

# FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

JULY 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 Hellmann moved to excuse Councilman Haas seconded by Councilman Wobser. 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 July 6, 2021 Public Hearing meeting minutes to consider the Revenue Estimates for Fiscal Year 2022, seconded by Councilman Shindledecker. All were in favor. Motion carried. Filed.
- Councilman Slough moved to accept the July 6 2021 Regular Session City Council meeting minutes, seconded by Councilman Niemeyer. All were in favor. Motion carried. Filed.

## ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

President of Council Harrington noted that the present and proposed zoning for 812 Tiffin Avenue (PETITIONS section) on tonight's agenda are transposed. They should be: proposed zoning – C1 Local Commercial; present zoning – R3 Small Lot Residential.

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

**ORAL COMMUNICATIONS:** none

## PETITIONS:

### Zoning amendment request – 812 Tiffin Avenue

James Holtgreven, Holt Hammer Ventures LLC, would like to change the zoning of 812 Tiffin Avenue to ~~R3 Small Lot Residential~~ C1 Local Commercial. It currently is zoned as ~~C1 Local Commercial~~ R3 Small Lot Residential. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

**WRITTEN COMMUNICATIONS:** none

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

**Precipitation and Reservoir levels report** – second (2<sup>nd</sup>) quarter April – June 2021. Filed.

**City Income Tax Monthly Collection Report** – June 2021. Filed.

**Findlay Police Department Activities Report** – June 2021. Filed.

### A set of summary financial reports for June 30, 2021:

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

Filed.

**Treasurer's Reconciliation Report** – June 30, 2021. Filed.

**Findlay Municipal Court Activities Report** – June 2021. Filed.

### City Engineer Kalb – Fire Department portable radios

As discussed during the July 6, 2021 City Council meeting, the City has received an offer from the vendor for a forty-seven percent (47%) discount on portable radios for the Findlay Fire Department if all existing radios are replaced this year. Currently, all of the radios are scheduled to be replaced over a five (5) year period with one hundred sixteen thousand one hundred twenty-six dollars (\$116,126.00) being allocated for each respective year. In conjunction with Ordinance No. 2021-057 and 2021-067, and additional one hundred sixty thousand dollars (\$160,000.00) is needed to allow the City to take full advantage of the discount. Legislation to appropriate and transfer funds is requested. Ordinance No. 2021-069 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 160,000.00
TO:	Fire Department #21014000-other	\$ 160,000.00

Filed.

**Board of Zoning Appeals minutes – April 8, 2021 and June 10, 2021.** Filed.

**Mayor Muryn - June 2021 Monthly Budget Summary -** Filed.

**Police Chief Ring – National Alliance on Mental Illness (NAMI) and State of Ohio Mental Health First Aid CIT Support and Expansion project donation**

The City of Findlay Police Department has received a one thousand dollar (\$1,000.00) check from the National Alliance on Mental Illness (NAMI) and the State of Ohio Mental Health First Aid CIT Support and Expansion project to be used to cover the associated costs of conducting Crisis Intervention Training sessions and also materials and registration fees associated with the course. There is no required City of Findlay match for the funding. Legislation to appropriate funds is requested. Ordinance No. 2021-070 was created.

FROM:	NAMI – CIT Support and Expansion Project	\$ 1,000.00
TO:	2017 Crisis Intervention Training Program #31976900	\$ 1,000.00

Filed.

**City Auditor Staschiak – American Rescue Plan Act of 2021 (ARPA)**

The American Rescue Plan Act of 2021 (ARPA) appropriated billions of dollars to the States. Funds distributed to Ohio are then to be re-distributed to non-entitlement units of local government (NEUs). Treasury will make payments to States from the Local Fiscal Recovery Fund for distribution to NEUs in two (2) tranches. It has been disclosed that at this point in time, Findlay is a NEU eligible for approximately \$2.16MM in 2021 and another \$2.16MM no earlier than twelve (12) months after the date of the first payment. To meet the Treasury requirements, Ohio OMB requires NEUs to register for funding in order to validate that a NEU is qualified to receive the funds, all of which must be completed at one time:

- capture organizational information
- obtain budget information establishing money distribution limits
- gather an executed terms and condition agreement
- gather assurances of compliances with Title VI of the Civil Rights Act of 1964

Legislation attached allows for this and designated responsibilities to City Auditor Staschiak and Deputy Auditor Sampson. It also includes the restrictive terms, conditions and assurance documents. There is no request for an appropriation, but if Council is desirous of receiving the money, it is important that legislation be passed on an emergency by the second meeting in August so that the City of Findlay qualifies for a distribution of the first tranche of ARPA money. Acceptance of the funds place accountability requirements on the City many years into the future. The allowable use and restrictions on the use of money have similarities and significant differences than the CARES Act fund received last year, therefore, it is of extreme importance that Deputy Auditor Sampson and City Auditor Staschiak be made aware of any projects being considered in which these funds might be used. He has not been made aware of any to date. Prior to passing this legislation, it might be prudent to have a committee meeting for the purpose of discussion if funds should be accepted. Legislation to move forward with the emergency clause in order to meet the established application registration deadline of September 4, 2021 is requested. He requests that this letter be read. Resolution No. 015-2021 was created by the request of Mayor Muryn.

**Discussion:**

Councilman Wobser asked that in lieu of having the entire letter read, if City Auditor Staschiak could just summarize the fourth (4<sup>th</sup>) paragraph about the similarities and differences of this compared to the CARES Act funds. After he met with City Auditor Staschiak, Deputy Auditor Sampson, and Mayor Muryn, it was determined that there are significant differences. He asked City Auditor Staschiak to highlight those differences and provide reasons why he feels Council should get together to discuss this. City Auditor Staschiak replied that he had suggested that it might be in Council's interest to get together because the Federal Government has put call back provisions to this legislation and money, should Council accept it, that extends until 2030 or beyond. The last date the money can be distributed is 2024. The City is looking at potentially receiving one million dollars (\$1,000,000.00) in the first tranche with another two million one hundred thousand dollars (\$2,100,000.00) the next tranche, totaling three million one hundred thousand dollars (\$3,100,000.00) after the second tranche. The purpose of this legislation is to allow the City to register to be eligible to receive the first tranche of funds. If the City does not register and does not take the funds, they cannot obtain the second tranche or redistribution as it is considered to be one and done. There will be a special fund set up on when the funds are received. He is unaware of any projects being planned that would be paid by this money and is unclear what Council's intent would be to use it for. The City Auditor's Office will need to be made aware of any discussions and/or what the money will be intended to be used for so that the City Auditor's Office can research to determine if use of the funds is legitimate, which was a major effort under the CARES Act, but is more complex for this per the rules and regulations that are put in place.

City Auditor Staschiak also mentioned that the two (2) documents attached to his letter are intended to be part of the legislation as Exhibit A and B. He asked Council to remove them from his letter and place them with the Resolution. He encouraged Council to read the exhibits that list some of the rules that the Federal Government has stressed that are important to them and may mean they will audit based on some of those rules. He compared these funds to funds received from FEMA for the 2007 flood in which those audits did not end until 2012. That audit had very specific questions such as: how many generators were used, gallons of gasoline that were put into the generator, what the pay rate of the individual(s) was who ran the generator versus the gallon of gas, etc. The audits for that were detailed and will be as detailed for this in which the City will be fully responsible for the use of the funds. He informed Council that if they want to make themselves eligible, they will need to pass this legislation so that he can move forward and register, and be willing to place the burden of provisions on the current Council and the City Auditor's Office, as well as, future Councils and City Auditor's Office employees.

Councilman Wobser asked if the timeline on registration allows for three (3) readings of the legislation. City Auditor Staschiak replied that it will need to be passed by the second (2<sup>nd</sup>) Council meeting in August in order for him to register the City by the deadline in early September. One big difference in registering for this and when the City registered for funds for the Coronavirus, is how to register. The site requires everything asked during registration to be completed at the time of entering in the information as there is no way to save what has been entered in which will be a lengthy process the day of registration. Filed.

**COMMITTEE REPORTS:**

The **STRATEGIC PLANNING COMMITTEE** met on July 6, 2021 to continue June 15, 2021, May 4, 2021, April 20, 2021, March 16, 2021 and March 2, 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. See discussion below.

We recommend inviting the following four (4) groups to submit a request for proposal (RFP): American StructurePoint, Gossman Group Design & Planning, MS Consultants, and Planning Next. These groups were chosen based on a matrix of scores developed by the committee (attached).

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

Discussion:

Mayor Muryn pointed out that on the agenda, it references Baker Tilly feedback and asked if that language is from a prior meeting. She read what the committee report should have read: The committee met to vet the ten (10) RFQ proposals submitted. Using a matrix of scores, the committee narrowed the field to four (4). That group includes: American Structure Point, Gossman Group Design & Planning, MS Consultants, and Planning Next.

Councilman Wobser replied that the language read tonight on tonight’s City Council agenda for this committee report is leftover from another meeting. He asked that the language the Council Clerk just read listed on the City Council agenda be replaced with what the Mayor just read.

All were in favor. Filed.

The **STRATEGIC PLANNING COMMITTEE** met on July 12, ,2021 to review Request for Proposals (RFPs) from American StructurePoint, Gossman Group Design & Planning, MS Consultants, and Planning Next.

We recommend to continue discussion of the RPF on Monday, July 19, 2021 at 5:00pm in the 3<sup>rd</sup> floor conference room on the Municipal Building (CR1).

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

**LEGISLATION:**

**RESOLUTIONS:**

**RESOLUTION NO. 015-2021** (ARPA funds) requires three (3) readings **first reading**

A RESOLUTION AUTHORIZING THE CITY AUDITOR OF THE CITY OF FINDLAY, OHIO TO APPLY FOR THE AMERICAN RESCUE PLAN ACT (ARPA) DOLLARS ON ELIGIBLE EXPENDITURES AS SPECIFIED IN THE UNITED STATES TREASURY’S CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS INTERIM FINAL RULE (EVENTUALLY THE FINAL RULE), AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCES:**

**ORDINANCE NO. 2021-056** (Wilson Street vacation) requires three (3) readings **third reading - adopted**

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

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-056 and is hereby made a part of the record.

**ORDINANCE NO. 2021-059** (RLF Administration (October 2020-March 2021) requires three (3) readings **second reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2021-060** (HAN-Greenway Trail Phase 2 PID109009 #31993800) requires three (3) readings **second reading - adopted**

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FUNDS, FOR THE HAN-GREENWAY TRAIL PHASE 2 PID109009 PROJECT NO. 31993800, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Hellmann. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-060 and is hereby made a part of the record.

**ORDINANCE NO. 2021-061** (*HAN-Bright Road Phase II FY2022 PID108772 #32811800*) **requires three (3) readings** **second reading - adopted**  
AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE HAN-BRIGHT ROAD PHASE II FY2022 RESURFACING (PID 108772) PROJECT NO. 32811800, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Palmer. Ayes: Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Hellmann, Niemeyer. The Ordinance received its third reading. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-061 and is hereby made a part of the record.

**ORDINANCE NO. 2021-063** (*fourth Capital Improvements 2021 appropriation*) **requires three (3) readings** **second reading**  
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO CONTRACTS FOR VARIOUS PROJECTS, APPROPRIATING AND TRANSFERRING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2021-066** (*West Main Cross corridor study #32811000*) **requires three (3) readings** **second reading**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2021-068** (*new Airport Operations Coordinator 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 AIRPORT OPERATIONS COORDINATOR, EFFECTIVE ON OR BEFORE AUGUST 1, 2021, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Hellmann. Ayes: Shindledecker, Slough, Warnecke, Greeno, Hellmann, Niemeyer, Palmer, Russel. Nays: Wobser. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Slough, Warnecke, Wobser, Greeno, Hellmann, Niemeyer, Palmer, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-068 and is hereby made a part of the record.

**ORDINANCE NO. 2021-069** (*Fire Dept portable radios*) **requires three (3) readings** **first reading - adopted**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Greeno. Ayes: Warnecke, Wobser, Greeno, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough. The Ordinance received its second and third readings. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Wobser, Greeno, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke. The Ordinance was declared adopted as amended and is recorded in Ordinance Volume XXI, Page 2021-069 and is hereby made a part of the record.

**ORDINANCE NO. 2021-070** **requires three (3) readings** **first reading - adopted**  
(*National Alliance on Mental Illness (NAMI) and State of Ohio Mental Health First Aid CIT Support and Expansion project donation*)  
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 Palmer. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. The Ordinance received its second and third readings. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. The Ordinance was declared adopted as amended and is recorded in Ordinance Volume XXI, Page 2021-070 and is hereby made a part of the record.

**UNFINISHED BUSINESS:**

**OLD BUSINESS:** none

**NEW BUSINESS:**

Councilman Slough noted that several months ago, Council authorized ten thousand dollars (\$10,000.00) to be given to the West End Tavern and also to the Fern Café. He read that the West End Tavern is closing and asked what will happen to the funds Council awarded them. City Auditor Staschiak replied that the West End Tavern will reopen on August 12, 2021 per the conversation HRPC Director Cordonnier had with some of the parties involved. All RLF funds have personal guarantees. In this case, Council will have to wait and see how this plays out on what the end result will be. Councilman Slough asked what will happen to the funds if it does not reopen. City Auditor Staschiak replied that there are personal guarantees on the funds which is like any other type of loan in retrieving the funds. The Board makes the decisions on what payments will be acceptable to them. In the past, there have been some cases where it was requested to not be paid back. It would be treated like a bankruptcy. In the West End Tavern situation, the City is aware of what is going on and are staying abreast of it and will continue to let Council know what is going on. He is the ex officio on the board.

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

- agenda: 1. Madison Ave rezone (*tabled*)  
2. Deer Ridge Mobile Home Park rezone  
3. 812 Tiffin Ave rezone

Councilman Russel pointed out that the Downtown Findlay Improvement District (DFID) have placed sponsorship plaques in front of the Marathon building for those that donated towards the flower baskets that are hung up downtown. Councilman Wobser added that City employees took over the maintenance of the flower baskets. They look great. He ran into an out-of-town friend of his who was raving about how downtown Findlay looks with the flowers and veteran banners.

Councilman Russel witnessed the Findlay Fire and Police Departments in action at a house fire on the corner of Washington/McPherson that resulted in no one getting hurt which gave him more of an appreciation of what they do. He is very proud of the professionalism that they displayed.

Councilman Wobser noted that the next **STRATEGIC PLANNING** meeting is to be determined (TBD) and will be announced/posted once the date and time are determined.

agenda: continue RFP discussions

*The committee is about sixty percent (60%) done with the RFP that would go out to the four (4) companies that were chosen by the RFQ. The RFP is anticipated to be completed and ready to go out within the next couple of weeks.*

Mayor Muryn updated Council on the American Rescue Plan Act of 2021 (ARPA) funds. Because of the longer lead time on how to spend the funds, the City has not received the final rule from the Treasury on how to use those funds. There have been discussions between the Mayor, the City Auditor's Office and Councilman Wobser on how best to receive and utilize the funds. They will continue to work through the process, with a final review, and will continue to have discussions on how best to proceed if Council chooses to move forward by determining what is in the best interest of the City in order to meet compliance.

Councilman Hellmann moved to adjourn, seconded by Councilman Russel. All were in favor. Meeting adjourned at 7:34pm.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT