

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

APRIL 20, 2021

COUNCIL CHAMBERS

ROLL CALL of 2020-2021 Councilmembers:

PRESENT: Greeno, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser

ABSENT: Haas

President of Council Harrington pointed out that Councilman Haas informed him that he would not be in attendance tonight. Councilman Russel moved to excuse Councilman Haas, seconded by Councilman Hellmann. All were in favor. Filed.

President of Council Harrington opened the meeting with the Pledge of Allegiance followed by a moment of silence.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the April 6, 2021 Regular Session City Council meeting minutes, seconded by Councilman Palmer. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA: none

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

ORAL COMMUNICATIONS:

Eric Sharrer – City Mission

Mr. Sharrer lives near the City Mission and has experienced issues ever since they have expanded their building. The neighborhood has had individuals sleeping in their yards, have had a gentleman set a lawn chair in yards while placing his feet on cars, and have individuals there every day when they leave for work and come home. Some have even parked in yards. Mr. Sharrer received damage to his yard – has a rut visible in photographs taken on his cell phone. Mr. Sharrer circulated his cell phone around to Councilmembers for their review of the photos he took. He contacted his Council Representative – Councilman Niemeyer, about the City Mission having a refrigerated truck deliver to their property where it parks far away from their building and as close as possible to neighborhood properties which is approximately twenty feet (20 ft) or less from a house. The refrigerated delivery truck runs forty-nine (49) times a day. It is off for twenty-two (22) minutes, and then runs for seven (7) minutes. It is loud enough that he lives across the street from it and can hear it in his house with his windows closed. It is the same for one of his neighbors in that he too can hear it with his windows closed. He is seeking City Council's help in doing something to remedy the situation. He has called the Police about it with a fifty/fifty (50/50) chance that they will show up because he refuses to call the 911 phone number for someone blocking his driveway. Back in March when Findlay received ten inches (10") of snow, he had someone blocking his driveway, so he was only able to clear the snow from half (1/2) of his driveway and had an Officer drive by four (4) times where he pointed at the car, but all the Officer did was give him a dirty look and never stopped. He then called the Police where it took an hour and a half for someone to come out and do something about it in order for the car to be removed. It is a constant problem for the neighborhood. One of the photos on his cell phone shows an SUV parked near the edge of his driveway – only about a foot and a half from his driveway. The law states that they have to be three feet (3') from a driveway. Technically, he could call the Police almost every day about someone parking either right next to his driveway, across his driveway or in his or a neighbor's yard. He does not feel the neighborhood should have to put up with it. He invited several Councilmembers out to see it for themselves. One of his cell phone photos shows a diesel truck sitting in front of the refrigerated truck. There is a sewer drainage approximately fifty feet (50') from the five hundred (500) gallon diesel tank that has no spill containment connected and he doubts the City Mission has a Hazmat team or have anything to do with Hazmat. Currently, there is an extension cord that runs out to the tanker with no lock on the tank. Anyone could walk over with an extension cord and disburse diesel fuel wherever they want to (i.e. disburse it on the ground, down the sewer line, etc.). There is nothing to stop anyone from doing whatever they want to do. He is before City Council in an attempt for them to hear his plea to remove the refrigerated truck and diesel tank from his neighborhood, and provide the neighborhood with some type of assistance so that they do not feel so helpless with people sleeping in their yards and parking in their yards. He has spoken with the City Street Department about the damage to the curb in which he is told it is not their problem and that it is an Engineer's problem, so he then talked with the Engineering Department who has told him that it is not their problem and is the Street Department's problem, so he then called the Street Department back and told them what the Engineering Department said. The Street Department came out and looked at the damage and still stated that it is the Engineering Department's problem. He then talked with the City Engineer who also came out and looked at it, but did nothing about it and told him it wasn't his problem, so he gave up on it and has not brought it up since.

President of Council Harrington informed Mr. Sharrer that his four (4) minutes of allotted time has expired.

Discussion:

Councilman Wobser moved to extend Mr. Sharrer's allotted time of two (2) more minutes.

Mr. Sharrer continued stating that he gave up on trying to resolve the issues for awhile, but brought them up again last year to a General Manager that had nothing to do with the Street Department or Engineering Department. The Street Department called him back telling him that his street will be on the list this year for replacement and that they will send someone out to fill in the rut next to the curb with stone, but that has not happened yet. There is a six to ten inch (6-10") hole right next to the curb in front of his house that someone could fall into and injure themselves. He is at his wits end and does not know what to do. The neighborhood was not that bad before the City Mission expanded. There are residents overdosing at the City Mission. There is an ambulance there at least once a month. He spoke with a lady who had stayed at the City Mission who told him about how others overdose. He is before City Council asking for their help because he is to the point he may have to call the Police every single time one of the issues he has mentioned comes up and see what happens.

Councilman Russel informed Mr. Sharrer that he stopped by his residence and took pictures and forwarded them on to the City's Zoning Department who was to be out there looking at the situation today and are to get back with him on responses of the refrigerated truck and diesel tank. He also spoke with the Mayor yesterday afternoon about Mr. Sharrer's concerns. He encouraged Mr. Sharrer to call the Police Department when he sees motorists parking illegally or parking on his property. The only way the Police Department can respond is if they know when it is going on. While he apologizes for it being a challenge for Mr. Sharrer and his neighbors, conversations with the City Mission have not yet taken place, but that they have previously stated that they want to be good neighbors and citizens of Findlay. The City Mission has been notified of these challenge in front of them, but need to have the opportunity to respond accordingly. As soon as he hears back from the City's Zoning Department, either he or the Mayor will be in touch with Mr. Sharrer to let him know what the next steps will be. Mr. Sharrer replied that the last time he spoke to the City Mission about a car parked across the street, he was told it was not their problem and that it was the Police's problem and that he needs to call them and that they have a right to park on the street. His response to them was that he understands that and that he was not complaining that they are parking in front of his house, but is complaining that they are parking across his driveway to which the City Mission said it was not their problem and that there was nothing they were going to do about it and that he needs to contact the Police Department. That is the response that the neighborhood is receiving. Filed.

Sharon Jess – change alley to one-way

Ms. Jess is before City Council tonight to ask that the City not make the alley that runs parallel to her property a one-way alley as proposed during a Traffic Commission meeting. Their drive is entered from the east going west. Their driveway faces Main Street. If she enters their drive, she will be entering the wrong way by changing the alley to a one-way. When she exits, she will have to back the car out to the alley and cannot go forward to the light to get out safely. She will blindly back across an alley intersection that is right behind her house far enough to be able to make a choice to go either north or south which would be very unsafe. She and her husband have lived there for thirty (30) years and do not choose to do that. Another option is for her to come from the west and go east where she would have to back into her drive and try to back into a single-car attached garage with a larger car in which she is not looking forward to doing. She feels it is a safety problem as she does not want to back across an intersection alley to try to get out. Currently, she goes forward directly out of her garage into the alley to safely exit onto South Main Street. She is of the understanding that the one-way is only for one block which is the only way she and her husband get in and out of their driveway.

Discussion:

Councilman Hellmann asked if the one-way proposal Ms. Jess is describing has been adopted already. Mrs. Jess replied it has not. When it was addressed, it seems as if the City does not understand the Jess' problem of accessing their driveway. She assumes the Traffic Commission is who put up a camera to see how residents of the area go in and out of their driveways and in and out of the alley which does not address their problem. There are curbs on both sides of the alley that are very wide that could have been used for two (2) cars at one time and may have been an intersect/offshoot of Baldwin Avenue. Over the thirty (30) years that they have lived there, they have not had any problems with traffic going both ways in the alley. Her understanding is that it would be easier to put a one-way sign up instead of putting a signal up which would be a huge safety issue for them if that were to happen.

President of Council Harrington asked which Traffic Commission meeting this was addressed. Ms. Jess replied that they were notified several months ago that this was being proposed, so she called right away and told whomever she talked to what the problem would be for them, but she did not hear from anyone for months. President of Council Harrington asked if this is currently under study right now and if that is where it stands right now. Safety Director Schmelzer replied it is not. The motion has already been made. The minutes for it are before City Council tonight for Council's acceptance. The City sent another notice to the residents informing them that this is up for consideration and that they can come and voice their opinion. There are a couple of residents that are not in favor of the alley going one-way, so the Traffic Commission recommended they come to tonight's City Council meeting and inform Council about their position. Ms. Jess asked if it is legal to back out over an intersection. Safety Director Schmelzer replied that there are a lot of legal issues with this. What bothered the Traffic Commission the most is that two-way traffic is encouraged on a road that is not wide enough to carry two-way traffic. By signalizing it, it transforms it from an alley to a roadway. It is not wide enough to be a road and should not offer a thoroughfare like Main Street that encourages two-way traffic into a road that is not wide enough to carry two-way traffic. A decision needs to be made if the alley is to widen the pavement section, in which he is unsure if that could be done with the pavement that exists, make it one way, or ignore the situation. Signalization costs are not a concern nor would it be easier to just put up a one-way sign and not put up a signal, but has everything to do with the pavement width and whether or not it is safe to operate two-way traffic. This item started out in October of 2020 with the recommendation of the Traffic Department to make it one-way. It was followed up on in November and followed up again in January. There was a lot of follow up because of the video that was set up to examine the amount of traffic and the direction of it. Based on the video evidence, the volume of traffic was sufficient to warrant signalization of two-way traffic or for an improvement of the alley. Ms. Jess noted that everyone that lives on Second and Third Streets have garages in the back of their properties and use the alley to access them.

Councilman Hellmann asked if the alley could be made a one-way alley the other way. Safety Director Schmelzer replied it could be. Ms. Jess added that would solve their problem in that they could exit how the car is pointed. Safety Director noted that if the alley were to be one-way the other way, the intersection would then be signalized and would be safer with a signalized intersection than two-way traffic. Councilman Hellmann pointed out that would mean that there would be a signal in an alley. Ms. Jess replied it is an offset that already has a signal there. Safety Director Schmelzer replied it does not meet the transportation code guidelines because of the offset. Additional signalization would be needed to meet code to signal the alley.

Councilman Russel informed Council that the alleys by his property have been two-way with most motorists keeping it under 35mph since he has lived there. With the low volume in this particular alley, motorists simply adjust with two-way traffic. One of the three options given on this is to ignore it. He asked why the option to just ignore it is not the solution even if it means removing the signal for the alley and include exists onto Main Street if that would make it legal per the specs. Safety Director Schmelzer replied that he did not say that ignoring it would make it legal. He just stated that it was one of the options. If Council wants to signalize the intersection, it would be treating it differently than other alleys and would be treating it like a street. Given the traffic volume, it was a sufficient reason to do so. The City went out of their way to inform residents that there was going to be discussions on this because of so many using the alley. The City could signalize it and make it one-way going to the west, in which he prefers that option, as opposed to ignoring it and leaving it the way it is because there is a non-conforming situation there. Ms. Jess added that there have only been a couple of incidences in the alley over the years that they have lived there. Not many use the alley except for the residents who use it to access their garages. There really is no other purpose to go down the alley. Anyone pulling into the alley can pass a car as it is wide enough and has curbs, so it has not been an issue for motorists. She doubts motorists use the alley often because it does not go anywhere else except for those trying to access their garages.

Councilman Russel asked if Council could ask the Traffic Commission to look at this item again when Council is asked to accept the Traffic Commission minutes later in tonight's meeting. Safety Director Schmelzer replied that Council can ask for that to be done when the Traffic Commission meeting minutes are to be accepted later during tonight's meeting. He has already provided an accurate depiction of what took place during that Traffic Commission meeting and is in the minutes in tonight's packet. Council can accept minutes without agreeing with everything that is in the minutes. Council can accept the minutes and take Ms. Jess's comments into an account and request the Traffic Commission to take another look at any alternative they chose and would then go back to the Traffic Commission. Any Councilmember can attend a Traffic Commission if they want to. Access to the video can be reviewed then. Councilman Russel asked if the one-way alley heading east is the best solution given the Jess's situation as they are most likely the single highest user of the alley, the fact that this change makes their access to their garage difficult, and that a one-way alley headed east is what causes concerns to the Jess'. Safety Director Schmelzer replied that he does believe it is the best solution from the City's perspective and from an Engineering perspective, but is willing to take another look at it. Ms. Jess added that the video does not show what her problem would be as she does not look forward to backing across an intersection and not knowing who is coming at her and possibly getting broadsided, or her backing out and not seeing someone and doing it to someone else.

Councilman Wobser asked if the committee's concern was that additional funds would have to be spent to signalize it if the alley were to be made one-way towards Main Street. Safety Director replied additional funds would have to be spent to signalize it, but that is not really a concern. It is a consideration of the City, as is every dollar spent in that the City takes a look at what the cost benefit is. The cost of the signalization did not enter into the decision as it is minimal and is more about whether or not the alley should be treated as a street when it is not. There are standards of streets such as the width of a street, etc. and if the commission is to ignore that fact that this does not conform to the standards of a street, but be treated like a street, especially given the traffic volume it has. Filed.

PETITIONS:

Alley vacation request – W Main Cross St

Angela Roth Tong, on behalf of The City Mission of Findlay, is requesting a vacation for the alley running north and south between West Main Cross Street and West Front Street. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Municipal Court Activities Report – March 2021. Filed.

Findlay Fire Department Activities Report – March 2021. Filed.

Findlay Police Department Activities Report – March 2021. 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 March 31, 2021
- Financial Snapshot for General Fund as of March 31, 2021
- Open Projects Report as of March 31, 2021
- Cash & Investments as of March 31, 2021

Filed.

Precipitation and Reservoir levels report – first (1st) quarter January – March 2021. Filed.

Treasurer's Reconciliation Report – March 31, 2021. Filed.

Mayor Muryn – March 2021 Financial Summary. Filed.

Parks and Recreation Board minutes – January 19, 2021. Filed.

Traffic Commission minutes – January 19, 2021.

Discussion:

Councilman Russel moved to refer item #1 back to the Traffic Commission, seconded by Councilman Greeno. All were in favor. Filed.

Mayor Muryn – Memorandum of Understanding with Hancock Public Health

The database that the Hancock Public Health uses for tracking of isolation backflow and plumber licenses is out of date and needs an overhaul. The Hancock Public Health would like to use the City's Utility Billing software to track the isolation backflow addresses, testing requirements and keep the data up to date for them. The billing software has the capacity to perform these functions with no additional costs to the City for upgrades. Legislation allowing the Mayor of the City of Findlay to enter into a Memorandum of Understanding with Hancock Public Health is requested. Ordinance No. 2021-037 was created.

Discussion:

Councilman Russel asked if changes are being made to the current MOU. Mayor Muryn replied this is to continue the current Memorandum of Understanding and make the necessary upgrades needed to continue with the system as is. Filed.

City Planning Commission minutes – April 8, 2021. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Chris Ostrander to vacate a portion of Bliss Avenue at 1501 Lima Avenue (parcel no. 600001008687) in the Thorpe and Andrew Addition of the City of Findlay.

We recommend vacation of portion of Bliss Avenue as requested. Ordinance No. 2021-035 was created.

Discussion:

Councilman Russel noted that this is a street on paper only. In the middle of the street is a sign for Yates and Young. He does not think the applicant should have had to come to Council to request it to be vacated because it has not been a street since it was bought. He asked Hancock Regional Planning to identify these types of streets/alleys that are on paper only and be given to the PLANNING AND ZONING COMMITTEE as a list with the goal of doing a mass city-wide vacation of streets and alleys that do not even exist in which citizens do not even know that they are there. PLANNING AND ZONING COMMITTEE has asked the Hancock Regional Planning Commission to assist with this request in which a report is expected back from them.

Councilman Russel moved to adopt the committee report, seconded by Councilwoman Warnecke. All were in favor. Filed.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 009-2021 (no PO) requires one (1) reading

first reading - adopted

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

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

ORDINANCES:

ORDINANCE NO. 2021-035 (Bliss Avenue vacation) requires three (3) readings

first reading

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

First reading of the Ordinance.

ORDINANCE NO. 2021-036 (waive residency requirements for Service-Safety Dir Rob Martin) requires there (3) readings

first reading - adopted

AN ORDINANCE APPROVING RESIDENCE OUTSIDE THE CITY OF FINDLAY, OHIO BY THE DIRECTOR OF PUBLIC SERVICE-SAFETY, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Shindledecker. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Palmer.

Discussion:

Councilman Russel pointed out that Mr. Martin lives in the Hillcrest neighborhood which is not very far from the City of Findlay limits. This type of request is not without precedence. Council's agreement to this allows Mr. Martin to work for the City of Findlay.

Councilman Niemeyer asked if this has ever come up before. Mayor Muryn replied that it has with Safety Director Schmelzer as he lives in the same neighborhood, so the same waiver was given to him.

Councilman Wobser asked if the emergency clause were to be removed how much time it would add on to the legislation becoming law. President of Council Harrington replied that it is effective immediately with the emergency clause and that it would be effective thirty (30) days after the Mayor signs it if the emergency clause was removed. Mayor Muryn added that it is not necessary as she has already authorized a temporary waiver which is something that has been done before.

Ayes: Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-036 and is hereby made a part of the record.

ORDINANCE NO. 2021-037 (MOU with Hancock County Combined General Health District) *requires three (3) readings* **first reading**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE HANCOCK COUNTY COMBINED GENERAL HEALTH DISTRICT, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS:

Councilman Niemeyer referred back to Mr. Sharrer's oral communication on the City Mission. He talked with Mariam, Food Service Manager, who mentioned that the situation is temporary and could be an issue for possibly up to four (4) months which could be late into the summer. If the refrigerated truck kicks on numerous times now and it is not yet hot out, it will be running all the time when it does warm up. It sits twenty feet (20') from a triplex that includes three (3) bedrooms which is a concern. He suggested every Councilmember drive by and look for themselves at what is going on and get some type of action started. Councilman Russel asked Councilman Niemeyer what type of action he is recommending. Councilman Niemeyer replied he would like to at least have the semi moved to a neutral location. He was told by Mariam that City Mission residents are not permitted to park on the property and that it is only for volunteers and employees which causes a lot of parking on West Front Street, West End Tavern, Dietschs, and the City's parking lot where the former Hochstetler's business was. Many of the license plates are from surrounding counties utilizing the City Mission.

Councilman Wobser noted that the temporary parking of the refrigerated truck possibly going until August is not temporary to him and the diesel tank sitting unattended and not locked are a concern of his. It is coincidental that the City Mission has come to the City asking for a vacation of the alley that these are sitting on. This is a good neighbor issue in that he would expect that the City Mission to find a way to deal with it in a very short term manner. If the refrigerated truck is storage as a cooler that is going to ultimately be expanded on their property, they should be able to put it someplace else and make runs back and forth from the truck to the kitchen and not have it sitting in the middle of the neighborhood. He asked Mayor Muryn who will be handling this and asked what the next steps are. Mayor Muryn replied that she met with Councilman Russel on this yesterday who filled her in on Mr. Sharrer's concerns and issues. The City's Zoning Department was to look at the property today and provide the Administration with an assessment of the situation related to zoning code violations so that they can follow up with the City Mission. The Administration will follow up on the other maintenance issues, as well as enforcement. Parking policies at the City Mission will also be addressed as she was not aware of them and will make sure that there is appropriate parking for their residents. She will follow up with Councilman Niemeyer and Councilman Russel on her findings of the refrigeration truck, diesel tank, and parking. Councilman Wobser pointed out that the City Mission provides a great service to the community, but these issues need to be taken care of.

Councilman Hellmann asked if the City has a noise ordinance that includes a decibel reading. Acting Law Director Werth from the audience replied yes. Councilman Hellmann asked if this complies with that. Acting Law Director Werth replied that a reading would have to be measured. Mayor Muryn added that since the City's noise ordinance is not very extensive, the City Mission's refrigerated truck issue would probably be in compliance with the noise ordinance. Councilman Hellmann noted that the City Mission needs to show some respect to their abutting property owners.

NEW BUSINESS:

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on May 13, 2021 at 12:00pm in the first floor Council Office of the Municipal Building (CO).

1. Madison Avenue rezone
2. West Main Cross vacation (City Mission)

Councilman Wobser: **STRATEGIC PLANNING** meeting on May 4, 2021 at 5:30pm in the first floor Council Chambers of the Municipal Building (CC).

City Auditor Staschiak informed Council that it is time for the first quarter (1st qtr) debt presentation. The meeting is anticipated to last forty to forty-five (45) minutes. He asked Council when they would like to meet.

1st Quarter DEBT PRESENTATION: May 6, 2021 at 5:00pm in the first floor Council Chambers of the Municipal Building (CC).

Mayor Muryn noted that alley vacations map update that Councilman Russel suggested will be handled similar to the zoning map update process in that there will be extensive communication on any alleys that will be under consideration for vacation.

Mayor Muryn asked Council to continue to encourage the importance of safety protocols for COVID as numbers are starting to climb. She also asked Councilmembers to encourage Findlay residents who have not yet gotten vaccinated to do so as vaccinations are widely available in the community for those sixteen (16) years of age and older.

Mayor Muryn informed Council that Sergeant Harmon and his son were named by WTOL as First Responders of the Week. It is nice to see the City's Law Enforcement being represented in the community.

Councilman Slough moved to adjourn, seconded by Councilman Niemeyer. All were in favor. Meeting adjourned at 7:48pm.

CLERK OF COUNCIL

COUNCIL PRESIDENT