

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

MAY 18, 2021

COUNCIL CHAMBERS

ROLL CALL of 2020-2021 Councilmembers:

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

ABSENT: Warnecke

President of Council Harrington pointed out that Councilwoman Warnecke informed him that she would not be in attendance tonight. Councilman Russel moved to excuse Councilwoman Warnecke, seconded by Councilman Greeno. 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 May 4, 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:

Councilman Russel moved to replace and add-on the following on tonight's agenda, seconded by Councilman Hellmann. All were in favor. Motion carried. Filed.

REPLACEMENTS:

1. Ordinance No. 2021-035 AS AMENDED – Bliss Avenue vacation (**LEGISLATION section**)
 - Header:
 - o Changed ALLEY to now be AVENUE
 - 1st WHEREAS:
 - o Changed alley to now be avenue
 - SECTION 1:
 - o Changed alley to now be avenue
 - o Changed legal description per County Auditor's Office/County Recorder's Office

ADD-ONS:

1. May 13, 2021 PLANNING & ZONING COMMITTEE meeting minutes – committee reports are already in the packet (**COMMITTEE REPORTS section**)
2. Ordinance No. 2021-048 - DFID MOU – maintenance of hanging flower baskets in Findlay's downtown area (**LEGISLATION section**)

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 010-2021 (*Rod Michener retirement*) **requires one (1) reading** **first reading - adopted**
A RESOLUTION COMMENDING RODNEY MICHENER FOR THE EXCELLENCE OF HIS SERVICES TO THE CITY OF FINDLAY, OHIO.

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

ORAL COMMUNICATIONS: none

PETITIONS: none

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Police Department Activities Report – April 2021. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Bakers Café LLC, located at 408 South Main Street, Suite B, Findlay, Ohio for a D3 liquor permit. This requires a vote of Council.

Robert K. Ring, Chief of Police –Curious Enterprises LLC, Bakers Café LLC, located at 408 South Main Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Lisa M. Allen

Discussion:

Councilman Russel pointed out that there is a misprint on tonight's agenda in that it states that the background check is on ~~Curious Enterprises LLC~~, Bakers Café LLC and should only be for Bakers Café LLC.

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

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Dolgen Midwest LLC dba Dollar General Store 21084, located at 707 South Blanchard Street, Findlay, Ohio for a C1 liquor permit. This requires a vote of Council.

Robert K. Ring, Chief of Police – Dolgen Midwest LLC dba Dollar General Store 21084, located at 707 South Blanchard Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Jason Reiser
Steven Ray Deckard

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

City Income Tax Monthly Collection Report – April 2021. Filed.

Findlay Fire Department Activities Report – April 2021. Filed.

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

- Summary of Year-To-Date Information as of April 30, 2021
- Financial Snapshot for General Fund as of April 30, 2021
- Open Projects Report as of April 30, 2021
- Cash & Investments as of April 30, 2021

Treasurer’s Reconciliation Report – April 30, 2021. Filed.

Mayor Muryn - April 2021 Monthly Budget Summary. Filed.

Mayor Muryn – Miracle League donation

The City of Findlay received a donation of two thousand five hundred dollars (\$2,500.00) from the Miracle League to go towards the purchase of their logo that will be placed on the new shade structure at the Blanchard Valley Health System Miracle Park. The funds have been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2021- 044 was created.

FROM:	General Fund (Miracle League donation)	\$ 2,500.00	
TO:	Recreation Maintenance #21042000-other		\$ 2,500.00

Filed.

Mayor Muryn – Ordinance No. 2021-042

Mayor Muryn is requesting Council to expedite action on Ordinance No. 2021-042 which creates the position of Mayoral Special Projects Manager/part-time within the City of Findlay Pay Ordinance No. 2020-121. As previously discussed, she is requesting that a new position be created within the City of Findlay Pay Ordinance to allow for flexibility in the transition with the Service-Safety Director role. The key points associated with this position are below. This will ensure a continued smooth transition, support the City of Findlay team, and enable the City to be wise fiscal stewards.

- The position is needed because no other position within the pay ordinance allows for the flexibility in hours or pay that are needed.
- This is an hourly position and is only expected to be needed for a total of approximately eighty (80) hours given how well the transition is already going.
- This position allows Mr. Schmelzer to provide surveying services to the City while another individual on the City’s team becomes licensed to do so.
- This position allows Mr. Schmelzer to provide transitional knowledge to the City on specific issues such as union negotiations and the STRICT Center project, etc.
- Mr. Schmelzer’s requested rate of pay is forty dollars an hour (\$40/hour) on an expedited transition timeline. Savings of over thirty thousand dollars (\$30,000.00) from the previously passed budget is expected.

Concerns have been brought up about a new position being added to the Pay Ordinance. There are a number of positions within the Pay Ordinance that are not regularly utilized. Having a position that is flexible is a valuable tool, therefore, any future consideration of filling such a position would be highly scrutinized as every hire made has been and would have to be justified before Council, as well as the community as a whole. This role creates the opportunity to bring in necessary talent with specific skillsets when projects arise that exceed the current capacity or skillsets of the City’s team. This rare incident will prudently provide an option of flexibility for the City Administration to manage both needed human and financial resources prudently. Ordinance No. 2021-042 received its first reading during the May 4, 2021 City Council meeting. Filed.

Findlay Municipal Court Activities Report – April 2021. Filed.

City Engineer Kalb – Spring Lake Sanitary Upgrade, Design Grant, Project No. 35611600

The Ohio Environmental Protection Agency (Ohio EPA) is requesting the City of Findlay's assistance in facilitating the design work for improvements to the current sanitary infrastructure associated with the Eagle Creek Utility Company. The City has already obtained quotes related to the design, easements and permits compiled for this project with the Ohio EPA awarding the City a twenty-five thousand dollar (\$25,000.00) grant to cover these expenses. By entering into an agreement, the City is not committing to future involvement with this project. Legislation authorizing the Service-Safety Director of the City of Findlay to enter into a grant agreement and appropriate the grant funds is requested. Ordinance No. 2021-047 was created.

FROM:	OEPA H2Ohio Wastewater Grant	\$ 25,000.00
TO:	Spring Lake Sanitary Upgrade #35611600	\$ 25,000.00

Filed.

Board of Zoning Appeals minutes – March 11, 2021. Filed.

COMMITTEE REPORTS:

The **STRATEGIC PLANNING COMMITTEE** met on May 4, 2021 to continue April 20, 2021, 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 that Council release the RFQ as amended to the list provided. The timeline for the selection process was moved back by 1 week after the release date of May 10, 2021.

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

A **COMMITTEE OF THE WHOLE** meeting was held on Thursday, May 6, 2021 to discuss the City's 1st quarter 2021 debt.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Rinehart Legal Services Ltd., Columbus, Ohio, to vacate Bright Avenue from Tiffin Avenue to Lot 103 in County Club Acres between old Lot 112 in Country Club Acres 1st Addition to the east and the Confederate Square Condos and T1N R11 S08 PT W ½ SE ¼ to the west.

We recommend approval as requested. Ordinance No. 2021-045 was created.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Brian Buck on behalf of his father William Buck to rezone Madison Avenue Lot 6192, 6193, 6194 from R3 Single Family High Density to C1 Local Commercial District.

We recommend to table the request.

Discussion:

Councilman Russel explained that the CITY PLANNING COMMISSION had tabled this, so the PLANNING AND ZONING COMMITTEE also tabled it. The applicant is working with the City Engineer on solutions to some issues with this request, so it is being tabled until those issues are resolved and then will review the request again, most likely next month.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Angela Roth Tong on behalf of The City Mission of Findlay to vacate the alley running north and south between West Main Cross Street and West Front Street between Lots 666 and 683 in the Vance Addition.

We recommend approval as requested. Ordinance No. 2021-046 was created.

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

Discussion:

Councilman Wobser asked if the committee took into an account the conversation that Council has had about this property and the problems with the refrigeration issues. President of Council Harrington replied that it is the same owner, but are two (2) different issues. Councilman Russel replied that it did come up in the discussion. The committee looked at this request separately from the issues previously discussed, but it did not sway the committee's decision to favor the request. The refrigeration truck has been moved. The City Mission is looking to resolve any and all issues. They want to be good neighbors.

Councilman Hellmann asked if the reason for this request is that the City Mission purchased the house beside it that has been removed with plans to landscape it and turned it into a private park for the City Mission's residents. He asked how that park will be monitored and if the Police Department will have any jurisdiction over it. He asked if it will allow for individuals to sleep on park benches, etc. which has been an issue. He asked how those that are not part of the City Mission, employees or residents will be prohibited from using it. Mayor Muryn replied that the refrigeration vehicle has been relocated on the property. It has been moved away from the property line. The diesel tank has been secured which was a safety concern. Another issue was that individuals were parking too close to others and/or properties/driveways, sometimes onto private properties. One of the goals of the City Mission is when their residents are not on the premises, there will be other places for them to go. The proposed park will provide an outlet for them to safely be outside without causing disruption to the surrounding property owners.

The City Mission works with each resident to help them become employed. Mayor Muryn has been working with the City Mission on parking. She has sent emails to Council on what has been discussed such as what their criteria is for parking and for them to work with surrounding property owners (Napa, City-owned former Hochstettler building, etc.) when there is not enough available parking for their volunteers to have enough parking spaces available to serve the residents. She is comfortable with the City Mission's request to vacate the alley that the CITY PLANNING COMMISSION and PLANNING AND ZONING COMMITTEE has approved.

LEGISLATION:

RESOLUTIONS:

Resolution NO. 010-2021

See page 1 (*RECOGNITION/RETIREMENT RESOLUTIONS* section)

RESOLUTION NO. 011-2021 (*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 Slough moved to adopt the Resolution, seconded by Councilman Wobser. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Wobser, Greeno. 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 AS AMENDED (*Bliss Avenue vacation*) requires three (3) readings

third reading-adopted

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

Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Wobser, Greeno, Haas. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-035 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

third reading-adopted

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.

Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Niemeyer, Palmer, Russel, Shindledecker, Slough, Wobser, Greeno, Haas, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-037 and is hereby made a part of the record.

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

second 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.

Second reading of the Ordinance.

ORDINANCE NO. 2021-040 (*3rd 2021 Capital Improvement appropriation*) requires three (3) readings

second reading - adopted

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.

Discussion:

Councilman Russel asked if this is something the City is ready to get started on and if it would be a benefit to suspend statutory rules tonight and give it its third reading. City Engineer Kalb replied that this is the equipment portion of it. If approved now, they can start getting everything ready for projects to start. Because of last year's pandemic, some of last year's projects did not get done. By approving it now, it would jump start it.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Palmer. Ayes: Palmer, Russel, Shindledecker, Slough, Wobser, Greeno, Haas, Hellmann, Niemeyer. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Russel, Shindledecker, Slough, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted as amended and is recorded in Ordinance Volume XXI, Page 2021-040 and is hereby made a part of the record.

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

second reading - adopted

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

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

Discussion:

Councilman Russel discussed this with City Engineer Kalb stating that it would be to the City's advantage if this could be approved tonight, as they are ready to do the project.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Greeno. Ayes: Shindledecker, Slough, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel. The Ordinance received its third reading. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Slough, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker. The Ordinance was declared adopted as amended and is recorded in Ordinance Volume XXI, Page 2021-041 and is hereby made a part of the record.

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

second reading - adopted

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.

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

Discussion:

Councilman Russel noted that during the last City Council, it was mentioned through an Oral Communication by a member of the public that Mr. Schmelzer is not worth forty dollars an hour (\$40/hour) and that this Ordinance amounted to cronyism. It is his opinion that Mr. Schmelzer is worth far more than forty dollars an hour (\$40/hour) and that the City would be hard-pressed to find some half as qualified for double that. He is giving the City what is known as the hometown discount to make himself available to ensure the successful transition of duties to Mr. Martin as the Service-Safety Director for the continued success of the City. He personally takes a front to any other suggestion that this is cronyism or any other reason other than to ensure the success of the City because Mr. Schmelzer is dedicated to the City's mission and City's success. It is upsetting to him when someone takes unnecessary potshots at someone who is as gifted and dedicated as Mr. Schmelzer has been to the City. For those reasons, he supports this Ordinance.

Councilman Shindledecker noted that he voted against suspending the rules during the last City Council meeting, which was the first reading of the Ordinance, not because he did not understand the situation, but because it came on rather suddenly and felt that the public should have an opportunity to respond to the legislation if they so choose, to which he has heard some comments in favor of this. He recognizes the need and was just concerned about the timing, but does support it.

Councilman Wobser asked if Mr. Schmelzer is going to help the City with two (2) items: transition and helping with surveying and asked if there is much transition left to do. Mayor Muryn replied that this new position allows the flexibility to make that determination. To date, she has had one meeting with Mr. Schmelzer where he provided some direction on a couple of items (i.e. where to find information, etc.). That assistance will not be billed to the City. Mr. Martin is doing a fantastic job, so there are not significant issues to resolve or gaps in knowledge, but would like the flexibility to call on Mr. Schmelzer for information as his knowledge is invaluable and saves time on searching for information and piece together answers when Mr. Schmelzer has the answers and could save a lot of time by going to him. She is not expecting it to be more than eighty (80) hours total. The City's salary ordinance is very strict on what someone can be hired for and what services they can provide to the City. There are not many positions within the City of Findlay pay ordinance that allow for someone to be brought into the City to help as needed. This new position allows for flexibility and what services he can provide (i.e. surveying, transitional, knowledge, etc.). Included in the approved budget for this year, there is an overlap for three (3) months for two (2) individuals being paid at the Service-Safety Director rate, but the pay ordinance does not allow for two (2) individuals in the same position as Service-Safety Director within the City of Findlay pay ordinance, so she needed to find some other way to pay Mr. Schmelzer who agreed to be paid at a lower rate which is why she has asked for this position to be created.

Councilman Slough asked what the time perimeters are on this and asked if this is an open-ended position for the duration of the current Mayor's term or for how long. Mayor Muryn replied that when a position is created in the pay ordinance, it is available as long as it remains in the pay ordinance. Council reviews the pay ordinance on a regular basis. Once this position is created via this Ordinance, the Mayor then has the authority to hire someone in at this position at any point in time and could hire more than one person. That is always an option, however, she always has to be accountable to Council, the City and the community as a whole in any position she holds, as well as justify any expenses for future individuals to be hired, so she is asking for that flexibility if that needs to be done at a lesser rate to be able to provide those services

City Auditor Staschiak noted that since there has not been a committee on this and is being asked to be passed on an emergency, he has not had the opportunity until now to express a couple of concerns about it as he had met with the Administration on this in his office yesterday and after reading the Mayor's letter on this that was in the Council packet this past Friday. Mr. Schmelzer was very specific when he stepped aside from the Service Director role that there was a potential of having a conflict of interest should he continue in that role. While he knows what the conflicts are, he did not disclose them publicly. It would be worthwhile for Mr. Schmelzer to disclose any potential conflicts of interest whether it be with the STRICT Center or anything else he is working on so that they are on record, particularly with the State of Ohio. The City has only spent a quarter of a million dollars (\$250,000.00) on a surveying work over the last couple of years with very little surveying being done in-house, so he does not see the City gaining much from Mr. Schmelzer doing surveying work for the City. It is negligible compared to what has been spent over the last few years.

The Auditor's Office is the pay master in being able to pay whomever the Mayor would hire down the road and feels this is too broad of a description. For example, she could hire a Press Agent as that has been done before which may or may not be what Council wants, but could happen with the creation of this position. Another consideration of bringing Ms. Schmelzer back would be to create a Service Director Transitional Advisor which would limit Mr. Schmelzer's assistance on what the Mayor has listed of what she wants him to do in that she wants him to advise during the transitional period and specifies what the City Auditor's Office can pay for and allows Council time in a non-emergency atmosphere for future requests for potential changes to the budget and/or pay ordinance. While he is not advising Council to be pro or con in hiring Mr. Schmelzer to assist with the City, Council should have a say as they are heavily involved with the pay ordinance. In fact, at one point in time, the doors were locked with Administrative personnel not permitted to participate in the process. It is Council's pay ordinance and is Council's job to represent the community. He suggests narrowing the ordinance to either a Service Director Transitional Advisor or former Service Director Transitional Advisor role. A committee meeting would have been a better avenue to have this discussion, but cannot now because time is limited.

Councilman Hellmann asked if what City Auditor Staschiak is suggesting will severely limit what the Mayor is trying to do with this position in that the only position she could hire is in the transitional role for Mr. Schmelzer, but that it appears that the Mayor would like to have the flexibility to be able to hire others beyond Mr. Schmelzer for any future transitional work. City Auditor Staschiak replied that is true and is intentional as this is proposed as an emergency and is fast. He has had up to three (3) conversations a day on this, and received a public records request today on it. It is something the public is highly interested in, at least those that have contacted the City Auditor's Office. While he is not suggesting that Council not allow the Mayor to do this, he recommends instead limiting it now since it is an emergency and is fast tracked. The City Auditor's Office has not had any say in this, but should as it is part of the pay ordinance which is something they and Council should be involved in and should have more time to consider it. He is in favor of a compromise which would be a win-win in that the City would get what the Mayor is suggesting and then follow up with a committee meeting to discuss the second portion of how to define it so that is clear on what the City Auditor's Office is and is not to pay. Right now, it is too broad. The term "Special Projects" needs to be defined and limitations be put on it unless it is Council's preference not to have limitations on it. By limiting it today, it allows for discussion in a productive in a professional business-like manner.

Councilman Palmer has had numerous individuals come to him opposing this saying it was dropped on Council quick and is being asked for the suspension of statutory rules to pass it. He has not changed his opinion on it in that it is too broad. City Auditor Staschiak's suggestions are valid suggestions and there should be an amendment to the proposed ordinance.

Councilman Russel has also had numerous individuals come to him supporting it wondering why the City would not want to make this transition of such an important position without having the previous Director working with the new one. He asked if HR Director Essex had any involvement in the creation of the job description for this. Mayor Muryn replied that as she stated at the last City Council meeting as a response to it being sprung onto Council, it was because the Administration was not originally planning on creating a new position and was planning on having the position in a different role, but the scope was too narrow and didn't serve the City well, and that Mr. Schmelzer was to be hired at a part-time position to pay him for hours that are needed. This position, even though it is labeled as part-time, is hourly and allows the City to pay him only for the services he will be providing to the City. While it does allow for the ability to hire future individuals, it is exactly what she would expect anyone in her role to have the flexibility to hire individuals as needed to best serve the community both in their perspective skill set for only the hours that they provide services. Many of the roles within the pay ordinance are defined as part-time or full-time and is set to a standard number of hours that they are providing services. In full-time positions, the City provides benefits. While she apologizes that this was relatively fast-tracked which is not how she likes to do things, it is necessary to continue operations to best serve the City to save finances. It will save the City thirty thousand dollars (\$30,000.00) on a conservative side. As discussed back in December 2020, she budgeted about three (3) months of transition time for both individuals being paid the full Service-Safety Director's salary in 2021, so this new position is not only saving the City money, but allows for flexibility on what the individual(s) will provide. She has not heard any concerns from the City Auditor over the last two (2) weeks when this Ordinance was originally brought up at Council, nor has she heard from anyone else who has had concerns related to this topic. Overall, it is the right move for the City to ensure that the team continues to have the expertise and transition that is needed, as well provide the flexibility long-term to bring in individuals with specific skill sets paying only for the services they provide.

Ayes: Greeno, Haas, Hellmann, Russel, Shindledecker, Slough. Nays: Niemeyer, Palmer, Wobser.

Discussion:

Councilman Russel asked for a point of order and asked when there is an emergency clause on legislation what the threshold needs to be to pass on an emergency. Law Director Rasmussen replied that it passes on an emergency with seven (7) affirmative votes. Since there were only six (6) affirmative votes with one (1) absent, the emergency clause is null.

Councilman Russel moved for reconsideration of the Ordinance so that it can be tabled because its passing without the emergency clause which means it will not be in effect for thirty (30) days which does not serve the City or the purpose of the Ordinance. By tabling it, it can be brought up in two (2) weeks. President of Council Harrington noted that it can be brought up again at any time. Councilman Russel replied that the purpose of tabling it is so it can be reconsidered at the June 1, 2021 Council meeting.

Councilman Hellmann asked if the intent to reconsider it is to reconsider it yet tonight. Councilman Russel replied that is correct unless a Councilmember wants to change their nay vote so that it can be passed on an emergency. Seven (7) affirmative votes are needed to pass with an emergency or it would be thirty (30) days before it is effective which does not serve the intent of the Ordinance. The alternative is to ask those that voted nay what they would feel comfortable with to amend it and pass tonight with the goal of obtaining Mr. Schmelzer and his services be made available to the Mayor and new Service-Safety Director. Council has passed the Ordinance without the emergency tonight, so it needs to be unpassed so that it can be further considered. Since he is on the majority vote of affirmative, he is asking for reconsideration for that purpose.

President of Council Harrington reiterated that Council has passed this Ordinance without the emergency clause which means it takes effect thirty (30) days after the Mayor signs it.

Councilman Shindledecker asked for clarification in that a motion for reconsideration must come from the prevailing side and not the majority side. In this case, the majority was not the prevailing side and that the prevailing side has to make the motion to reconsider. He asked if the prevailing side was the three (3) nay votes. Law Director Rasmussen replied the prevailing side is the six (6) affirmative votes.

President of Council Harrington reiterated that the motion was made by the prevailing side, but a second to the motion to reconsider was not made, therefore the motion to reconsider dies for lack of second.

The Ordinance was declared adopted as amended and is recorded in Ordinance Volume XXI, Page 2021-042 and is hereby made a part of the record.

ORDINANCE NO. 2021-043 (*Public Works Department Traffic and Fabrication shop*) **requires three (3) readings** **second 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.

Second reading of the Ordinance.

ORDINANCE NO. 2021-044 (*Miracle League donation*) **requires three (3) readings** **first reading - adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel noted that since is a donation where funds received just need to be moved to another fund, he will make a motion to pass this Ordinance tonight.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Palmer. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Wobser, Greeno. The Ordinance received its second and third readings. Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Wobser, Greeno, Haas. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-044 and is hereby made a part of the record.

ORDINANCE NO. 2021-045 (*Bright Ave vacation*) **requires three (3) readings** **first reading**

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

First reading of the Ordinance.

ORDINANCE NO. 2021-046 (*W Main Cross St vacation – City Mission*) **requires three (3) readings** **first reading**

AN ORDINANCE VACATING A CERTAIN PORTION OF A CERTAIN ALLEY (HEREINAFTER REFERED TO AS THE WEST MAIN CROSS STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2021-047 (*Eagle Creek Utility Design H2Ohio Grant Agreement*) **requires three (3) readings** **first reading - adopted**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO SIGN AND EXECUTE A GRANT AGREEMENT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR IMPROVEMNETS TO THE SPRING LAKE SANITARY UPGRADE, DESIGN GRANT, PROJECT NO. 35611600, TO ACCEPT ANY AND ALL FUNDS ASSOCIATED WITH SAID GRANT, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Hellmann asked if language could be inserted into this Ordinance to require this subdivision be annexed into the City of Findlay. Mayor Muryn replied that anytime a property taps into the City of Findlay water system, they complete an annexation agreement with the City of Findlay. If they then are contiguous or adjacent to the City of Findlay and meet a number of standards, they can then be considered for annexation to the City of Findlay. At this time, the City has not moved forward with the annexation of these properties and she does not know if any individual annexation agreements have been completed, but would assume so as it is the City's standard practice. The City is looking at properties across the entire region to ensure the City is following their own procedures and determine any properties that should be annexed in the near future, but is not language she encourages to be submitted within this Ordinance. Councilman Hellmann replied that it gives him some heartburn that there are properties that are contiguous to the City in Findlay that are part of it but do not receive the City's utility services. Mayor Muryn replied that has been discussed with questions over the last couple of weeks in that they pay a higher rate for their water and sewer services than City of Findlay residences do, but is something that is being looked at and if it is determined that those properties should be, based off of policy, they will be evaluated and then will be annexed in. Councilman Hellmann noted that the City desires to grow in the future and feels it would be a dis-service to not have those areas annexed into the City because the areas beyond that then cannot be part of the City. Mayor Muryn replied that she is working with the Zoning Department and Hancock Regional Planning Commission (HRPC) on developing a map that identifies parcels that should have previously been, based off of policy, annexed into the City.

Councilman Russel noted that last year, the Supreme Court addressed City utility services for annexed properties. The City of Findlay currently has a sewage system that places well-treated sewage into Eagle Creek. He asked what the timeline for this project is and how critical it is, what the City is looking to do and what the solution will be. Mayor Muryn replied that this is extremely critical. The residences are continuing to experience issues. City crews were out both yesterday and this morning fixing failed pumps. Had City crews not been out there, all the residences on that sewer system would have had backup and not be able to use their sewer system. City crews have been out there frequently.

They have recently been out there ensuring it is operational. The City is tracking those expenses and then charging them back to the funds that are available for Eagle Creek which are limited. This needs to move forward as soon as possible, therefore, she is requesting this be expedited. The Ordinance on this is to cover the cost to move forward with the design to obtain an understanding of the cost. The City will continue to work with the EPA to identify construction costs so that the EPA can then cover those costs. The City's conversations with the EPA so far have been that the City is willing to take over the infrastructure as long as they meet the City's standards or provide funds to the City so that the City can ensure it is brought up to our standards prior to the City taking it over.

Councilman Russel asked if there is a liability that comes with this system or if the Ohio EPA would be the only one to fix any issues. Mayor Muryn replied that the EPA and the current operator are liable for any issues that arise on this project. Councilman Russel asked if there is an operator to go after if it comes to that as it is registered to the Diamond Savings and Loan building. Mayor Muryn replied that the Ohio Attorney General is very much involved with the situation. The EPA is the primary holder of responsibility at this point. The City is helping them out and they very much understand that. The City is very clear about its expectations that they cover any expenses associated with taking over this system. Liability falls with them at this point and the City will not be taking over a failing infrastructure without them guaranteeing that the expenses associated with bringing it up to the City's standard would be covered. Councilman Russel noted that the City's design services go up to twenty-five thousand dollars (\$25,000.00) and asked if the City would stop designing and asks for more funds, or what would happen after that max is met. Mayor Muryn replied that they have already have a quote from an outside design firm to cover this expense.

Councilman Greeno asked if the design is for a pump station and a forced main to hook on to the City's system. Mayor Muryn replied that is correct.

Councilman Russel asked if the Supreme Court has deemed this property to be annexed into the City. Law Director Rasmussen replied that has been talked about with the Attorney General's Office for almost a year. The City is not required to take on anything that is not to the City's standards.

President of Council Harrington reminded Council that the only action taken on this is that the Ordinance has been read.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Niemeyer. Ayes: Niemeyer, Palmer, Russel, Shindledecker, Slough, Wobser, Greeno, Haas, Hellmann. The Ordinance received its second and third readings. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Palmer, Russel, Shindledecker, Slough, Wobser, Greeno, Haas, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-047 and is hereby made a part of the record.

ORDINANCE NO. 2021-048 (2021 downtown hanging flowers MOU (DFID) requires three (3) readings

**first reading
Adopted during OLD BUSINESS**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

UNFINISHED BUSINESS:

OLD BUSINESS: none

NEW BUSINESS:

Councilman Russel thanked Hancock-Wood Electric for their donation to the STRICT Center which is utilized not only by the City of Findlay, but also by many volunteer Firefighters. It says a lot about the way the co-op is a part of the community. Their donation is appreciated.

Mayor Muryn recognized both the City Engineering and Street Departments as they have been doing a ton of work around town with a couple of their projects now complete.

Mayor Muryn requested Ordinance No. 2021-048 be reconsidered. The Downtown Findlay Improvement District (DFID) is asking for assistance in the maintenance of the downtown hanging flower baskets as the individual who normally maintains them is having hip surgery and is not able to provide those services this year. They reached out to the City after pursuing different avenues for the watering services. After conversations with the City's Public Works Department and the City Auditor's Office, it was determined that the City can provide that service as long as it makes sense for the City of Findlay and as long as expenses are covered of the employee's time. The five thousand dollars (\$5,000.00) that is proposed will be sufficient to do so throughout the season. She asked that Council consider this prior to the next City Council meeting as she anticipates the downtown flowers to be hung up by the end of this month as they typically are hung up for the Memorial Day weekend.

Discussion:

Councilman Wobser asked if the City providing that service is the only option. Mayor Muryn replied that the DFID explored a lot of different options and have not found many who want to get up very early and water flowers downtown, so at this point, the City doing it is their only option. Councilman Wobser asked if the City has access to the proper equipment needed to do this. Mayor Muryn replied that they do. The DFID is providing all of the supplies (i.e. flowers, equipment, etc.) to do so. The City is only providing the manpower to get it done.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Russel, Shindledecker, Slough, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer. The Ordinance received its second and third readings. Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Haas. Ayes: Shindledecker, Slough, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-048 and is hereby made a part of the record.

President of Council Harrington noted that an email to all Councilmembers was generated asking about the status of the mask mandate. His suggestion was that Council follows the Governor's current mandate until he provides his update on June 2nd and then a discussion on the update can then be explored by the Mayor and Council. There currently is a Council Rule that was passed that states Council would either have to rescind that or amend it to change it from what it currently is. The rules currently state that everyone in attendance at a City Council meeting has to wear masks and maintain a social distance of six feet (6') regardless of the Governor's mandate because it is a Council rule. In order to change Council's current rule, Council will have to amend it.

Councilman Wobser noted that the next City Council meeting will be on June 1st which is the day before the Governor announces his plan of possibly rescinding the mandate. He would like to have Council's Rules amended to allow anyone wanting to attend a City Council meeting to be able to do so without wearing a mask since that seems to be where the rest of the Country is going. He would like to have that looked at immediately. President of Council Harrington replied that it will require Council to amend or rescind their current rules. Council will have to indicate their intent.

Councilman Hellmann noted that if Councilman Wobser is making a motion to amend Council's Rules, he would second it. Councilman Wobser replied that he will do whatever is needed for Council to vote on it.

Councilman Wobser moved to rescind his previous motion, seconded by Councilman Hellmann. President of Council Harrington replied that he will need to know what Council is voting on as a point of order.

Councilman Wobser moved to rescind Council's Rules on the mask mandate, seconded by Councilman Hellmann.

Councilman Russel noted that the Ad Hoc Committee met to discuss masks and made a recommendation to follow the City's overall plan and did not state a mask mandate. Mayor Muryn added that the rule that is in place is that Council would follow the County Health guidelines. If everyone in attendance each meeting is vaccinated removal of masks would be appropriate. She sent an email out to all City employees stating that if ten (10) or more are gathered, masks are still to be worn and will still need to maintain social distancing. She anticipates that to be the standard through June 2, 2021 and then will be re-evaluated based off of the current COVID situation.

Councilman Wobser asked since there are more than ten (10) in attendance at any City Council meeting and since everyone has been maintaining social distancing, and if everyone is vaccinated, if Council could go back to their regular seats and remove masks. Mayor Muryn replied that it is up to Council what they want to do. One meeting will not make a difference. She encouraged Council to keep the same protocol for the next meeting on June 1, 2021, and then if all the State mandates are lifted the very next day on June 2, 2021, Council can then re-evaluate based on what the guidelines are at that time.

Councilman Wobser rescinded his motion.

President of Council Harrington summarized the discussion in that the next City Council meeting is June 1, 2021. As long as Council practices social distancing as they currently have been and based on the Governor's recommendation/City of Findlay's recommendation/Health Department's recommendation, masks will then be optional.

Councilman Russel noted that wording was added to Council's Rules (attendance section) in the event of a public health emergency declared by the State or County Health Department (i.e. pandemic) stating that all who attend a Findlay City Council meeting or committee meeting are required to adhere to all guidelines prescribed by the State or County Health Department. If the State or County Health Department has a rule in place, Council is required to follow it. If the County or State decides to eliminate the mask mandate, Council will also eliminate them.

Councilman Wobser asked if the County follows the CDC guidelines. Mayor Muryn replied that she would fall back on the State guidelines. The County is following the State recommendations. There is no guarantee that everyone in tonight's meeting or any future meeting is vaccinated. Based on the current guidelines, individuals who are vaccinated that are gathered together may take their masks off, otherwise, it is still the recommendation that individuals wear masks which is not ideal, but is the current guideline by the State. Council should continue to be an example and follow the guidelines that are in place. President of Council Harrington informed Council that prior to the next City Council meeting, he will send everyone an email that will confirm what Council needs to do during that meeting based on what Councilman Russel has stated are in the current Council Rules and then Council will consider what the Governor announces for any changes to be made to the guidelines on June 2, 2021.

President of Council Harrington informed Council that the mobile health clinic is up and running.

City Auditor Staschiak informed Council that the statutory budget process is beginning now. He is to turn it in to the County before Council's second meeting in July with the statutory budget being passed during the first City Council meeting of July. The City Auditor's Office anticipates receiving a declaration of what the amounts will be soon, possibly yet this week. He will provide the information to Council as he receives it. He asked that he be called directly with any questions about next year's revenues. There typically is not enough time given to present the numbers to Council and that the information is just provided to Council instead and are asked to approve it.

Councilman Wobser moved to adjourn, seconded by Councilman Palmer. All were in favor. Meeting adjourned at 8:19pm.

CLERK OF COUNCIL

COUNCIL PRESIDENT