traffic Signal Upgrades 2019 #32890600-other"
  - Changed "New CO2 Tanks #3579xx00-other" in fifth (5<sup>th</sup>) appropriation to now be "WTP CO2 Tanks Replacement #35790800-other"
  - Changed "WTP Roof Replacement #3579xx00-other" in fifth (5<sup>th</sup>) appropriation to now be "WTP Roof Replacement #35782300-other"
  - Changed "Chemical Building Floors at WTP #3579xx00-other" in fifth (5<sup>th</sup>) appropriation to now be "2019 Chemical Building Floors at WTP #35790900-other"
  - Changed "Planning and Design for New Raw Waterline #3579xx00-other" in fifth (5<sup>th</sup>) appropriation to now be "Raw Waterline/Transfer Station #35754100-other"
  - Changed "East Main Cross and Fishlock Avenue Waterline Boring #3579xx00-other" in fifth (5<sup>th</sup>) appropriation to now be "East Main Cross and Fishlock Avenue Waterline Boring #35791000-other"
  - Changed "Howard Street Waterline Replacement #3579xx00-other" in fifth (5<sup>th</sup>) appropriation to now be "Howard Street Waterline Replacement #35791100-other"
  - Changed "2019 Water Valve Adjustment Project #3579xx00-other" in fifth (5<sup>th</sup>) appropriation to now be "2019 Water Valve Adjustment Project #35791200-other"
  - Changed "2019 Annual Sewer & Manhole Lining Program #3569xx00-other" in sixth (6<sup>th</sup>) appropriation to now be "2019 Annual Sewer & Manhole Lining Program #35691300-other"
  - Changed "2019 Annual Sewer Televising #3569xx00-other" in sixth (6<sup>th</sup>) appropriation to now be "2019 Annual Sewer Televising #35691400-other"
  - Changed "2019 Annual Combined Sewer Overflow (CSO LTCP) #3569xx00-other" in sixth (6<sup>th</sup>) appropriation to now be "2019 Annual Combined Sewer Overflow (CSO LTCP) #35691500-other"
  - Changed "WPC UV Replacement Phase 2 #3569xx00-other" in sixth (6<sup>th</sup>) appropriation to now be "WPC UV Replacement #35681200-other"

- Changed "2019 Annual Manhole Adjustment Program #3569xx00-other" in sixth (6<sup>th</sup>) appropriation to now be "2019 Annual Manhole Adjustment Program #35691600-other"
- Changed "Madison and Monroe Sewer Replacement #3569xx00-other" in sixth (6<sup>th</sup>) appropriation to now be "Madison and Monroe Sewer Replacement #35691700-other"
- Changed "SR 12 and Davis Street Sewer Repairs #3569xx00-other" in sixth (6<sup>th</sup>) appropriation to now be "SR 12 and Davis Street Sewer Repairs #35691800-other"
- Changed "West Main Cross Sewer #3569xx00-other" in sixth (6<sup>th</sup>) appropriation to now be "West Main Cross Sewer #35691900-other"
- Changed "2019 Annual Stormwater Management (MS4) #3559xx00-other" in seventh (7<sup>th</sup>) appropriation to now be "2019 Annual Stormwater Management (MS4) #35592000-other"
- Changed "2019 Annual Ditch Maintenance #35559xx00-other" in seventh (7<sup>th</sup>) appropriation to now be "2019 Annual Ditch Maintenance #355592100-other"
- Changed "Blanchard Street Sewer Replacement #3559xx00-other" in seventh (7<sup>th</sup>) appropriation to now be "Blanchard Street Sewer Replacement #35592200-other"
- Changed "Cimarron Court Drainage Project #3559xx00-other" in seventh (7<sup>th</sup>) appropriation to now be "Cimarron Court Drainage Project #35592300-other"

**PROCLAMATIONS:** - none.

**RECOGNITION/RETIREMENT RESOLUTIONS:**

Interim Mayor Monday informed Council that he swore in former Sergeant Michael Swope as the new Lieutenant on the Findlay Police Department today. One of the reasons it was an honor was because thirty-three (33) years ago, he was sworn-in for the same position on the Police Department, so it was an honor since it was for that department.

**PETITIONS:**

**Zoning amendment request – Technology Drive**

James C. Koehler II, on behalf of KGD Properties, Ltd. would like to change the zoning of Lot 1 in the Findlay Commerce Park North Subdivision to M2 Multiple Family High Density. It currently is zoned C2 General Commercial District. Referred to City Planning Commission and Planning & Zoning Committee.

**WRITTEN COMMUNICATIONS:**

**Chief Development Officer Rod Siddons of Blanchard Station Housing Partners II, LLC – 50 unit housing unit at end of Concord and Bishop Lane**

The Blanchard Station Housing Partners II, Inc. plan to be the general partner of a residential rental development located in or within a one-half (1/2) mile radius for our political jurisdiction and will submit an application to utilize the multifamily funding programs of the Ohio Housing Finance Agency (OHFA) for the development of this property. The proposed development is new construction and is expected to serve moderate income families with affordable rent. It will offer up to fifty (50) residential units that are all single story with garages that feature open floor plans to maximize the amount of livable space, providing comfortable living accommodations for families. The units will feature enhanced lighting package, including various forms of task lighting in the kitchen and bathroom ceilings, and lighting under the cabinets. Universal Design principles were incorporated into the development, and the entire development will be fully visitable. Each unit will have utility rooms and washer/dryer hookups, central air conditioning, new kitchen appliances, including stove, refrigerator, microwave and dishwasher. While the apartments will be designed to meet the needs of families, they can be easily modified to accommodate individuals with physical limitation. Universal Design features will include 32' minimum clear door opening widths, flush thresholds, light switches, electrical receptacles and view windows at appropriate heights, lever door handles and grab bar blocking in walls around toilets and in tubs/showers. The development will also be seeking certification under the Energy Star Certified New Home Program. There will be a variety of site amenities to encourage recreational activities and social interaction, amenities will include a community building, shelter house, dog park, children's playground, and accessible pathways for residents to enjoy. The proposed development will be financed with Housing Tax Credits, Conventional 1<sup>st</sup> mortgage, HDAP Home Funds, Housing Development Loan and a Deferred Developer fee.

Project address:	End of Concord and Bishop Lane, Findlay, Ohio 45840, Hancock County, Marion Township
Number of units:	Up to 50 units
Program(s) to be utilized in the project:	Housing Tax Credit Program, Housing Development Assistance Program and Housing Development Loan Program
Right to submit comments:	You have the right to submit comments to OHFA regarding the proposed project's impact on the community. Any objection to the project must be submitted in writing and signed by a majority of the voting members of the legislative body. Comments must be received by OHFA within 45 days of the mailing date of this notice.

The person to be notified at OHFA and their address is:  
 Mr. Sean Thomas, Executive Director  
 Ohio Housing Finance Agency  
 57 E. Main Street  
 Columbus, OH 43215

OHFA will provide a written response to any objections submitted under the terms outlined above.

Filed.

**ORAL COMMUNICATIONS:** - none.

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

**City Auditor Staschiak – City’s self-insurance fund**

During the budget and pre-budget meetings, City Auditor Staschiak mentioned it is time to replenish the City’s Self-Insurance Fund. Historically, it is funded to a level of one million dollars (\$1,000,000) and is used for various insurance related items. Several years ago, it was estimated that the fund has saved the City over five million dollars (\$5,000,000) in additional insurance premiums over the years. The City does not have any environmental insurance coverage and this fund serves as partial protection against any potential future claim. Legislation to appropriate funds to replenish the fund is requested for the February 19, 2019 City Council meeting. These funds were included in the projected beginning cash balance for 2019 based on the budget meeting comments as part of the budget calculations. Ordinance No. 2019-014 was created.

FROM:	General Fund	\$ 434,000.00
TO:	Self-Insurance Fund	\$ 434,000.00

**Discussion:**

Councilman Hellmann reiterated part of the letter “it is also of note that you have no environmental insurance coverage and this fund serves as partial protection against any potential future claim.” He asked if that means for a potential environmental future claim. Acting City Auditor Sampson replied that is correct. If there is an EPA violation or fine, that fund will pay for it. Filed.

**City Income Tax Monthly Collection Report – January 2019.** Filed.

**Findlay Police Department Activities Report – January 2019.** Filed.

**City Auditor Staschiak – summary financial reports**

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

- Summary of Year-To-Date Information as of January 31, 2019
- Financial Snapshot for General Fund as of January 31, 2019
- Open Projects Report as of January 31, 2019
- Cash & Investments as of January 31, 2019

Filed.

**Findlay Fire Department Activities Report – January 2019.**

**Discussion:**

President Pro-Tem Russel asked Fire Chief Eberle, from the audience, if he would like to say anything about Saturday morning’s fire. Chief Eberle replied that the Fire Department appreciates the community’s support. The conditions were not as severe as other fires, but was still taxing. The investigation is still ongoing. President Pro-Tem Russel thanked Chief Eberle and the Fire Department on their hard work. Filed.

**Interim Mayor Monday – Shade Tree Commission appointment**

Interim Mayor Monday is requesting the following be appointed to the Shade Tree Commission:

Ed Crawford

*Term will expire December 31, 2020*

Barb Sherman

*Term will expire December 31, 2019*

These appointments requires Council’s confirmation.

**Discussion:**

President Pro-Tem Russel pointed out that the letter states that Council’s confirmation is needed, but that is not the case. Council’s confirmation is not needed. It is just an informational letter.

Interim Mayor Monday asked that the names of the appointees be read into the record. The Council Clerk read the names and their term expiration date.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Family Dollar Stores of Ohio Incorporated, dba Family Dollar Store 30641, located at 820 Tiffin Avenue, Findlay, Ohio for a C1 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Family Dollar Stores of Ohio Incorporated, dba Family Dollar Store 30641, located at 820 Tiffin Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

Gary Philbin  
Roger Dean  
Thomas E. Schoenheit  
William A. Old Jr.

Councilman Slough moved for no objections be filed, seconded by Councilwoman Frische.

Discussion:

Councilwoman Frische asked what C1 stands for since it is a Dollar Store. Council usually does liquor permits for restaurants. Council Clerk DeVore replied that according to the list she has, it is to sell only. Councilwoman Frische asked if that is for just beer and wine. Law Director Rasmussen replied that is correct.

All were in favor. Filed.

**Findlay Municipal Court Activities Report – January 2019.** Filed.

**Treasurer's Reconciliation Report – January 31, 2019.** Filed.

**Board of Zoning Appeals minutes (*supplemental meeting*) – December 20, 2018.** Filed.

**Interim Mayor Monday – Shade Tree Commission appointment**

Interim Mayor Monday is requesting the following be appointed to the Shade Tree Commission:

Brett Gies  
*Term will expire December 31, 2022*  
This appointment requires Council's confirmation.

Discussion:

Interim Mayor Monday asked that name and term expiration date be read for the record. The Council Clerk read the name and term expiration date.

Councilman Harrington moved to accept the appointment, seconded by Councilman Shindledecker. All were in favor. Filed.

## **COMMITTEE REPORTS:**

A **COMMITTEE OF THE WHOLE** meeting was held on Tuesday, January 15, 2019 to discuss economic development.

Councilman Harrington moved to adopt the committee report, seconded by Councilman Hellmann. All were in favor. Filed.

An **AD HOC COMMITTEE** met on February 7, 2019 to continue discussions from the November 20, 2018, November 1, 2018, 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 a report of Council Rules of Procedure be finalized and presented to the whole Council at the next meeting and recommend adoption by Council.*

Councilman Harrington moved to adopt the committee report, seconded by Councilman Hellmann. Ayes: Harrington, Hellmann, Ostrander, Russel, Shindledecker, Slough, Watson. Nays: Frische, Niemeyer. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to review the proposed zoning code revisions via Ordinance No. 2019-010.

*We recommend the committee tables the committee report until further information is received.*

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

## LEGISLATION:

### RESOLUTIONS

**RESOLUTION NO. 008-2019** (*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. 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.

### ORDINANCES

**ORDINANCE NO. 2019-004** (*IAFF (FD) contract renewal*) requires three (3) reading

third reading      adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A THREE (3) YEAR CONTRACT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 381, AFL-CIO, EFFECTIVE JANUARY 1, 2019, EXPIRING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.

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

#### Discussion:

Safety Director Schmelzer noted that he will answer any questions Council has, but will hold his comments until the UNFINISHED BUSINESS portion of tonight's meeting.

Councilwoman Frische pointed out that she read through the contracts today and saw today's email from Safety Director Schmelzer, but is unsure if the rest of Council had a chance to look at them or if an executive session is needed to discuss them, but she is fine with them.

Councilman Harrington noted that he too looked at the contracts and sees no problems with them. They are contracts that are healthy for both our City and safety services.

Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-004 and is hereby made a part of the record.

**ORDINANCE NO. 2019-005** (*OPBA (PD) contract renewal*) requires three (3) readings

third reading      adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO THREE (3) YEAR CONTRACTS WITH THE OHIO PATROLMANS BENEVOLENT ASSOCIATION ON BEHALF OF THE DIVISIONS OF DISPATCH, PATROL OFFICERS, SERGEANTS AND LIEUTENANTS IN THE FINDLAY, OHIO POLICE DEPARTMENT, EFFECTIVE JANUARY 1, 2019, AND EXPIRING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Niemeyer. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-005 and is hereby made a part of the record.

**ORDINANCE NO. 2019-010** (*amendments to Zoning Code*) requires three (3) readings

second reading

AN ORDINANCE AMENDING SECTIONS 1161.11.3, 1161.11.6, 1161.15, AND 1113.20(C) AND ADDING NEW SECTIONS 1161.15.1 AND 1161.15.2 TO CURRENT SECTION 1161.15 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE.

Second reading of the Ordinance.

**ORDINANCE NO. 2019-012** (*salt barn structure project no. 31972900*) requires three (3) readings

second reading

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2019-013, AS AMENDED** (*1<sup>st</sup> qtr 2019 Capital Improvements*) requires three (3) readings

second reading      adopted

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2017 DEPARTMENT EQUIPMENT LIST WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, APPROPRIATING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

#### Discussion:

President Pro-Tem Russel asked Service Director/Acting City Engineer Thomas if it would be advantageous to the City to have this receive its third reading tonight. Service Director/Acting City Engineer Thomas replied that two (2) larger pieces of equipment for the Street Department are included in this that they are currently renting equipment until this is approved to purchase new equipment. If this Ordinance is approved tonight, they could purchase them sooner. If it waits until the next meeting for the third (3<sup>rd</sup>) reading, it would result in them having to rent the equipment an extra month, so passing the Ordinance tonight would save some money.

Councilman Hellmann asked what the rental costs are. Service Director/Acting City Engineer Thomas replied he does not know.

Councilwoman Frische asked what specific pieces of equipment they are. Service Director/Acting City Engineer Thomas replied that they are not listed in the amended part because the amended part is to update the project numbers. The original Ordinance did not have job numbers. Those two (2) pieces of equipment are in the equipment part of the original.

Councilman Shindledecker moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Niemeyer. Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington, Hellmann. The Ordinance received its third reading. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Niemeyer. Ayes: Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-013 and is hereby made a part of the record.

**ORDINANCE NO. 2019-014** (*replenish City's Self-Insurance Fund*) requires three (3) readings  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**first reading**

First reading of the Ordinance.

## **UNFINISHED BUSINESS:**

### **OLD BUSINESS**

Safety Director Schmelzer thanked Law Director Rasmussen for his assistance for the better part of six (6) years, which is about how long some of the proposals in the contracts were talked about, with the Union contracts. He thanked Fire Chief Eberle and the staff in his department. They are by far the best contracts that the City of Findlay has ever signed with its bargaining units. There was a lot of work that went into them. They protect the City's ability to maintain financial stability and compensates employees very fairly. He is appreciative of Council's votes, the City's leadership team, and all the employees who participated in the conversations with their willingness to give the contracts a shot.

Councilman Hellmann asked if the Law Director and/or the Fire Chief if they concur with what the Safety Director has just stated. Law Director Rasmussen replied he agrees with Safety Director Schmelzer. Negotiation with these contracts have taken place since 2012. The Safety Director has saved the City a lot of money with his negotiation assistance. The Bargaining Groups were fantastic to work with. The fact that they passed these contracts show that they agree on what the Administration is trying to do in the City.

Councilwoman Frische asked when the contracts will be signed, sealed, and delivered. She asked when they will be public. She asked when everything will be retroactive. Safety Director Schmelzer replied by the end of the week.

### **NEW BUSINESS**

Councilman Harrington: **PLANNING & ZONING COMMITTEE** meeting on February 21, 2019 at 1:00 pm in the first floor Council Office (CO).  
agenda: proposed zoning code revisions via Ordinance No. 2019-010.

Service Director/Acting City Engineer Thomas informed Council that due to the passing of Mike Slough and also another member of the PARK AND RECREATION BOARD living outside of the City limits, there are two (2) vacancies on the PARK AND RECREATION BOARD. He wanted to mention that because the SHADE TREE COMMISSION had mentioned their vacancies at a City Council meeting and were able to get those filled right away, so it is his hopes to fill these vacancies quickly. He asked that if anyone is interested in being on the board to let him know. They meet the third (3<sup>rd</sup>) Monday of each month at 4:00pm.

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

President Pro-Tem Russel thanked the Ad Hoc Committed (Councilman Harrington, Councilman Slough, Councilman Wobser, and Councilman Russel) that worked on the Council Rules of Procedures. Council President Monday was at the majority of the meetings and Councilman Hellmann attended a handful of the meetings. A tremendous amount of work was accomplished during the numerous times the committee met and a lot of research was done on how other municipalities run their meetings.

President Pro-Tem Russel summarized the changes:

The biggest change is a reorganization of the old version into the new. The old one had been amended by simply adding verbiage at the end of it over the years and no longer made sense. There were things that should have been grouped together, so a majority of the changes were simply reorganization which is shown in the cross-reference from the old to the new. There was also some word-smithing done. The same general sections were kept the same and just moved some verbiage to areas where they belonged.

The second largest change is on Councilmembers. For example, Section 2J, verbiage was added about how Council conducts debates. Political speech and City Council representation is in Sections 2K and 1D.

Also in the proposed rules, Council is no longer allowed to send mail to constituents in their district at the City's expense.

The requirement for attendance has been changed in that if a Councilmember knows that he/she will be absent, they are to notify the Council President in advance of the meeting(s) they will be absent. The process for how notification is given is in Section 2E.

When and how it is appropriate to abstain in voting is listed in Section 2M5.

There has been a lot of comments in the newspaper about changes in public participation. The changes make a lot of sense. There is now a restriction on advertising products or services.

Section 2I3 states that there is no promoting of political candidates. Someone cannot state "vote for Joe (or whomever)" at a City Council meeting. This also applies to Councilmembers. It does not restrict citizens from asking Council to take a position on a ballot issue. If it is a ballot issue and they want the City to weigh in, that continues to be acceptable. Section 2I6 does not allow for signs or banners in Council Chambers.

Section 2I5 restates what Ohio Revised Code already talks about on disrupting public meetings and having civil discourse.

Collectively, it appears that there are a lot of changes, but the changed version has much in common with the old rules. Any questions on the rules or how the committee got to the changes and where they came from can be addressed with any committee member.

If there are no questions or concerns, the next step would be a formal vote of Council to adopt them. It is not via legislation, but requires a vote of Council to adopt them as Council's Rules of Procedure.

Councilman Shindledecker noted that he received a few phone calls on this, not many and not indignant in any way indicating that they were somewhat concerned that the new regulations might make it somewhat difficult for a member of the audience to have a comment directed to a specific individual member of Council. He has gone through the proposed rules four (4) times in the last ten (10) days, including today, and cannot find anything that would preclude or limit a member of the public from having such conversations. He commends the committee on the job that was done in preparing the rules. President Pro-Tem Russel replied that when bringing an issue before Council, it should be brought to all of Council for concern. It is not to narrow down to one specific Councilmember for only he/she to know or to ask him/her why he/she did a certain thing. That type of discussion should happen one-on-one with Councilmembers and the general public individually. It does not preclude someone from coming and saying something to all of Council. These proposed rules do not change the ability of citizen participation in any manner other than that they cannot promote candidates and cannot advertise. Those are the only two (2) big restrictions that have been placed on citizens that were not specifically stated before.

Councilman Harrington moved to approve the 2018-2019 Council Rules of Procedures as presented, seconded by Councilman Slough.

Discussion:

Councilman Russel asked Law Director Rasmussen if the President of Council, when acting as Interim Mayor, is authorized to vote per Ohio Revised Code. Law Director Rasmussen replied that is correct. He/she is authorized to vote.

Councilwoman Frische feels that the public should be allowed to have one-on-one conversations with Councilmembers if they so choose. While she agrees that the one-on-one conversations with Councilmembers should be allowed to happen, she feels if that does not happen, a question should be allowed to be asked and answered at the pleasure of the citizens of the community. For that main reason, she is voting against adopting the proposed rules. Councilmember's job is to communicate, so when trying to limit that, it sends the wrong message to the community.

Ayes: Watson, Harrington, Hellmann, Ostrander, Russel, Shindledecker, Slough. Nays: Frische, Niemeyer. The 2018-2019 Council Rules of Procedures are adopted.

President Pro-Tem Russel adjourned Council at 7:35pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL PRO-TEM