

# FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

MAY 4, 2021

COUNCIL CHAMBERS

## ROLL CALL of 2020-2021 Councilmembers:

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

**ABSENT:** none

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 20, 2021 Regular Session City Council meeting minutes, seconded by Councilman Wobser. All were in favor. Motion carried. Filed.

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

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

## ORAL COMMUNICATIONS:

### Charles Williams – Cronyism

Mr. Williams defined cronyism as the employment of friends, associates, positions of authority without proper regard to their qualifications. It is the practice of fraternizing and awarding jobs to friends and colleagues, especially in politics, and for political favors. The negative to being a crony is that you are up to no good and are particular to friends expressed by appointments to positions of authority regardless of qualifications. The Mayor has no business creating jobs for people, let alone for people who are gone from a job they basically to make more money in less time. The person who is going to get sixty-five dollars (\$65.00) an hour is Schmelzer, former City Safety Director. The City hired a new Safety Director and is paying him one hundred forty thousand dollars (\$140,000.00) a year and then wants to hire the former City Safety Director to come in and supervise him on how to do his job. He knows for a fact that Schmelzer had no business doing his job to begin with. Findlay had snow this year where kids had to walk on the streets. Residents have twelve (12) hours to get rid of the snow, but instead, there were kids walking in the streets which is unsafe, but yet residences are to mow their grass. Snow is far more important than grass. Schmelzer, along with the former Mayor, went after a family on East Sandusky Street where he came onto their property to intimidate them. He asked Council if that is the guy the City needs to supervise the City Safety Director and pay sixty-five dollars (\$65.00) an hour to. It is a joke. Filed.

## PETITIONS:

### Alley vacation request – Bright Road Avenue

Rinehart Legal Services Ltd is requesting a vacation of Bright ~~Road~~ Avenue from Tiffin Avenue to Lot 103 in Country Club Acres between old Lot 112 in County Club Acres 1st Addition to the east and the Confederate Square Condos and T1N R11 S09 PT W ½ SE ¼ to the west.

Discussion:

Councilman Russel explained to Council as a point of clarification that this is actually for Bright Avenue and not for Bright ~~Road~~ as stated on the agenda. It is a vacant, on paper only, street. It is a typo on the agenda. It is a road that no one has ever driven on. It runs north/south to the left of the cigar shop on Tiffin Avenue. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

**WRITTEN COMMUNICATIONS:** none

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

**City Planning Commission agenda** – May 13, 2021. Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Curious Enterprises LLC, 207 East Crawford Street, Findlay, Ohio for a D5 liquor permit. This requires a vote of Council.

Robert K. Ring, Chief of Police – Curious Enterprises LLC, 207 East Crawford Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Jordan M. Arnold

Cory D. Berry

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

### Mayor Muryn – KPIs

The first quarter 2021 Key Performance Indicators or “KPIs” have been compiled and the summary report has been prepared. These are the performance measurements the City monitors for each department on a continuous basis. The full KPI document “Findlay Performs” can be found on the City’s website: <https://www.findlayohio.com/performance>. These KPIs are a critical tool the City uses to measure service delivery and operational effectiveness. They indicate the progress towards goals set for continuous improvement. Any ideas on other valuable KPIs that Council would like to have considered should be emailed to Mayor Muryn or can set up a time to discuss. Filed.

**Mayor Muryn – annual bids and contracts**

The City of Findlay annually bids a number of chemicals, materials, and services. The contracts for those items run for a calendar year with option(s) to renew the contracts in one (1) year increments. In July, a review and evaluation of the current contracts and contracted vendors is being conducted. For those contracts that will not be renewed, the City will advertise and receive bids in October. Items that are normally bid each year include several chemicals used by the Water Treatment Plant and Water Pollution Control Center, uniforms, services, and supplies. Legislation authorizing the Mayor to contract these items is requested. Ordinance No. 2021-038 is created. Filed.

**Mayor Muryn – District 13 Integrating Committee appointment**

Mayor Muryn is appointing Jeremy Kalb, P.E. City Engineer for the City of Findlay, to the District 13 Ohio Public Works Commission Integrating Committee. This term will expire April 30, 2024. In the event Mr. Kalb cannot attend a scheduled meeting, the Assistant City Engineer for the City of Findlay, will serve as an alternate to the District 13 Ohio Public Works Commission Integrating Committee. This appointment does not require Council’s confirmation. Filed.

**Mayor Muryn – Hometown Hero Program banners**

The City of Findlay ordered banners for the Hometown Hero Program. Participants in the program paid a fee to the City to cover the costs of the banners which has been deposited into the General Fund. An appropriation of these funds is requested at this time. Ordinance No. 2021-039 was created.

FROM: General Fund \$ 5,218.67  
TO: Mayor’s Office #21002000-other \$ 5,218.67

Filed.

**Traffic Commission minutes – April 19, 2021. Filed.**

**Parks and Recreation Board minutes – April 19 2021. Filed.**

**City Engineer Kalb – third 2021 Capital Improvement appropriation**

The second Capital Improvement allocation of the year is to authorize the Service Director or City Engineer to advertise for bids and enter into contracts for construction and to appropriate and transfer funds. Ordinance No. 2021-040 was created.

FROM: CIT Fund – Capital Improvements Restricted Account \$485,000.00  
TO: Park Maintenance #21034000-other \$ 16,000.00  
TO: Cemetery #21046000-other \$ 37,000.00  
TO: Streets #2204000-other \$ 182,000.00  
TO: Street Preventative Maintenance #32810400 \$ 200,000.00  
TO: 2021 City Sidewalks/Ramps #32811500 \$ 50,000.00

Filed.

**City Engineer Kalb – 2021 annual street resurfacing/curb repairs, contract B (asphalt) Project No. 32810900**

By authorization of Ordinance No. 2021-003, a bid opening was held for this project on March 10, 2021. Bids were received from three (3) potential contractors with bid amounts ranging from \$535,631.75 to \$582,984.55. The lowest and best bid was received from Helms & Sons Excavating of Findlay, Ohio. This is the asphalt portion of the annual street resurfacing that the City bids out annually. The concrete portion of the work has already been appropriated and the work is currently underway. Legislation for construction, inspection and contingency in order to complete the project is requested. Ordinance No. 2021-041 was created.

FROM: CIT Fund – Capital Improvements Restricted Account \$ 575,000.00  
TO: 2021 Annual Street Resurfacing/Curb Repairs Project No. 32810900 \$ 575,000.00

Discussion:

Councilman Russel asked if this is the asphalt for the Red Fox Road area. City Engineer Kalb replied it is the asphalt portion. A concrete contractor is already putting concrete down. This is to get money approved to be able to get contracts around. There is no rush for it. It enables the start of putting asphalt down when the concrete is done. Councilman Russel asked if this needs to be passed tonight. City Engineer Kalb replied it does not. Filed.

**Safety Director Schmelzer – Public Works Department Traffic and Fabrication shop Project No. 31912500**

An opportunity to purchase land near the Public Works Department on Cory Street for a potential traffic and fabrication shop was discussed late last year and moved forward with negotiations and geotechnical investigation which has been completed and would now like to acquire the three (3) parcels shown on the attached Exhibit A. Each parcel id approximately 0.200 acres (50’ x 175’). The City of Findlay already owns property on each side of these parcels. The land would cost a total of thirty thousand dollars (\$30,000.00) for all three (3) lots. The additional funds in the project would be sufficient for preliminary plans of the proposed building. The plans would be used to refine the overall budget for presentation to Council. Legislation to appropriate funds is requested. Ordinance No. 2021-043 was created.

FROM: CIT – Capital Improvement Restricted Account \$ 40,000.00  
TO: Traffic and Fabrication Shop, Project No. 31912500 \$ 40,000.00

Filed.

**COMMITTEE REPORTS:**

The **STRATEGIC PLANNING COMMITTEE** met on April 20, 2021 to continue March 2, 2021 and March 16, 2021 discussions on the finalization of an RFQ for a contractor to assist with the initial data gathering for the strategic plan, as well as review Baker Tilly feedback.

*We recommend the following:*

1. *The committee will move forward to complete the RFQ document and prepare for release on May 10, 2021.*
2. *The committee authorizes the Mayor to release the RFQ.*

Discussion:

Councilman Wobser explained that the committee has approved the final draft of the RFQ that will be going out on May 10, 2021. The only thing that changed is that an additional week was added between the release of the RFQ and the date when the committee will start to work their way through the potential candidates. Everything else is on schedule.

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

**LEGISLATION:**

**RESOLUTIONS:** none

**ORDINANCES:**

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

Second reading of the Ordinance.

**ORDINANCE NO. 2021-037** (*MOU with Hancock County Combined General Health District*) **requires three (3) readings** **second 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.

Second reading of the Ordinance.

**ORDINANCE NO. 2021-038** (*annual bids and contracts*) **requires three (3) readings** **first reading**

AN ORDINANCE AUTHORIZING THE MAYOR/ACTING SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, WITH OPTION YEARS, FOR THE PURCHASE OF THE MATERIALS, CHEMICALS, AND SERVICE AGREEMENTS NEEDED BY THE VARIOUS DEPARTMENTS OF THE CITY OF FINDLAY, OHIO COMMENCING JANUARY 1, 2022, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2021-039** (*Hometown Hero Program*) **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 Haas. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-039 and is hereby made a part of the record.

**ORDINANCE NO. 2021-040** (*3<sup>rd</sup> 2021 Capital Improvement appropriation*) **requires three (3) readings** **first reading**

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2021 DEPARTMENT EQUIPMENT LIST, APPROPRIATING AND TRANSFERRING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2021-041** **requires three (3) readings** **first reading**

(*2021 annual street resurfacing/curb repairs, contract B (asphalt) Project No. 32810900*)

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

First reading of the Ordinance.

**ORDINANCE NO. 2021-042** (*Mayoral Special Projects Manager position*) **requires three (3) readings** **first reading**

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CODIFIED ORDINANCE NO. 2020-121 OF THE CITY OF FINDLAY, OHIO KNOWN AS THE SALARY ORDINANCE TO ADD A NEW POSITION OF MAYORAL SPECIAL PROJECTS MANAGER, EFFECTIVE MAY 3, 2021, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked Mayor Muryn for some additional information on this and asked if the delay in the new Service-Safety Director start of employment was so that he could transition his duties at Hanco better and if so, how it affected the transition that was already in place from Mr. Schmelzer to Mr. Martin. Mayor Muryn replied that overall, the transition has gone well for Hanco and Mr. Martin. As with any transition, the City wants to ensure that there is a clear transition for any position, especially when there is a lot of random items that are continually coming up with business needing to move forward. This ordinance will allow her to pay Mr. Schmelzer for him to help with the transition that was previously discussed. In City government, there cannot be two (2) individuals in the same position, nor can there be individuals in positions that are not in the pay ordinance, so she would like to have Mr. Schmelzer assist with the transition at a lesser rate than what he was being paid as Safety Director and at an hourly rate for a certain length of time to provide services to the City of Findlay by working with Mr. Martin and/or with any other departments on projects over the next couple of months at her discretion. Mr. Schmelzer now has a different position outside of City employment that he needs to be focusing time on and the City now has Mr. Martin to serve the community. The salary ordinance currently does not list a position that serves the needs of the position she just described which is what she is requesting in this ordinance. It provides some flexibility in the future for her to hire additional individuals, as needed, if a special project(s) comes up. She would communicate those to Council prior to making that decision. Utilizing Mr. Schmelzer's assistance is temporary to help in the transition and is not at the same rate he was being paid, and will be on an hourly basis. This was budgeted for during the budget hearings where it was discussed that there would be an overlapping. This will actually be saving money because it will give some cushion since Mr. Schmelzer has agreed to be paid at a lower amount. Mr. Thomas was licensed as a Surveyor as is Mr. Schmelzer. With both of their transitions now out of City employment, the City currently does not have a Surveyor on staff, so this ordinance would give the ability to utilize Mr. Schmelzer in that capacity if needed at a lesser rate than paying a contractor.

Councilman Hellmann asked if there is a sunset date on this or if it allows the Mayor to hire for this position indefinitely. Mayor Muryn replied that there is not a sunset date. It creates a new opportunity within the salary ordinance that has been done with a number of other positions, and gives the City the authority to hire at a certain pay rate within a certain scope of work. It is for special projects under a defined scope.

Councilman Wobser asked Mayor Muryn if she has agreed on a pay range for Mr. Schmelzer. Mayor Muryn replied she is planning on paying him forty dollars (\$40.00) an hour. Councilman Wobser asked if this is a part-time position. Mayor Muryn replied it is an hourly as needed position. He will only be paid for the hours that he physically comes in and works. Councilman Wobser asked if it is overtime eligible. Law Director Rasmussen replied it is. Mayor Muryn added that she does not expect any overtime needed for him. It is defined as a part-time position. Anyone working more than part-time hours would be paid at the overtime rate instead of being paid at as a full-time position which is what the City would prefer from a benefits standpoint.

Councilwoman Warnecke asked what amount is budgeted for this. Mayor Muryn replied that she is planning on paying Mr. Schmelzer forty dollars (\$40.00) an hour. Councilwoman Warnecke asked what amount is in the budget for this. Mayor Muryn replied a three (3) month full-time transition with Mr. Schmelzer was in the budget, so a good amount of money will be saved by him being part-time as needed. Councilwoman Warnecke asked if there is a plan to use the budgeted amount of money for this for anything specific. Mayor Muryn replied there is no plans to do so and any unused money would be given back.

Councilman Wobser noted that the concern he is hearing is that the City is creating a new position that states it is part-time, but does not have to be part-time. The concern is that the City may hire more employees, why Mr. Schmelzer is having to come back for this training with the understanding that the overlap time was not long, but still do not understand what the need to spend the money is. Mayor Muryn replied that there are lots of positions in the pay ordinance that the City is not actually hiring for. The salary ordinance is very defined on what individuals can be put in what positions, what pay they can be paid at, and what they can do in the position. For example, Elicia Mitchell is part of the Mayor's team that does projects. It was asked why Mr. Schmelzer would not be hired in at that position. It is because it has a very defined scope that would not fit the needs to give the flexibility to pay him at forty dollars (\$40.00) an hour to be available to conduct survey work if needed which is why this new position is being created. It is pertinent and prudent of the City to make sure that there is a transition between the two (2) departments that had been talked about for months where everyone had agreed that they wanted that to occur. It is a complicated position. There are projects that need to be handed off, information that will be beneficial for Mr. Martin to have, and relationships that Mr. Schmelzer can give some background on to Mr. Martin. Anyone that has walked into a new position understands that there may need to be some support at any given time depending on when any part of the job that is unclear comes up in which Mr. Schmelzer may need to come in and go over documents with Mr. Martin. She does not know what that looks like which is why she is asking for a very flexible position. As Mayor, she is responsible and held accountable to both Council and the voters to be able to justify that expense moving forward. There has to be some trust in her from Council that she will not just hire individuals on a whim as they are dollars she is held accountable for. Every dollar spent on this and more will result in savings to the City in having a smooth transition to allow Mr. Martin to hit the ground running while having Mr. Schmelzer behind him to help answer questions instead of wasting time searching through files to find documents and/or answers that Mr. Schmelzer could easily help him with.

Councilman Hellmann noted that the Ordinance states that it is to be effective May 3, 2021, which was yesterday, and is being declared an emergency and asked if that means Mayor Muryn would like it be passed tonight. Mayor Muryn replied she would. Originally, it was the intention to make it happen through one of the other positions already listed in the salary ordinance, but with former City Engineer Thomas also leaving the City this week, a little more flexibility is needed. Whenever the emergency clause is within an ordinance, it means that it does not have to wait thirty (30) days for it to take effect, so she would like Council to pass this tonight and become effective immediately.

Councilman Niemeyer asked if this just became public knowledge in the newspaper this morning. Mayor Muryn replied that Council packets were sent out last Friday which is when it technically became a public document and was posted online. Denise Grant from the newspaper reviewed it yesterday or today where she reached out and asked some questions about it. Her article was ran today in support of tonight's meeting. Councilman Niemeyer noted that he received some phone calls about it asking what is going on. Mayor Muryn replied that it was in the newspaper today. Although it was all factual, it was slightly misrepresented on why this position is needed. It is not something new in the works, but had been talked about for months with Council. This new position had to be created in order to pay Mr. Schmelzer at a lesser rate and have flexibility in what he is able to do for the City of Findlay during this time.

Councilman Wobser noted that the fact that this is creating a new position that is dated back to yesterday and is being requested to be passed on suspended rules for a very specific purpose, is asking quite a bit. He asked if this is not passed tonight and goes to its second and third readings with the language that it is effective on May 3, 2021, which is the start of the pay period, if the post date would still be effective. Law Director Rasmussen replied that it would be effective but that Mr. Schmelzer would not be in the position and the City cannot pay him or anyone that has not worked yet. The City will not pay someone for no work being performed. This creates the position and the pay. If someone does not work during that period, they will not get paid. Mayor Muryn asked if the need for Mr. Schmelzer to provide work for the City comes about this week, if she be able to pay him. Law Director Rasmussen replied no. Mayor Muryn noted that if Council decides they do not want to pass this legislation, she can hire Mr. Schmelzer as an Assistant Engineer right now that would actually pay him more, but that would not make sense as she is trying to save the City money and be clear about what his responsibilities would be within the City. She can instead have him work in another position and work for the City and pay him more. She is asking for this last minute because it was initially in the plans to put him in a different position, but that did not meet the scope of work and she did not want to pay him a higher rate in a different position.

Councilman Greeno asked if Mr. Schmelzer could be hired as an outside contractor with a time limit. Mayor Muryn replied that the City does not do that.

Councilman Wobser asked if this could be sunset at some point in time and put a not-to-exceed number on it, or whatever is needed to get past the training period. Mayor Muryn replied that is not how the salary ordinance is able to be amended. Council could request a new ordinance be drafted in two (2) weeks that would appeal it from the salary ordinance.

Councilman Palmer asked if there is a limit on how many can fill one position per special project. Law Director Rasmussen replied that once a position is created, it is the same job, so the City can have as many as they want to have in that position, whatever is budgeted for. Mayor Muryn added that there are different classifications in the salary ordinance for different departments/different positions. For example, there are a Maintenance Worker I, Maintenance Worker II, Maintenance Worker III positions that have very defined responsibilities and qualifications that go with the position, as well as a defined pay range. This ordinance is asking for a vague and less descriptive with a broader pay range so that if someone is needed to be brought in for something down the road, that flexibility would be there within those positions within the City ordinance. For example, there are multiple employees within the Public Works Department that are Maintenance Workers Class I, so there can be multiple amounts of employees per position where their pay and general job description is defined.

Councilman Wobser asked if this ordinance is not passed if Mr. Schmelzer can be paid for yesterday's work since it is effective yesterday. Mayor Muryn replied that he has not done any work yet and is waiting for this legislation to be adopted first. Councilman Wobser asked why the back date is even in the ordinance. Mayor Muryn replied so that it is clean and meets the same pay periods.

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

First reading of the Ordinance.

**ORDINANCE NO. 2021-043** (*Public Works Department Traffic and Fabrication shop*) **requires three (3) readings** **first reading**  
AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF A TRAFFIC AND FABRICATION SHOP FOR THE CITY OF FINDLAY'S PUBLIC WORKS DEPARTMENT LOCATED ON CORY STREET, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**UNFINISHED BUSINESS:**

**OLD BUSINESS:** none

**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).

- agenda:
1. Madison Avenue rezone
  2. West Main Cross Street vacation (City Mission)
  3. Bright Avenue vacation

Mayor Muryn noted that she will continue to provide Council with a just summary of the Key Performance Indicators (KPIs) because the performance indicator packet is very expansive. The packet is available on a quarterly basis on the City's website. It is easily accessible for review.

Mayor Muryn informed Council that the next round of Hometown Hero banners have gone up downtown. They will be up through all of May, June and July including the Memorial Day and Independence Day holidays.

Mayor Muryn noted that she is disappointed that Council did not approve the Special Projects Manager legislation. It is disappointing when decisions like that are swayed by political nonsense and misrepresentation of information. While it is not ideal, it is what needs to be done in order to continue to transition positions. It is also disappointing that Council does not appear to have faith in her to not just hire individuals willy-nilly. She appreciates Council's continued good work, but feels that legislation should have moved forward.

Councilman Haas moved to adjourn, seconded by Councilman Slough. All were in favor. Meeting adjourned at 7:35m.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT