



**CITY of FOSTORIA**  
**OFFICE OF THE CLERK OF CITY COUNCIL**  
117 SOUTH MAIN STREET  
FOSTORIA, OHIO 44830  
419-435-0462

TAMARA L. DRAKE  
*CLERK OF CITY COUNCIL*

**AGENDA OF THE REGULAR MEETING OF THE  
FOSTORIA CITY COUNCIL HELD (TUESDAY),  
JANUARY 3, 2017 AT 6:00 O'CLOCK P.M.**

1. Call Meeting to Order
2. Invocation by
3. Pledge of Allegiance
4. Roll Call of Councilpersons
5. Minutes of Previous Meeting(s)
6. Communication(s)
7. Report of Committees
  - A. Finance Committee
  - B. Public Affairs Committee
  - C. Law and Ordinance Committee
8. Report of Officers
  - A. Mayor
  - B. Director of Public Service and Safety
  - C. Director of Law
  - D. Consulting Engineer
  - E. Director of Finance
9. Public:

CITY OF FOSTORIA, OHIO

Ordinance No.: 2017-\_\_\_\_\_

Introduced by: \_\_\_\_\_

Requested by: Davoli

AN ORDINANCE

Submitting an amendment to the Charter of the City with respect to providing for a Council-Manager form of government for the City of Fostoria, to be approved or rejected by the electors of the City of Fostoria, Ohio at the May 2, 2017 election, and declaring an emergency to exist.

WHEREAS, the Legislative Authority of Fostoria has determined by this ordinance that an amendment shall be submitted to the electors of the City of Fostoria amending the sections of the existing Charter for the purpose of establishing the Council-Manager form of government for the City. The following sections provide for the implementation of the Council-Manager form of government for the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock and Wood Counties, Ohio:

SECTION 1. The amended version of Sections 4.01, 4.02, 4.03, 4.04, 5.02, 7.01, 8.02, and 9.01 of the City's Charter, as set out below, shall be placed on the ballot at the May 2, 2017 primary election to be approved or rejected by the City's electors voting on the issue.

4.01 Appointment, Qualifications, and Compensation of the City Manager

(A) Appointment

Council shall appoint a City Manager by a majority vote of its members. The City Manager shall be appointed solely on the basis of executive and administrative qualifications.

(B) Compensation

Council shall determine the compensation of the City Manager.

4.02 Procedure for Removal

The Council may remove the City Manager by a majority vote, after affording the City Manager the right to request a public hearing to be held not less than fifteen days prior to any vote to remove the City Manager.

#### 4.03 Acting City Manager

By letter filed annually with the Clerk of Council, the City Manager shall designate a City employee to exercise the powers and perform the duties of the City Manager during the Manager's absence or disability. Council may revoke such designation at any time and appoint another employee of the City to serve as acting City Manager.

#### 4.04 Powers and Duties of the City Manager

The City Manager shall be the chief administrative and law enforcement officer of the City and shall also exercise all judicial and military powers and functions as provided and allowed by the general laws of Ohio for Mayors. The City Manager shall be responsible to Council for the administration of all municipal affairs placed in the City Manager's charge by or under this Charter, the legislation of the City and the laws of the State of Ohio. Without limitation of the foregoing, the City Manager or designee shall:

- (A) Appoint, promote, suspend, remove or otherwise discipline any City employee, except as otherwise provided by or under this Charter, and except the staffs of the Director of Finance and Director of Law;
- (B) Direct and supervise the administration of all departments, offices and agencies of the City, except the offices of Director of Finance and Director of Law and except as otherwise provided in this Charter;
- (C) Attend all regular and special meetings of Council with the right to participate in discussions but not to vote;
- (D) Enforce within the City all laws, provisions of this Charter and legislation of the City;
- (E) Prepare and submit budgets and capital programs to Council, in cooperation with the Director of Finance;
- (F) Keep Council fully advised as to the financial condition and future needs of the City;
- (G) Submit to Council and make available to the public complete records of the finances and administrative activities of the City, as required by law;
- (H) Make such other reports as Council may require concerning the operations of City departments, divisions, offices, boards, commissions, bureaus, and agencies;
- (I) Provide staff support services for Council and the City's boards, commissions and committees; and,
- (J) Execute on behalf of the City all contracts, leases, deeds, easements, conveyances and agreements.

(K) The City Manager shall not participate, by supporting or opposing any candidate for City Office, in any election of the officials of the City.

## 5.02 Director of Finance

(A) The Department of Finance shall be under the supervision, direction, and control of the Director of Finance, who shall be an elector of the City.

(B) The Director of Finance shall be the chief fiscal officer of the City and shall perform the powers, duties and functions now or hereafter given to Directors of Finance by this Charter and the General Laws of Ohio. The Director of Finance shall have other powers, duties and functions as provided by ordinance or resolution. The Director of Finance shall keep the financial records of the City; establish the accounting systems, financial records and reports used by the offices, departments, divisions, bureaus, boards and commissions of the City; assist the City Manager in preparing and submitting the budget and capital programs to Council; provide full and complete information concerning the financial affairs and status of the City as requested by the City Manager or Council; and provide full and complete information and assistance concerning the finances or accounting systems or records of any office, department, division, bureau, board, or commission of the City as requested by the City Manager.

## 7.01 Police Chief and Fire Chief

(A) Job descriptions and other criteria to be considered in the hiring process for the Police Chief and the Fire Chief shall be proposed by the City Manager and shall be approved by the Council. Council approval shall be by a motion passed by a majority vote of the Council.

(B) (1) The Police Chief and the Fire Chief shall be selected by the process set forth in this paragraph (B). When a vacancy exists in the position of Police Chief or Fire Chief, the City Manager shall utilize the approved criteria and job description referenced in subsection (A) hereof, in selecting a person to fill the vacancy, and the method of advertising the positions. Members of the police or fire services of the City, as applicable, may submit applications to fill the vacancy and the City Manager may also accept applications of persons who are not members of the City's police or fire force for the position of Police Chief or Fire Chief.

(2)(i) A committee shall be formed consisting of one member of Council selected by a majority vote of the Council; one high-ranking member of a law enforcement agency if the appointment to be made is for the office of the City's Police Chief, or one high ranking member of a fire department or agency if the appointment to be made is for the office of the City's Fire Chief selected by City Manager, and this committee member will conduct a professional background check specific to that position; a legal

consultant selected by the City Manager; one resident of the City chosen by the City Manager; and one member of the City's Civil Service Commission designated by a majority vote of the City's Civil Service Commission.

(ii) The committee selected pursuant to (2) (i) of Division (B) of this Section 7.01 shall review all applications received and make a recommendation to the City Manager of the three best-qualified applicants, if there are at least three applicants for appointment. If there are fewer than three applicants, the Committee shall make a recommendation to the City Manager of the best-qualified applicant.

(3) The City Manager shall appoint the person the City Manager believes to be the best qualified person to fill the position of Police Chief or Fire Chief pursuant to the criteria and job description for the office of Police Chief or Fire Chief, as appropriate. The City Manager's appointment shall be subject to the approval of Council, which approval shall be given by a vote of the majority of the members of Council at a regular or special meeting of the Council. Council shall take the vote pursuant to a motion to approve the City Manager's appointment.

(4) The person appointed to the position of Police Chief or Fire Chief by the City Manager and confirmed by the Council as provided in Paragraph 7.01 (B) (3) of this Charter shall be in the unclassified civil service of the City and shall be considered to be an employee at will, subject to receiving procedural due process of law. These positions shall serve at the pleasure of the City Manager and the Council. The Police Chief or Fire Chief may be terminated by the City Manager, but only if the Council approves the termination by an affirmative vote of two thirds (2/3) of all its members at a regular or special meeting of the Council.

## 8.02 Contracting Process

The General Laws of Ohio that are consistent with Article XVIII, Ohio Constitution, shall apply to the City with respect to City procedures for competitive bidding and the award of contracts. Elected officials shall award contracts for their office. The City Manager shall award contracts for the City's departments and for the boards, commissions, and other agencies of the City.

SECTION 2. All of these amendments must be considered together since one vote is required to determine whether the form of the City's government shall be changed. Each amendment is related to the other amendments in a manner that only one subject is at issue and that is: shall the City adopt a Council-Manager form of government to replace the existing form of government for the City?

SECTION 3. The Clerk of Council and the City's Director of Law shall take all actions necessary to provide notices or shall take other actions on behalf of the City with respect to filing this ordinance with the election authorities and shall take all actions required to secure a place on the ballot for this amendment at the May 2, 2017 primary election.

SECTION 4. Pursuant to Section 9 of Article XVIII of the Ohio Constitution and Section 731.21.1 of the Revised Code of Ohio the Clerk of Council shall cause the full text of the proposed Charter amendments to be published once a week for two consecutive weeks in a newspaper published in the municipal corporation, with the first publication being at least fifteen days prior to the election at which the amendments are to be submitted to the electors, or if no newspaper is published in the City, then the publication shall be made in a newspaper of general circulation within the City.

SECTION 5. The Clerk of Council or the Director of Law shall assist the election authorities in providing appropriate ballot language.

SECTION 6. The Clerk of Council shall file a certified copy of this ordinance and the minutes of the meeting at which it was adopted with the election authorities.

SECTION 7. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 8. If approved by the electors of the City, the aforementioned eleven amendments to the Charter of the City of Fostoria, Ohio shall become effective on January 1, 2020.

SECTION 9. This ordinance is hereby declared to be an emergency necessary for the preservation of the public health, welfare and safety. The reason for the emergency is that it is necessary to provide sufficient time for the amendments proposed to the Charter to be timely filed with the election authorities and to allow time for the publication of the amendments in a newspaper as provided for by this ordinance, and to allow the Clerk of Council and the Director of Law to take all actions necessary to assure the right of the people to vote on this amendment.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Jon Kauffman, Council President

ATTEST:

\_\_\_\_\_  
Tamara L. Drake, Clerk of Council

Filed with me and approved by me this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Ordinance No.: 2017-\_\_\_\_\_  
Introduced by: \_\_\_\_\_  
Requested by: Davoli

AN ORDINANCE

Submitting an amendment to the Charter of the City with respect to providing for a Director of Law appointed by, and fired at-will by, a majority of the City Council, to be approved or rejected by the electors of the City of Fostoria, Ohio at the May 2, 2017 election, and declaring an emergency to exist.

WHEREAS, the Legislative Authority of Fostoria has determined by this ordinance that an amendment shall be submitted to the electors of the City of Fostoria concerning Article 5.01 of the City Charter.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock and Wood Counties, Ohio:

SECTION 1. The amended version of Article 5.01 of the City's Charter, as set out below, shall be placed on the ballot at the May 2, 2017 primary election to be approved or rejected by the City's electors voting on the issue.

5.01 Director of Law

(A) The Department of Law shall be under the supervision, direction, and control of the Director of Law, who shall be appointed by a majority of the members of the City Council. The Director of Law shall serve in an at-will capacity. The Council may remove the Director of Law by a majority vote, after affording the Director of Law the right to request a public hearing to be held not less than fifteen days prior to any vote to remove the Director of Law.

(B) The Director of Law shall be an attorney-at law duly authorized to practice law in the State of Ohio.

(C) The Director of Law shall be the legal advisor, prosecuting attorney and counsel for the City, and subject to the direction of Council, shall represent the City in all proceedings in Court or before any administrative board or body. The Director of Law shall perform all other powers, duties, and functions now or hereafter imposed on Directors of Law under the laws of Ohio, and shall perform other duties as required by this Charter, by ordinance or resolution, or as directed by the Council.

(D) The Council may provide for assistants to the Director of Law. All assistants shall be appointed by the Director of Law. The assistants shall be responsible to the

Director of Law and when authorized by the Director of Law, may exercise all or any part of the powers, duties, and functions authorized by and in the manner provided by the Director of Law of the Council.

SECTION 2. The Clerk of Council and the Director of Law shall take all actions necessary to provide notices or shall take other actions on behalf of the City with respect to filing this ordinance with the election authorities and shall take all actions required to secure a place on the ballot for this amendment at the May 2, 2017 primary election.

SECTION 3. Pursuant to Section 9 of Article XVIII of the Ohio Constitution and Section 731.21.1 of the Revised Code of Ohio the Clerk of Council shall cause the full text of the proposed Charter amendments to be published once a week for two consecutive weeks in a newspaper published in the municipal corporation, with the first publication being at least fifteen days prior to the election at which the amendments are to be submitted to the electors, or if no newspaper is published in the City, then the publication shall be made in a newspaper of general circulation within the City.

SECTION 4. The Clerk of Council or the Director of Law shall assist the election authorities in providing appropriate ballot language.

SECTION 5. The Clerk of Council shall file a certified copy of this ordinance and the minutes of the meeting at which it was adopted with the election authorities.

SECTION 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7. If approved by the electors of the City, the aforementioned eleven amendments to the Charter of the City of Fostoria, Ohio shall become effective on January 1, 2020.

SECTION 8. This ordinance is hereby declared to be an emergency necessary for the preservation of the public health, welfare and safety. The reason for the emergency is that it is necessary to provide sufficient time for the amendments proposed to the Charter to be timely filed with the election authorities and to allow time for the publication of the amendments in a newspaper as provided for by this ordinance, and to allow the Clerk of Council and the Director of Law to take all actions necessary to assure the right of the people to vote on this amendment.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jon Kauffman, Council President

ATTEST:

\_\_\_\_\_  
Tamara L. Drake, Clerk of Council

Filed with me and approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Ordinance No.: 2017-\_\_\_\_\_

Introduced by: \_\_\_\_\_

Requested by: Davoli

AN ORDINANCE

Submitting an amendment to the Charter of the City with respect to Article 3.01(D), to be approved or rejected by the electors of the City of Fostoria, Ohio at the May 2, 2017 election, and declaring an emergency to exist.

WHEREAS, the Legislative Authority of Fostoria has determined by this ordinance that an amendment shall be submitted to the electors of the City of Fostoria amending the sections of the existing Charter for the purpose of amending Article 3.01(D) of the City Charter.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock and Wood Counties, Ohio:

SECTION 1. The amended version of Article 3.01(D) of the City's Charter, as set out below, shall be placed on the ballot at the May 2, 2017 primary election to be approved or rejected by the City's electors voting on the issue.

3.01 Powers of Council, Number of Members, Council President and Legislative Procedures

(D) The Council may create, merge, revise, or abolish departments, divisions, boards, commissions, and other units of the City's government that are not provided for in this Charter or the General Laws of Ohio by ordinance resolution; however the Council shall not merge or abolish any departments, divisions, boards, commissions, or other units of the City's government that are provided for in this Charter or the General Laws of Ohio, pertaining to General Statutory Plan Cities, unless tis Charter or the General Laws, as applicable, permit such merger, division, or abolition.; ~~and provided further, that unless authorized by a majority vote of the people of the City of Fostoria, Council shall have no authority to abolish the Police Department or Fire Department, including but not limited to fire-based emergency medical services, or to contract with private companies or other law enforcement agencies or fire departments for such services, beyond entering into mutual aid agreements.~~

SECTION 2. The Clerk of Council and the City's Director of Law shall take all actions necessary to provide notices or shall take other actions on behalf of the City with respect to filing this ordinance with the election authorities and shall take all actions required to secure a place on the ballot for this amendment at the May 2, 2017 primary election.

SECTION 3. Pursuant to Section 9 of Article XVIII of the Ohio Constitution and Section 731.21.1 of the Revised Code of Ohio the Clerk of Council shall cause the full text of the proposed Charter amendments to be published once a week for two consecutive weeks in a newspaper published in the municipal corporation, with the first publication being at least fifteen days prior to the election at which the amendments are to be submitted to the electors, or if no newspaper is published in the City, then the publication shall be made in a newspaper of general circulation within the City.

SECTION 4. The Clerk of Council or the Director of Law shall assist the election authorities in providing appropriate ballot language.

SECTION 5. The Clerk of Council shall file a certified copy of this ordinance and the minutes of the meeting at which it was adopted with the election authorities.

SECTION 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7. If approved by the electors of the City, the aforementioned eleven amendments to the Charter of the City of Fostoria, Ohio shall become effective immediately.

SECTION 8. This ordinance is hereby declared to be an emergency necessary for the preservation of the public health, welfare and safety. The reason for the emergency is that it is necessary to provide sufficient time for the amendments proposed to the Charter to be timely filed with the election authorities and to allow time for the publication of the amendments in a newspaper as provided for by this ordinance, and to allow the Clerk of Council and the Director of Law to take all actions necessary to assure the right of the people to vote on this amendment.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Jon Kauffman, Council President

ATTEST:

\_\_\_\_\_  
Tamara L. Drake, Clerk of Council

Filed with me and approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Resolution No.: 2017-\_\_\_\_\_

Introduced by: \_\_\_\_\_

Requested by: Davoli

A RESOLUTION

Establishing Tuesday, May 2, 2017 as the date for the election on a series of proposed amendments to the City's Charter, all of which pertain to the single subject of providing a Council-Manager form of government for the City of Fostoria, and declaring an emergency to exist.

WHEREAS, this Council has determined to place a series of amendments on the ballot at the May 2, 2017 primary election for the City's electors to approve or disapprove; and,

WHEREAS, the amendments are for the single subject of installing the Council-Manager plan of government for the City of Fostoria; and,

WHEREAS, the City must act in a timely manner to afford its electors the opportunity to make a decision on the amendments that will appear on the ballot at the election, this resolution is determined to be an emergency, which shall go into effect immediately upon its passage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fostoria, Seneca, Hancock and Wood Counties, Ohio:

SECTION 1. The Council hereby determines that the election on the amendments to the Charter shall be submitted at the election to be held on May 2, 2017.

SECTION 2. The amendments to the City's Charter may be described as follows:

Section 4.01 An amendment concerning the appointment, qualifications, and compensation of the City Manager.

Section 4.02 An amendment providing for the removal of the City Manager.

Section 4.03 An amendment providing for an Acting City Manager.

Section 4.04 An amendment pertaining to the powers and duties of the City Manager.

Section 7.01 An amendment to Section 7.01 relative to the function of the City Manager in the selection of the Police and Fire Chiefs.

Section 5.02 An amendment pertaining to the Director of Finance's providing financial information concerning the financial affairs and status of the City as requested by the City Manager; and other duties of the Director of Finance.

Section 8.02 An amendment pertaining to the contracting powers of the City Manager.

SECTION 3. All of the amendments must be considered together since one vote is required to determine whether the form of the City's government shall be changed. Each amendment is related to the other amendments in a manner that only one subject is at issue and that is: shall the City adopt a Council-Manager form of government to replace the existing form of government for the City?

SECTION 4. The Director of Law and the Clerk of Council shall assist the election authorities to take whatever action is required by the City to hold the elections on the proposed amendments. The Director of Law shall prepare appropriate ballot language.

SECTION 5. The Clerk of Council shall file a certified copy of this resolution with the election authorities.

SECTION 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7. This resolution is hereby declared to be an emergency necessary for the preservation of the public health, welfare and safety. The reason for the emergency is the fact that it is necessary to provide sufficient time for this resolution to be timely filed with the election, and to allow the Clerk of Council and the Director of Law to take all actions necessary to assure the right of the people to vote on this amendment.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this resolution shall go into immediate force and effect.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Jon Kauffman, Council President

ATTEST:

\_\_\_\_\_  
Tamara L. Drake, Council Clerk

Filed with me and approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Eric J. Keckler, Mayor

**MINUTES OF THE REGULAR COUNCIL**  
**MEETING OF THE FOSTORIA CITY COUNCIL HELD (TUESDAY)**  
**DECEMBER 20, 2016 AT 6:00 O’CLOCK P.M.**

Council President Kauffman called the special meeting to order at 6:08 p.m.

Invocation was a moment of silence.

Allegiance was pledged to the Flag.

Roll call showed seven (7) Councilpersons present.

It was moved by Councilperson Shaver and seconded by Councilperson Pahl to approve the minutes of the finance meeting of December 6, 2016 passed by two (2) votes.

It was moved by Councilperson Lake and seconded by Councilperson Dillon to approve the minutes of the regular City Council meeting of December 6, 2016 passed by seven (7) votes.

**COMMUNICATION(S):** None.

**REPORT OF COMMITTEES**

- A. FINANCE COMMITTEE:**  
Councilperson Flores noted the Finance Committee met December 20th, 2016 at 5:49 P.M.  
See Finance Committee Minutes of December 20th, 2016 attached hereto and made a part hereof of these minutes.
- B. PUBLIC AFFAIRS COMMITTEE:**  
No report.
- C. LAW AND ORDINANCE COMMITTEE:**  
No report.

**REPORT OF OFFICERS**

- A. MAYOR:**  
Spoke about projects on Countyline which both projects should be done spring/summer of 2017. The cleanup at the Clark gas station will be moving along. Also a few appointments for board fill in’s will be presented at the January 3, 2017 Council meeting. Councilperson Davoli asked the Mayor regarding letters from RITA, the Mayor said those letters will be going out very soon.
- B. SAFETY-SERVICE DIRECTOR:**  
No new business
- C. LAW DIRECTOR:**  
No new business.

**D. CITY ENGINEER:**  
No new business.

**E. DIRECTOR OF FINANCE:**  
No new business.

**F. PUBLIC:**  
Jack Brubaker, 716 N. Union Street, Apt. C; spoke regarding Councilperson Davoli's plan of taking away Council employees pay, he also mentioned Councilpersons Lake and Dillon losing their health insurance from their previous jobs and to take away their pay from their Council positions is terrible. He opposes Councilperson Davoli's ideas.

**OLD BUSINESS:**

**Ordinance No.: 2016-\_\_\_:** Amending Section 121.02 of the Codified Ordinances of the City of Fostoria, Ohio relating to the duties and compensation of the Clerk and Assistant Clerk of the Council of the City, and declaring an emergency to exist. (Third reading) (Tabled as of November 1<sup>st</sup>, 2016.)

**NEW BUSINESS:**

**Ordinance No.: 2016-58:** To approve the final Community Reinvestment Area Agreement between the City of Fostoria, Ohio and Rensko Properties Fostoria LLC, and declaring an emergency to exist. It was moved by Councilperson Shaver, seconded by Councilperson Pahl to read; passed by seven (7) votes. The ordinance was read. This constitutes a first reading of said ordinance. It was moved to suspend the three-reading rule by Councilperson Shaver, seconded by Councilperson Pahl; passed by seven (7) votes. The rules were suspended. It was moved to adopt by Councilperson Flores, seconded by Councilperson Lake; passed by seven (7) votes. The ordinance was adopted.

**Ordinance No.: 2017 - \_\_\_:** To amend ordinance 2011-65 concerning the compensation packages for members of Council, the Council President, as well as the Director of Finance, and declaring an emergency to exist. It was moved by Councilperson Davoli, seconded by nobody, the motion failed.

**Resolution No.: 2016-59:** Authorizing the Director of Public Service and Safety to execute a grant agreement between the City of Fostoria, Ohio and the Ohio Department of Transportation, Office of Aviation, relating to repairs of taxiway B at the Fostoria Metropolitan Airport, and declaring an emergency to exist. It was moved by Councilperson Lake, seconded by Councilperson Shaver to read; passed by seven (7) votes. The ordinance was read. This constitutes a first reading of said ordinance. It was moved to amend the Resolution by taking out the verbiage "this grant is free money", seconded by Councilperson Hay; passed by two (2) votes Councilperson Davoli and Councilperson Hay, denied by five (5) votes Councilperson Flores, Councilperson Pahl,

Councilperson Shaver, Councilperson Dillon, Councilperson Lake; the motion failed. It was moved to suspend the three-reading rule by Councilperson Shaver, seconded by Councilperson Flores; passed by seven (7) votes. The rules were suspended. It was moved to adopt by Councilperson Pahl, seconded by Councilperson Flores; passed by seven (7) votes. The ordinance was adopted.

**MISCELLANEOUS BUSINESS:** Council President commented on the Holiday lighting display downtown and how nice it looked.

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

It was moved by Councilperson Shaver and seconded by Councilperson Flores to adjourn; passed by seven (7) votes. Council adjourned at 6:50 p.m.

\_\_\_\_\_  
Steve Kauffman  
President of Fostoria  
City Council

Attest: \_\_\_\_\_  
Tamara L Drake, Clerk of Council

Date \_\_\_\_\_



# CITY of FOSTORIA

Finance Committee

213 SOUTH MAIN STREET  
FOSTORIA, OHIO 44830

Chairperson  
Councilperson Flores

## FOSTORIA CITY COUNCIL FINANCE COMMITTEE MEETING DECEMBER 20<sup>TH</sup>, 2016

The meeting was called to order by Councilperson Flores at 5:49 p.m.

### **Minutes of Previous Meeting**

Councilperson Shaver motioned to approve the minutes from the last regular meeting; Councilperson Pahl seconded. Minutes were approved.

### **Open Issues**

Director of Finance, Steve Garner, no open issues.

Mayor, Eric Keckler, discussed his concerns regarding the City's 5-year recovery plan, he feels the plan is confusing to the public and he continues to hear from public citizens regarding the increase of city employee's salaries, he does not like the plan however a recovery plan had to be in place and he is willing to have some of the issues in the plan changed over the 5 years that appear to be misleading. He also spoke about the sewer rate increase and overall wanted to clear up some issues.

Safety Service Director, no open issues.

### **New Business**

Director of Finance Steve Garner, discussed year end tasks that are being worked on such as: purchase order clean up and reducing encumbrances, by end of every year there can't be any carry order blanket purchase orders. The city is also working on the preparation of W2 and 1099 forms. He is also implementing line item budget and appropriations from the recovery plan.

Mayor Eric Keckler, re-iterated regarding the recovery plan as stated above under open issues. Safety Service Director-no new business.

### **Public:**

Councilperson Davoli; 445 Park Avenue, distributed documents regarding cost savings by eliminating pay of Council members and decrease the pay for the Mayor and Auditor positions and also combining the Mayor and Safety Service positions and calling it a City Management position. He let it be known the cost savings figures the City would save by doing this.

Greg Cassidy; 710 College Avenue, commented on Councilperson Davoli's remarks and ideas, he also commended the City for coming together and trying to fix the City's financial issues.

Councilperson Pahl commented that he is being questioned by public citizens and asked Director of Finance Steve Garner what invoices are not getting paid that has us in a \$600,000.00-dollar

deficit, Steve's response was there is still money in the bank account and also in the enterprise account which is used to pay general fund bills, which is illegal noted Councilperson Flores, which Steve Garner said "technically, but the State did not say anything regarding this.

Misc. business: None.

With no other business to come before the Committee the Finance Committee Councilperson Shaver motioned to adjourned; seconded by Councilperson Pahl. The Finance Committee meeting adjourned at 6:03 P.M.

The next regular Finance meeting will be held January 3, 2017.

\_\_\_\_\_  
Chairperson Flores

Attest:

\_\_\_\_\_  
Tamara L Drake  
Clerk of Council

Date \_\_\_\_\_

CITY OF FOSTORIA, OHIO

Resolution No.: 2017-\_\_\_\_\_

Introduced by: \_\_\_\_\_

Requested by: Davoli

A RESOLUTION

Establishing Tuesday, May 2, 2017 as the date for the election on an amendment to the City's Charter, which pertains to the appointment and firing of the Director of Law by a majority of the Council, and declaring an emergency to exist.

WHEREAS, this Council has determined to place a series of amendments on the ballot at the May 2, 2017 primary election for the City's electors to approve or disapprove; and,

WHEREAS, the City must act in a timely manner to afford its electors the opportunity to make a decision on the amendments that will appear on the ballot at the election, this resolution is determined to be an emergency, which shall go into effect immediately upon its passage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fostoria, Seneca, Hancock and Wood Counties, Ohio:

SECTION 1. The Council hereby determines that the election on the amendments to the Charter shall be submitted at the election to be held on May 2, 2017.

SECTION 2. The amendment to the City's Charter may be described as follows:

Section 5.01 An amendment concerning the appointment and discharge of Director of Law by a majority of members of the City Council.

SECTION 3. The Director of Law and the Clerk of Council shall assist the election authorities to take whatever action is required by the City to hold the elections on the proposed amendments. The Director of Law shall prepare appropriate ballot language.

SECTION 4. The Clerk of Council shall file a certified copy of this resolution with the election authorities.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public,

and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 6. This resolution is hereby declared to be an emergency necessary for the preservation of the public health, welfare and safety. The reason for the emergency is the fact that it is necessary to provide sufficient time for this resolution to be timely filed with the election, and to allow the Clerk of Council and the Director of Law to take all actions necessary to assure the right of the people to vote on this amendment.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this resolution shall go into immediate force and effect.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jon Kauffman, Council President

ATTEST:

\_\_\_\_\_  
Tamara L. Drake, Council Clerk

Filed with me and approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Resolution No.: 2017-\_\_\_\_\_

Introduced by: \_\_\_\_\_

Requested by: Davoli

A RESOLUTION

Establishing Tuesday, May 2, 2017 as the date for the election on an amendment to the City's Charter, which pertains to Article 3.01(D) of the City Charter, and declaring an emergency to exist.

WHEREAS, this Council has determined to place a series of amendments on the ballot at the May 2, 2017 primary election for the City's electors to approve or disapprove; and,

WHEREAS, the City must act in a timely manner to afford its electors the opportunity to make a decision on the amendments that will appear on the ballot at the election, this resolution is determined to be an emergency, which shall go into effect immediately upon its passage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fostoria, Seneca, Hancock and Wood Counties, Ohio:

SECTION 1. The Council hereby determines that the election on the amendments to the Charter shall be submitted at the election to be held on May 2, 2017.

SECTION 2. The amendment to the City's Charter may be described as follows:

Section 3.01(D) An amendment concerning merger and abolition of certain City Departments and Divisions.

SECTION 3. The Director of Law and the Clerk of Council shall assist the election authorities to take whatever action is required by the City to hold the elections on the proposed amendments. The Director of Law shall prepare appropriate ballot language.

SECTION 4. The Clerk of Council shall file a certified copy of this resolution with the election authorities.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public,

and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 6. This resolution is hereby declared to be an emergency necessary for the preservation of the public health, welfare and safety. The reason for the emergency is the fact that it is necessary to provide sufficient time for this resolution to be timely filed with the election, and to allow the Clerk of Council and the Director of Law to take all actions necessary to assure the right of the people to vote on this amendment.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this resolution shall go into immediate force and effect.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jon Kauffman, Council President

ATTEST:

\_\_\_\_\_  
Tamara L. Drake, Council Clerk

Filed with me and approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Eric J. Keckler, Mayor

CITY OF FOSTORIA, OHIO

Ordinance No.: 2017-\_\_\_\_\_

Sponsored by: \_\_\_\_\_

Requested by: Pahl

AN ORDINANCE (SUBSTITUTE AMENDED)

Amending Section 121.02 of the Codified Ordinances of the City of Fostoria, Ohio relating to the duties and compensation of the Clerk and Assistant Clerk of the Council of the City, and declaring an emergency to exist.

BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock and Wood Counties, Ohio:

SECTION 1. Section 121.02 of the Codified Ordinances of the City of Fostoria, Ohio is amended as follows:

**121.02 CLERK OF COUNCIL**

**121.02(A) APPOINTMENT AND TERM**

Within ten (10) days from commencement of the term of the President of Council, the members of the City Council shall appoint a Clerk of Council who shall be appointed for a term of four (4) years concurrently with the term of the President of Council.

In the event that a vacancy occurs in the office of the Clerk of City Council during his or her term in office, the Assistant Clerk of Council shall automatically become Clerk for the remainder of the term. In the event there is no Assistant Clerk, the members of Council shall, by majority vote, appoint a new Clerk for the remainder of the term.

The Clerk of City Council shall be an at-will, unclassified employee subject to the City's Personnel Policy. The Clerk of the Council of the City shall be a qualified elector of the City; however, the requirement that the Clerk of Council be a qualified elector of the City shall not apply to the incumbent Clerk who holds office upon the date this ordinance is adopted.

**121.02(B) SALARY OF CLERK.** The annual salary for the Clerk shall be \$7,200.00. In the event that the Clerk does not appoint an Assistant Clerk, the Clerk shall receive annual compensation of \$9,000.00.

**121.02(C)**

**DUTIES AT COUNCIL MEETINGS; ABSENCE FROM MEETINGS.**

The Clerk of Council shall attend all regular, adjourned or special meetings of Council, as well as committee meetings as requested, and keep an accurate record of all proceedings, and shall record all rules, bylaws, resolutions and ordinances adopted or passed by Council.

**121.02(D)**

**RETURN OF SERVICE; PUBLICATION OF NOTICES.**

The Clerk of Council shall make proper return on all papers, notices and orders made by ordinance or resolution which are his duty to serve and shall see that all ordinances, resolutions, notices and all other matters required by law, or directed by Council to be published, are legally published according to law, and in such other papers as Council may from time to time direct, and he shall certify to such publication and file a copy of the papers in which such publication was held.

**121.02(E)**

**CARE AND CUSTODY OF SEAL, STATUTES, ETC.**

The Clerk of Council shall have the care and custody of all ordinances, resolutions, motions and all other business of Council, and shall see that all copies in the hands of the officers and all such person entitled to the same are promptly returned to the office of the Clerk on the expiration of their respective offices. He shall have the care and custody of all the papers and statues pertaining to the business of Council.

**121 02(F)**

**ASSISTANT CLERK OF COUNCIL.** The Clerk of the Council may appoint an Assistant Clerk of Council, who shall be an at-will, unclassified employee, compensated an annual salary of \$1,800.00. The Assistant Clerk of Council shall serve at the pleasure of the Clerk of Council. The Assistant Clerk of Council shall be an elector of the City. The Assistant Clerk of Council shall have duties as determined by the Clerk of Council. In the event that the Assistant Clerk cannot perform his/her duties to attend meetings of the Council, the Clerk may appoint an Assistant Pro Tem, who shall be a qualified individual and

compensated a per diem stipend of \$100.00 per meeting attended. In the event that there is no individual serving as Assistant Clerk of Council, the Council may appoint a Clerk Pro Tem to be compensated a per diem rate of \$100.00 per meeting attended.

**121.02(G)** The Clerk, Assistant Clerk, Assistant Clerk Pro Tem and Clerk Pro Tem are not eligible to participate in the City's plan for major medical, dental or optical insurance.

**121.02(H)** **ADDITIONAL DUTIES.** The Clerk of Council shall perform such other duties as Council, from time to time, may direct.

**121.02(I)** **OFFICE OF THE CLERK OF COUNCIL.** The Clerk of Council shall be provided office space in the City Municipal Building, and shall be provided with a dedicated computer, printer, scanner and other necessary office equipment owned by the City. Further, the permanent archives of the City of Fostoria, Ohio not otherwise stored at the Kaubisch Memorial Public Library, including, but not limited to, legislation, minutes, correspondence, oaths, correspondence, shall be maintained in the Office of the Clerk of Council. All computer files of the Clerk of Council shall be maintained on a computer and/or server controlled and owned by the City, and accessible by the Clerk, the Mayor, the President of Council and the Director of Law.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare. The reason for this emergency is that accurate and legal compensation packages for City employees is mandated by Article 3.06 of the Charter of the City of Fostoria, Ohio.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jon Kauffman, President of Council

ATTEST:

\_\_\_\_\_  
Tamara L. Drake, Clerk of Council

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Timothy J. Hoover, Director of Law

Filed with me and approved by me this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Eric J. Keckler, Mayor

10. Old Business

**Ordinance No.: 2016-\_\_\_:** Amending Section 121.02 of the Codified Ordinances of the City of Fostoria, Ohio relating to the duties and compensation of the Clerk and Assistant Clerk of the Council of the City, and declaring an emergency to exist. (Third reading) (Tabled as of November 1<sup>st</sup>, 2016)

11. New Business:

**Ordinance No.: 2017 - \_\_\_:** Submitting an amendment to the Charter of the City with respect to providing for a Council-Manager form of government for the City of Fostoria, to be approved or rejected by the electors of the City of Fostoria, Ohio at the May 2, 2017 election, and declaring an emergency to exist. (First reading)

**Ordinance No.: 2017 - \_\_\_:** Submitting an amendment to the Charter of the City with respect to providing for a Director of Law appointed by, and fired at-will by, a majority of the City Council, to be approved or rejected by the electors of the City of Fostoria, Ohio at the May 2, 2017 election, and declaring an emergency to exist. (First reading)

**Ordinance No.: 2017 - \_\_\_:** Submitting an amendment to the Charter of the City with respect to Article 3.01(D), to be approved or rejected by the electors of the City of Fostoria, Ohio at the May 2, 2017 election, and declaring an emergency to exist. (First reading)

**Resolution No.: 2017 - \_\_\_:** Establishing Tuesday, May 2, 2017 as the date for the election on a series of proposed amendments to the City's Charter, all of which pertain to the single subject of providing a Council-Manager form of government for the City of Fostoria, and declaring an emergency to exist. (First reading)

**Resolution No.: 2017 - \_\_\_:** Establishing Tuesday, May 2, 2017 as the date for the election on an amendment to the City's Charter, which pertains to the appointment and firing of the Director of Law by a majority of the Council, and declaring an emergency to exist. (First reading)

**Resolution No.: 2017 - \_\_\_:** Establishing Tuesday, May 2, 2017 as the date for the election on an amendment to the City's Charter, which pertains to Article 3.01(D) of the City Charter, and declaring an emergency to exist. (First reading)

12. Executive Session

13. Miscellaneous:

14. Adjournment

REMINDERS: