

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

OCTOBER 20, 2020

COUNCIL CHAMBERS

ROLL CALL of 2020-2021 Councilmembers:

PRESENT: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke

ABSENT: President Harrington, Shindledecker, Wobser

President of Council Pro-Tem Russel informed Council that President of Council Harrington, Councilman Shindledecker and Councilman Wobser notified him that they would not be in attendance tonight. Councilman Slough moved to excuse the absence of President of Council Harrington, Councilman Shindledecker and Councilman Wobser, seconded by Councilman Greeno. All were in favor. Filed.

President of Council Pro-Tem Russel explained that he is the President Pro-Tem tonight because of President of Council Harrington being absent. He is still a voting member of Council.

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

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Slough moved to add and remove the following to tonight's agenda, seconded by Councilman Palmer. All were in favor. Motion carried. Filed.

ADD-ON:

- Letter from President Pro-Tempore Russel – Ad Hoc Committee assignment for Designated Outdoor Refreshment Area (DORA) (**WRITTEN COMMUNICATIONS** section)
- PLANNING & ZONING Committee report – zoning map updates (**COMMITTEE REPORTS** section)

REMOVALS:

- Ordinance No. 2020-122 – 780 6th Street rezone (**LEGISLATION** section)
 - Ordinance is not needed – P&Z Committee recommended to re-establish a non-conforming use instead of approving initial rezone request

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the October 6, 2020 Regular Session City Council meeting minutes, Councilman Palmer seconded the motion.

Discussion:

President of Council Pro-Tem Russel noted that there is a correction to page 3 of the minutes where a couple paragraphs need to be moved up to be under Mr. Snodgrass's recognition section on page 2. The Council Clerk will make this change.

Councilman Slough moved to change his motion from accept to accept as amended, seconded by Councilman Palmer. All were in favor. Motion carried. Filed.

PROCLAMATIONS:

Disability Employment Awareness Month – October 2020

WHEREAS: Persons with disabilities have the same rights to live, learn, work, and play in their community; and

WHEREAS: Workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and

WHEREAS: In this spirit, the City of Findlay, Ohio, recognizes National Disability Employment Awareness Month this October to raise awareness about disability employment issues and celebrate the many and varied contributions of people with disabilities; and

WHEREAS: The Hancock County Board of Developmental Disabilities promotes the inclusion of persons with disabilities in the local workforce. Local employers have made a commitment to a diverse and inclusive workforce; and

WHEREAS: Activities during this month will reinforce and the value and talent people with disabilities add to our workplaces and communities and affirm Findlay's commitment to an inclusive community.

NOW THEREFORE, I Christina M. Muryr, Mayor of the City of Findlay, Ohio, do hereby proclaim the month of October 2020, as:

DISABILITY EMPLOYMENT AWARENESS MONTH

In Findlay, Ohio, and call upon employers, schools and other community organizations through Findlay to observe this month with appropriate programs and activities, and to advance its important message that people with disabilities are equal to the task throughout the year.

Mayor Muryr presented the National Disability Employment Awareness Month proclamation to Matthew Lafontaine in the audience. She thanked the Hancock County Board of Developmental Disabilities for all the great work they do. It has been a challenging time for them to contribute and continue to work with their individuals, but is a great organization that does a ton of things that goes unrecognized such as making sure the individuals have social experiences, as well as the ability to work, learn and socialize. The City is very grateful for the work they do.

RECOGNITION/RETIREMENT RESOLUTIONS: none

ORAL COMMUNICATIONS:

Lauren Sandhu – presentation on Blanchard River Watershed Partnership

Ms. Sandhu, Advisor and Core Leader for the Blanchard River Watershed Partnership (BRWP) is before City Council tonight to request the City's continuation of funding to the BRWP. The BRWP is a 501C3 non-profit organization based out of Findlay that covers the 6-County area that is enclosed within the Blanchard River Watershed. They received their 501C3 status in 2006. Since then, they have been able to secure over eleven million dollars (\$11,000,000.00) in grant funding that has primarily gone to landowners in the area (farmers) to implement best practices. The overall goal is to improve the water quality in the Blanchard River Watershed and to educate those that live in the watershed about the watershed that they live in and what they can do to improve water quality. The BRWP is in an agreement with the City of Findlay to receive financial support on a regular basis since at least 2013. It is very crucial for them to receive the City's support since they are entirely grant funded. At one point in time, they received support from the State of Ohio to support the Watershed Coordinator position, but that support stopped in 2017 across the State, so they are totally reliant on grant funding. They rely on memberships and donations from the public and contributions from the City of Findlay and villages that are within the watershed (i.e. Village of Bluffton and Ottawa). They have been able to accomplish a lot this year amidst the COVID-19 pandemic (she provided a list to Council of those accomplishments over the last two (2) years). One of their largest achievements has been the creation of the Nine Element Non-Point Source Implementation Strategic Plans (NPS-ISP plans) that they write for specific sub units in the watershed or sub watersheds. They write those plans in partnership with other water agencies and with the support of the City of Findlay and villages within the watershed. Those plans are submitted to the EPA for official approval. The plans describe the particular regions of the watershed, provides a general land view description, and points out any impairments about the watershed being detrimental and suggests any potential projects that could be implemented in the future. Once the NPS-ISP Plans are approved by the EPA, it makes them competitive for other funding. To date, they have received four (4) written EPA approvals for eight (8) NPS-IPS Plans since 2017. Agencies all over the state are writing those plans. They have been able to write at least two (2) plans per year. In 2020, they wrote and received approval for three (3) NPS-ISP Plans. The plans take about one hundred thirty (130) hours to write in which that time has to be funded. They have approximately thirty-seven (37) watersheds that need to have a plan developed. They have written eight (8) of them so far. If they do not receive financial support from the City and other villages within the BRWP, those cities and villages would have to pick up the work that the BRWP has been doing. They pursue grants that fund the Plans. Once those grants are approved, they then pursue grants that fund the projects that are in the plans and will then run those projects. For example, the Howard Run Blanchard River Watershed received approval from the EPA this year which is the NPS-ISP Plan that they wrote. Because of the approval from the EPA of that plan, they were able to partner with the University of Findlay to pursue a project on the parking lot behind the Davis Street building that the University of Findlay campus accesses into Howard Run which runs along several parking lots within the campus. Because they had that Howard Run Plan approved, they were able to pursue funding under the Great Lakes Restoration Initiative that they secured last week. They have received a seventy-two thousand dollar (\$72,000.00) grant that will allow them to install a wetland area on the University of Findlay campus that will eventually be used as a live-in laboratory for the students and instructors. Those are the types of projects that the NPS-ISP Plans have assisted the University with. Beyond that, they assist farmers with cover crops, conservation tillage that comes from the NPS-IPS Plan. They also do work in the lower Riley Creek watershed because of the NPS-IPS Plan that they have written and have been approved for in the Riley Creek Watershed. She asked Council to renew the agreement they have with the City of Findlay. 2020 is the last year that they will receive financial support from the City under the current agreement. She asked that they continue to receive the City's financial support.

Discussion:

Councilman Greeno fully supports this very important organization. The City of Findlay is mainly concerned with the quantity of water that goes through Findlay. The BRWP is concerned with the quality of the water on the days it is not flooding. They are concerned with septic tanks that are leaking into creeks. Everything that goes in to the Blanchard River will eventually end up in Lake Erie. Lake Erie is currently having issues with algae blooms. He supports this organization for what they do and the amount of things they are able to get done for the small amount of funds the City gives to them.

Councilman Russel noted that Councilman Greeno is the City Representative of the BRWP in which he was the representative when he first was on City Council. Councilman Greeno is correct in that this organization works well above their weight. They get more done with less dollars. It is a wonderful investment for the City of Findlay. He asked Safety Director Schmelzer if this helps the City maintain an MS4. Safety Director Schmelzer from the audience replied that it does help the City with communication points within the plan. President of Council Pro-Tem Russel asked for a status of the Riverside Park Dam project as he is aware that Senator McColley was here to look into it. Ms. Sandhu replied that they went to Senator McColley and State Representative Cross about it in October in which Senator McColley requested he go out to and see the proposed project for himself. After he saw the sight, he suggested that the BRWP submit an application and seek state funding to allow them to pursue the project, but then COVID hit, so they have not moved on the project this year. They are unsure if they will have to resubmit an application for next year's state funding or not. They are waiting to hear from that office to find out if they can start now to proceed with 2021 funding. Councilman Russel asked what the goal of that plan is. Ms. Sandhu replied to modify the dam at Riverside Park for water flow issues and to install a fish passage through the dam to allow for fish movement up and down stream at that point in the river.

The biggest issue in the Blanchard River is the sediment buildup behind the dam. There are two (2) large sediment issues that are causing problems: one directly behind the dam and the other is near the mouth of the reservoir by the boat rentals. It could potentially alleviate some flooding issues by removing some of the sediment.

Mayor Murny reiterated that the Riverside project is a huge project. It measures about ten feet (10') in depth, but currently is only about a foot (12") deep due to excessive sediment. The City's annual contribution is five thousand dollars (\$5,000.00). Ms. Sandhu provides large reports to her of all the work they do. The overall aesthetic water quality benefits they provide is well beyond the five thousand dollars (\$5,000.00) they receive from the City. She recommends the City continue their contributions to the BRWP.

PETITIONS: none

WRITTEN COMMUNICATIONS:

President Pro-Tempore Russel – Ad Hoc Committee assignment for Designated Outdoor Refreshment Area (DORA)

President Pro-Tempore Russel appointed Councilman Greeno, Councilman Niemeyer, Councilman Russel, and Councilman Slough as an Ad Hoc Committee to investigate a Designated Outdoor Refreshment Area (DORA) a requested by Council during the October 6, 2020 City Council meeting. Councilman Niemeyer and Slough are appointed because their wards encompass the downtown area. Councilman Greeno is appointed because he expressed interest in serving and lives near downtown. Councilman Russel is appointed because he is Council's representative to the Downtown Findlay Improvement District Board. The Ad Hoc Committee plans to meet in the coming weeks and report back to Council as soon as possible. A chair of the committee will be selected at the first meeting.

Councilman Palmer moved to accept the committee assignments, seconded by Councilman Greeno. All were in favor. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Municipal Court Activities Report – September 2020. Filed.

Board of Zoning Appeals minutes – August 13, 2020 and September 10, 2020. Filed.

City Auditor Staschiak – RLF Administration

The Hancock Regional Planning Commission has submitted an invoice for their expenses/staff time for RLF administration for January 2020 through September 2020. 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 \$16,450.22 the RLF to General Expense #21010000-449400 to pay the invoice is requested. Ordinance No. 2020-123 was created. Filed.

City Auditor Staschiak – summary financial reports

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

- Summary of Year-To-Date Information as of September 30, 2020
- Financial Snapshot for General Fund as September 30, 2020
- Open Projects Report as of September 30, 2020
- Cash & Investments as of September 30, 2020

Filed.

Mayor Muryn Financial Summary. Filed.

Precipitation and Reservoir levels report – third (3rd) quarter July - September 2020. Filed.

City Auditor Staschiak – amendments to the City's salary ordinance

The salary ordinance has typically been revised by the Auditor's office with changes requested by the Administration and presented to Council for review. Ordinance No. 2020-121 is this year's updated pay ordinance. Changes to the existing salary ordinance are highlighted in red. The Mayor's Administration and the Auditor's Office have reviewed the document.

Revisions include:

- All exempt positions with a salary range had the max amounts raised by 1.31%
- All steps in the hourly ranges and all excepted pay ranges were increased by 1.31%
- All effective dates were changed as needed in each section
- All other changes are highlighted in red

An ordinance with the emergency clause will need to be passed by the last City Council meeting in December in order to continue the City's regular course of business. Ordinance No. 2020-121 was created. Filed.

Findlay Police Department Activities Report – September 2020. Filed.

Treasurer's Reconciliation Report – September 30, 2020. Filed.

Hancock Regional Planning Commission Director Cordonnier – zoning map update

The Hancock Regional Planning Commission (HRPC) has been working on the Findlay zoning map update. The proposed update was reviewed by the City Planning Commission (CPC) and the Planning and Zoning Committee (P&Z) on February 13, 2020. CPC recommended approval and P&Z requested that HRPC move forward of notifying the public about the potential changes. HRPC and the City of Findlay began a public information campaign in August this year. On August 28, 2020, HRPC sent out seven thousand (7,000) personalized postcards to every property owner whose zoning is proposed to change with HRPC receiving over six hundred (600) phone calls from residents wanting more information or had specific questions about their zoning. Included with the postcard notification was instructions on how to opt-out of the zoning change. The opt-out process allowed residents to not have their property rezoned if they so choose. HRPC received two hundred fifty-five (255) opt-out forms from one hundred seventy (170) property owners. The three (3) most frequent types of opt-outs were C2 to R3 (67), R1 to R2 (54) R2 to R3 (44). The Mayor and HRPC Director hosted a virtual public meeting on September 9, 2020. Approximately eighty (80) individuals attended the meeting. The video of the meeting was made available on the City of Findlay website and was viewed two hundred fifty-nine (259) times. On October 8, 2020, the HRPC Director presented the results of the public outreach to P&Z. The next step is for City Council to move forward with the attached legislation. Ordinance No. 2020-124 was created. Filed.

Findlay Fire Department Activities Report – September 2020. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Mozelle and Evelyn Miree to rezone 780 6th Street from R1 Large Lot Residential to R4 Duplex Triplex.

We recommend to re-establish the non-conforming use as a duplex/triplex.

Councilman Slough moved to adopt the committee report, seconded by Councilman Palmer.

Discussion:

Councilman Russel explained that the applicants requested a rezone, but the City Planning Commission (CPC) and the Planning & Zoning Committee (P&Z) instead recommended to re-establish a non-conforming use as a duplex/triplex. The property was a duplex and then sat vacant for a couple of years and was then converted to a single family house and was marketed to the occupants as a duplex. Because it was not being treated as a duplex for several years, it lost its ability to be a duplex in the zoning district. When the applicants received the postcard on the rezoning map project, which included their property, they called the Hancock Regional Planning Commission (HRPC) which started the process for their request to rezone. Upon further conversations and investigations with HRPC, they came up with the proper decision to re-establish a non-conforming use because it could be done less expensively for the applicant and could be done quicker. A rezone requires three (3) readings which takes anywhere from forty-five (45) to ninety (90) days. A non-conforming use can be re-established if City Council accepts this committee report. By the end of this meeting and by the signature of the Mayor, the property can be legal used as a duplex. Once the property gets rezoned under the zoning map updates via Ordinance No. 2020-124, it would also be a legal property. He credits HRPC for investigating this request and coming up with a good option for citizens who are trying to do the right thing. As a result of this, Ordinance No. 2020-122 to rezone this property is not necessary which is why it is being removed from tonight's agenda. This committee report gives them the ability to enjoy their property as a duplex which is the way it was marketed to them when they purchased it and as a result, it removes Ordinance No. 2020-122 from the agenda.

President of Council Pro-Tem Russel reminded Council that there is a motion and a second to adopt this committee report. All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Brett Gies, Landscape Architect with RCM Architects, on behalf of Thomas Genzman, property owner of 314 West Sandusky Street, to re-establish a non-conforming use of the property as a duplex/triplex.

We recommend approval as requested.

Councilman Hellmann moved to adopt the committee report, seconded by Councilman Palmer.

Discussion:

Councilman Slough noted that he abstained from the vote. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Warnecke. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss the proposed zoning map updates.

We recommend adoption of the new zoning map. Ordinance No. 2020-124 was created.

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

LEGISLATION:

RESOLUTIONS: none

ORDINANCES:

ORDINANCE NO. 2020-106 (*Deferred Compensation Plan – Firefighters*) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE AUTHORIZING THE MAYOR AND AUDITOR OF THE CITY OF FINDLAY, OHIO, TO EXECUTE ALL DOCUMENTS NECESSARY TO MAKE THE BENEFITS OF THE OHIO ASSOCIATION OF PROFESSIONAL FIREFIGHTERS 457 DEFERRED COMPENSATION PLAN ROTH 457 OPTION AVAILABLE TO ALL FINDLAY FIREFIGHTERS, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-106 and is hereby made a part of the record.

ORDINANCE NO. 2020-107 (*Deferred Compensation Plan – all City employees*) **required three (3) readings** **third reading - adopted**

AN ORDINANCE AUTHORIZING THE MAYOR AND AUDITOR OF THE CITY OF FINDLAY, OHIO, TO EXECUTE ALL DOCUMENTS NECESSARY TO MAKE THE BENEFITS OF THE OHIO PUBLIC EMPLOYEES DEFERRED COMPENSATION PROGRAM ROTH 457 OPTION AVAILABLE TO ALL CITY OF FINDLAY EMPLOYEES, AND DECLARING AN EMERGENCY.

Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-107 and is hereby made a part of the record.

ORDINANCE NO. 2020-109 (*ee payroll deductions for HSA*) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE AUTHORIZING THE AUDITOR TO MAKE PAYROLL DEDUCTIONS FOR THOSE EMPLOYEES WHO HAVE ELECTED TO ENROLL IN THE HEALTH SAVINGS ACCOUNT (HSA) PLAN AND DECLARING AN EMERGENCY.

Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Greeno, Haas. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-109 and is hereby made a part of the record.

ORDINANCE NO. 2020-111 (*6th Capital Improvement appropriation*) **requires three (3) readings** **third reading - adopted**

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

Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Greeno, Haas, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-111 and is hereby made a part of the record.

ORDINANCE NO. 2020-113 (*525 & 529 Davis St rezone*) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 525 AND 529 DAVIS STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, LOW DENSITY" TO "M2 MULTIPLE FAMILY, HIGH DENSITY".

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

Discussion:

Councilman Russel noted that Mr. Seek mentioned that the applicant will be enjoying benefits on this property that are not available to others in the district which is not the case. The applicant went through the City Planning Commission and a rezone request going through City Council. The project this applicant wants to build can be built on the property with room to spare and will not be hugging the alley as Mr. Seek stated. It will meet the setbacks as required for the zoning area. It is a good use for the property and the applicant has been very forthcoming so far and still has to submit a site plan for the project and work cooperatively. The applicant/owner is from Leipsic/Miller City and is not an out-of-town developer as Mr. Seek previously stated, but is Findlay's neighbor. He appreciates the owner's desire to invest his time, talent, and money in our City to make more housing options available in a City that has had a need for this types of housing. He is in favor of this Ordinance for those reasons.

Ayes: Palmer, Russel, Slough, Warnecke, Greeno, Haas, Hellmann. Nays: Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-113 and is hereby made a part of the record.

ORDINANCE NO. 2020-114 (*811 Broad Ave vacation*) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE VACATING A CERTAIN PORTION OF A CERTAIN ALLEY (HEREINAFTER REFERED TO AS 811 BROAD AVENUE VACATION) IN THE CITY OF FINDLAY, OHIO.

Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Russel, Slough, Warnecke, Greeno, Haas, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-114 and is hereby made a part of the record.

ORDINANCE NO. 2020-116 (*electric aggregation program renewal – Energy Harbor*) **requires three (3) reading second reading - defeated**
AN EMERGENCY ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL ELECTRIC AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE (THE “AGGREGATION PROGRAM”) DIRECTING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT WITH ENERGY HARBOR, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Slough. Ayes: Slough, Warnecke, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel. The Ordinance received its third reading.

Discussion:

Councilman Hellmann asked why Council is suspending the statutory rules and giving this its third reading tonight. Councilman Russel replied it needs a third reading tonight in order to be enacted and Council needs to have a conversation amongst themselves about Ordinance No. 2020-116 and Ordinance No. 2020-117. The only way Council can have that conversation is that there is a motion and a second on the table. The motion to suspend the statutory rule and give this its third reading has already been made and approved, and Council is now entertaining a motion for this to be passed so that Council may have a conversation on it.

Councilman Slough asked Safety Director Schmelzer to come to the podium to provide guidance on what his thoughts are on this. President of Council Pro-Tem Russel replied that Council can ask questions of Safety Director Schmelzer, but Council cannot discuss it. Councilman Slough pointed out that there are two (2) ordinances before Council and asked Safety Director Schmelzer to give a summary which he thinks is better and why. Safety Director Schmelzer started with background information on the energy aggregation program. The City has entered into both electric and gas aggregation programs for more than a decade. This request is for electric. Each time this is up for renewal, the City takes our block of business (Findlay residences) and takes it out to market. Any aggregation suppliers are eligible to provide the City’s consultant with a bid which entails an electronic bid process where the City’s consultant manages that with everything coming in real time and then they can provide a summary document and a recommendation of which supplier to go with. In the original packet at the last City Council meeting, he provided a brief explanation in the form of a letter. There were also two (2) summary documents related to the pricing structure which is why there are two (2) ordinances, one (1) with Constellation and the other with Energy Harbor. Constellation is a three (3) year agreement. Energy Harbor offered a four (4) year agreement. The savings on average per resident is calculated by multiplying the average number of accounts (approximately 13,000) and can then calculate how much the average resident saves versus current rate versus the market rate. The document also lists what the community saves based on those two (2) rates by taking those thirteen thousand (13,000) accounts and multiplying it by the length of the contract. The better deal appears to be Energy Harbor. It was calculated by the length of term, lowest price per Kwh, and number of accounts. It was prudent to let the Mayor and Council know that both have a similar pricing structure per Kwh with Constellation being slightly lower, but there has not been a conversation about potential litigation from the State of Ohio relative to what was formerly First Energy because of the nuclear plants account which leans more to opinion. He has no idea how it will turn out, but it is his opinion that it will unlikely have a significant bearing on the City’s plan. He provided this information to Council for them to be able to make their decision with. There are two (2) ordinances before City Council on this, one (1) of which Council will vote down and the other to be passed tonight because the offers are only good for thirty (30) days. Council does not have to make a decision tonight, but if Council does not make a decision tonight, it will go back out to market and he will have to provide new rate sheets to Council. Councilman Slough asked if he recommends Ordinance No. 2020-116. Safety Director Schmelzer replied that in his letter, he states that the lowest three (3) year offer is Constellation. If Council is concerned about the litigation, Constellation would be the one Council should go with. If Council is looking at the math of the two (2) offers and the length of time, then Energy Harbor is the one Council should go with. His opinion is that the litigation with Energy Harbor will probably not affect the City of Findlay. It is up to Council if they want to sign into a contract with a company that is being litigated by the State of Ohio.

Councilwoman Warnecke asked if there is a big difference in the price. Safety Director Schmelzer replied it is very small as far as Kwh, but when multiplied out by the length of the contract, its approximately forty dollars (\$40.00) per resident, per year. Energy Harbor over their four (4) year agreement would save the community approximately five and a half million dollars (\$5,500,000.00) and Constellation would save approximately four million five hundred thousand dollars (\$4,500,000.00). Average savings annually per resident for Constellation is one hundred three dollars (\$103.00) and for Energy Harbor is one hundred five dollars (\$105.00). The average resident savings has very little impact on Council’s decision. If adding all the City’s account together, aggregate them, and add another year to a lower Kwh, then there could be some significant savings of dollars that would remain in the community because they are not going out to an energy supplier. The same spreadsheet format is set up for current program rates. The current program rate is an average savings of thirty-nine (\$39.00) for a three (3) year agreement and forty-one dollars (\$41.00) for the four (4) year agreement.

Constellation’s three (3) year agreement would generate a savings of approximately one million five hundred thousand dollars (\$1,500,000.00) and Energy Harbor’s four (4) agreement would generate a savings of approximately two million one hundred thousand dollars (\$2,100,000.00). His focus is on how much savings will stay in the community because it is not being paid to a supplier. This will be an approximate savings of six hundred thousand dollars (\$600,000.00) over the current rate.

Councilwoman Warnecke asked if the three (3) year agreement with Constellation were to be extended to a four (4) year contract if the savings would end up being the same as Energy Harbor’s four (4) year agreement. Safety Director Schmelzer replied that is correct, but it is unknown what their contract will look like in year four (4).

President of Council Pro-Tem Russel noted that the Ordinance has received its third reading and is now ready for a motion to adopt it.

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

Discussion:

Councilman Russel informed Council that because this is being requested to be passed on an emergency basis and because there are two (2) Councilmembers absent tonight, it will require eight (8) votes in order to pass this ordinance or the other electric aggregation ordinance (Constellation via Ordinance No. 2020-117) on an emergency. Council should have a discussion if they think Ordinance No. 2020-116 or 2020-117 is the better deal and come to understanding. If one (1) Councilmember tonight votes against one of the Ordinances, it could not be passed on an emergency because it would not be a majority vote.

Councilwoman Warnecke asked Council if anyone is concerned about the lawsuit against First Energy. Councilman Hellman replied that he was concerned with the lawsuit before tonight's discussion. Originally, he was in favor of avoiding the litigation issue and go with the three (3) year contract with Constellation. After Safety Director Schmelzer's comments and the fact that he seems to be less concerned about the litigation than he is, he is now unsure how he will vote on this. He is still in favor of avoiding litigations and since there is not much of a difference in savings between the two (2) aggregate companies on a per household basis savings, he is leaning towards Constellation. Councilwoman Warnecke replied that that was also her first thoughts on this. She is unfamiliar with the litigation in question and views it as a black mark against that company. Councilman Russel noted that both companies may possibly be in litigation. The litigation in question does not reflect the company's ability to deliver on the contract. He does not think they would put a contract out there for a supply of energy if they could not satisfy it. He does not believe the City would fall into any liability issues if the aggregation agreement with them is signed by the City. He does not have a concern with the litigation matter with First Energy. His only concern would be their ability to fulfill the contract. Councilman Hellman asked Councilman Russel if he has a concern with them being able to supply the four (4) year energy contract. Councilman Russel replied that he does not have such a concern. His only concern with a four (4) year contract with Energy Harbor would be their ability to perform per the contract. He has no concern with the City entering into an aggregation agreement that would somehow expose the City to a liability related to this scandal. Councilman Hellmann noted that he is not concerned with the City being implicated in the liability of the litigation issue.

Mayor Murn noted that the Administration typically just recommends to Council the best fit, but are giving Council the option to decide who to go with. She agrees with Councilman Russel and Councilman Hellman in that she has no concerns with any liability assumed by the City entering into a contract with Energy Harbor and sees it as a moral stand. There is a benefit gained for Findlay citizens in the community overall and the fact of the matter that the City does not want to be affiliated with a company that practices in a way that the organization has recently been represented. There are two (2) ordinances before Council on this to provide all the options and be able to have discussion. She is more comfortable with Constellation as it is a better move, but it is up to Council on which they choose. The cost savings on the City's current contract is very minimal on a differential between the two (2) contracts, one (1) being a shorter term contract by a year, but feels that the better decision for the City of Findlay is to go with organizations that have the same high moral standard that the City and community has.

Ayes: Warnecke, Russel, Slough. Nays: Greeno, Haas, Hellmann, Niemeyer, Palmer. The Ordinance is defeated.

ORDINANCE NO. 2020-117 (*electric aggregation program renewal - Constellation*) **requires three (3) reading** **second reading - adopted**

AN EMERGENCY ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL ELECTRIC AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE (THE "AGGREGATION PROGRAM") DIRECTING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT WITH CONSTELLATION, AND DECLARING AN EMERGENCY.

Councilman Palmer moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Greeno. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance received its third reading. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-117 and is hereby made a part of the record.

ORDINANCE NO. 2020-119 (*Blanchard River Greenway Trail Extension (PID 106715)*) **requires three (3) readings** **second reading**

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

Second reading of the Ordinance.

ORDINANCE NO. 2020-121 (*salary ordinance*) **requires three (3) readings** **first reading**

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS, PAY RANGES, SALARY SCHEDULES AND OTHER MATTERS THAT MAY AFFECT PAY, FOR ALL NON-ELECTED OFFICERS AND EMPLOYEES OF THE CITY OF FINDLAY, OHIO, AND REPEALING ORDINANCE NO. 2019-086, AND ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2020-123 (*RLF Administration (January 2020-September 2020)*) **requires three (3) readings** **first reading - adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Greeno, Haas. The Ordinance received its second and third readings. Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Greeno, Haas, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-123 and is hereby made a part of the record.

ORDINANCE NO. 2020-124 (Zoning map updates) requires three (3) readings

first reading

AN ORDINANCE REPEALING THE CURRENT ZONING MAP INCLUDED IN THE CURRENT ZONING CODE CHAPTER 1101 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND IN ITS PLACE, ADOPTING, APPROVING, AND INCORPORATING A REVISED ZONING MAP, ATTACHED HERETO, AS IF FULLY REWRITTEN HEREIN.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS:

City Auditor Staschiak updated Council on the COVID situation of CARES Act funding. This City is now expecting, and has been transferred over to the City, funds in the amount of one million four hundred eighty-five thousand dollars (\$1,485,000.00). There will be an appropriation ordinance at the next City Council meeting that will need to be passed at that meeting. Based on conversations he has had with the APPROPRIATIONS COMMITTEE Chairman Wobser and with Mayor Muryn, and working with Deputy Auditor Sampson, there will be a resolution, a proclamation by the Mayor in coordination with an updated legal opinion from the Law Director, those three (3) documents have to be coordinated together to accomplish the goal the Mayor has put forth. Preliminary figures indicate that there will be enough funds to claim in excess of an additional three million dollars (\$3,000,000.00) as long as Patrol with Fire is claimed. The total dollar amount available for COVID, all inclusive, between HB481, HB614, and the Controlling Board is two million three hundred thousand dollars (\$2,300,000.00). The City has ample money, not counting the money that has already been applied towards the funds and encumbered, for reimbursement for COVID expenses such as masks, sanitizers, etc. The initial legislation and documentation that is needed will be treated very strictly down the line just to solve the problem so that the City is in great shape with the funds. Another meeting will be needed to determine if there is anything else Council wants to do with those funds. The Mayor has already made some suggestions on what she would like to do with those funds.

City Auditor Staschiak noted that the performance audit for the Water/Sewer Utility Billing Department came out today. He acknowledged former Councilwoman Frische who spearheaded that initiative to Council where it was passed back then. He thanked Deputy Auditor Sampson who worked very hard coordinating the data to the team that the State Auditor put together. He thanked the Water/Sewer Department Superintendent and the Utility Billing Supervisor on their efforts. The five (5) conclusions at the end of each section summarizes it well.

NEW BUSINESS:

Mayor Muryn informed Council that the Service-Safety Director position has not been filled. Given the end of year requirements, she is going to hold off on having any additional interviews until early next year. Safety Director Schmelzer is committed to staying on until that transition is made. There is no deadline of when that decision needs to be made. She wants to make sure that the right person is chosen to serve the community in that role.

Mayor Muryn reminded Council that the financial summary is in tonight's packet. City departments are continuing to do a great job of managing and leading targets, as well as exceeding them. The City is in a good financial position with spending approximately eighty percent (80%) of the City's expected expenses for this year. City departments are doing a great job of preparing for next year's budget that Council will be seeing in the near future. They will continue to keep their financial belts tight to ensure the City is being wise financial stewards.

Mayor Muryn noted that the wage/salary calculation the City utilizes is unique within the community. It provides transparency and understanding within the departments and provides a mechanism that helps stabilize salaries which is something that is important as it provides transparency for City team members, even when finances get tight, they know what to expect. They know ahead of time as there is planning and no surprises.

Mayor Muryn sent out a document to the Designated Outdoor Refreshment Area (DORA) Ad Hoc Committee. She looks forward to meeting with the committee on it.

Mayor Muryn noted that as City Auditor Staschiak pointed out, she is speaking with Councilman Wobser about the CARES Act funding and will get documentation to Council. The initial goal was to put those funds towards wages which would ensure that the City is in a strong financial position going into next year. By using all of those initial funds, the City would then be eligible to utilize the additional funds that are returned from other municipalities within the county to the County Treasury that will be redistributed to municipalities that have used all of their CARES Act funds. It is similar to the way that the County and the Community Foundation put five hundred thousand dollars (\$500,000.00) towards housing earlier this year. She is looking into how the City may be able to provide some support to non-profits and possibly to some other businesses making sure that the funds are being put into the community to help support those that may be struggling during these times who provide essential services in ensuring the community has food, clothing, etc., as well as the non-profits that do so much for the community to make sure they feel the City's support given that many other businesses have received direct support. The City is making sure that the dollars are being put to good use, not only within the City of Findlay's operations, but also within the community.

Mayor Muryn informed Council that there will be a press release going out on the performance audit to hit on some of the high notes. While it is great to know that the City does great work every day, it is even better to have someone else tell us that. The only down side is that the City has to pay for such an audit. The findings of the report made two (2) recommendations that are items that the City is always continuing to improve upon related to capital spending and financial standards, as well as capital improvements. There were noteworthy accomplishments that the City received from the Auditor of State. The State Auditor had mentioned that they do not give accommodations out lightly, so receiving this noteworthy accomplishment is something to be proud of. The City's water and sewer operations provides twenty-two percent (22%) more water per FTE at eighteen percent (18%) less of a cost per million gallon than any others in our peer group. The City is far exceeding in its operations. She thanked those departments for their fantastic work. The graphs included show that the City is hundreds of dollars below its competitors and what the expenses are for water and wastewater among its peers, as well as the Ohio average. The City of Findlay is providing a great level of service and keeping that utility cost low. It is something the City takes great pride in. They do great work every day.

Councilman Hellmann thanked Mayor Muryn for the financial summary report she put together and the fact that the City Administration has been able to keep expenses down. Mayor Muryn replied that she takes very little credit for that and simply reminds departments to do their job in which they continue to deliver.

Councilman Russel noted that the Findlay Kiwanis and the Hancock Historical Museum had a ribbon cutting for the Brucklacher Memorial Playground that is on the grounds of the Little Red Schoolhouse. It was a project that celebrated the 100th anniversary of Kiwanis in Findlay. The plan for this started a couple of years ago where the Kiwanis decided that they wanted to do something big, but was a question of where. The grounds of the Little Red Schoolhouse became the targeted location. The Kiwanis contacted the Historical Museum seeking a partnership and to name it after Jim Brucklacher who was both a Kiwanian and a founder of the Historical Museum. He was a lifelong member of Kiwanis and was very impactful person. He would not have wanted the park named after him, but is very appropriate because he gave his heart and soul to the Findlay community. This park was constructed in 2020 during the year of COVID. Sarah Sisser, head of the Historical Museum, commented on this on Monday that when most places do not get volunteers in such a crazy year, the Kiwanis pulled off building this playground. Some of those that deserve recognition on their contributions to this effort are: Rick Kidwell (Kiwanis), Irvin Reinhart, Charles Construction Services, Inc., and Dan Stone (Van Horn, Hoover & Associates, Inc.), along with many Kiwanians. Mr. Kidwell worked with many City employees who relayed to him how wonderful it was to work with City employees and how cooperative they were. The playground is open. It is a playground for the community to enjoy.

Councilman Palmer moved to adjourn, seconded by Councilman Haas. All were in favor. Meeting adjourned at 8:10pm.

CLERK OF COUNCIL

COUNCIL PRESIDENT PRO-TEM