

# FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

OCTOBER 5, 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 September 21, 2021 Public Hearing meeting minutes to rezone 812 Tiffin Avenue via Ordinance No. 2021-084, seconded by Councilman Wobser. All were in favor. Motion carried. Filed.
- Councilman Slough moved to accept the September 21, 2021 Public Hearing meeting minutes to rezone Deer Ridge Mobile Home Park (East Melrose Avenue) via Ordinance No. 2021-083, seconded by Councilman Greeno. All were in favor. Motion carried. Filed.
- Councilman Wobser moved to accept the September 21, 2021 Regular Session City Council meeting minutes, seconded by Councilman Slough. All were in favor. Motion carried. Filed.

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

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

### ADD ONS:

1. Letter from Mayor Muryn – City Income Tax additional funds for small claims court hearings (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*).
2. Ordinance No. 2021-098 – City Income Tax additional funds for small claims court hearings (*LEGISLATION section*).

## PROCLAMATIONS:

### Mayor Muryn – Disabilities Employment Awareness month.

WHEREAS: October 2021 marks the 76<sup>th</sup> anniversary of National Disability Employment Awareness Month; and,

WHEREAS: The purpose of National Disability Employment Awareness Month is to educate about disability employment issues and celebrate the many and varied contributions of America's workers with disabilities; and,

WHEREAS: The history of National Disability Employment Awareness Month traces back to 1945 when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week"; and,

WHEREAS: In 1990, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities. In 1998, Congress expanded the week to a month and changed the name to National Disability Employment Awareness Month; and,

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

WHEREAS: Activities during this month will reinforce the value and talent people with disabilities add to our workplaces and communities and affirm Findlay, Ohio's commitment to an inclusive community that increases access and opportunities to all, including individuals with disabilities.

NOW THEREFORE, I Christina M. Muryn, Mayor of the City of Findlay, Ohio, do hereby proclaim the month of October 2021 as:

### DISABILITY EMPLOYMENT AWARENESS MONTH

In Findlay, Ohio and call upon employers, schools and other community organizations throughout Findlay to observe this month with appropriate programs and activities, and to advance its important message that people with disabilities add value and talent to our workplace and communities.

Discussion:

Nadine and Jennifer from the audience accepted the proclamation from Mayor Muryn. Filed.

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

**ORAL COMMUNICATIONS:** none

**PETITIONS:** none

**WRITTEN COMMUNICATIONS:** none

**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:**

**Traffic Commission minutes – September 20, 2021.** Filed.

**Mayor Muryn – Juneteenth holiday**

On June 21, 2021, President Joe Biden and Ohio Governor Mike DeWine recognized Juneteenth as a National and State holiday. Senate Bill 475 was signed by President Biden officially recognizing “Juneteenth National Independence Day” as a National holiday. Legislation followed by Governor DeWine recognizing Juneteenth as a State holiday and will be celebrated on June 19 of each year. Legislation to amend the current salary ordinance to add Juneteenth as one of twelve (12) holidays as an observed holiday by the City of Findlay is requested. It will not replace any of the City’s currently observed holidays. Ordinance No. 2021-097 was created. Filed.

**Mayor Muryn – Income Tax Department Ordinance No. 2021-098**

As part of collecting past due income taxes, the City Income Tax Department works with taxpayers to ensure the City is collecting what is owed, while understanding that the taxpayer still has other bills and living expenses. With that being said, if a taxpayer is unwilling to comply with making regular payments, there are times when the department has no other option but to serve the taxpayer a summons to appear in small claims court regarding their taxes owed. Court costs are associated with small claims court hearings. Court costs can be charged back to the taxpayers for tax years past 2007, but are initially an expense to the City Income Tax Department. Garnishment costs are also incurred by the department every time Findlay Municipal Court attempts to garnish a taxpayer’s wages to collect past due taxes. Once a judgment has been rendered in small claims court, a garnishment attempt has failed and the taxpayer is still unwilling to comply, the last resort for collections is signing over the court case to a collection attorney. Legal services fees are incurred by the collection attorney then as they file for debtors’ exams, contempt of court fees, garnishment fees or additional service fees, which are ultimately incurred by the City Income Tax Department. Since early 2021, the City of Findlay Income Tax Department has been working with a collections attorney to clean up old cases and have seen an increase in collections, as well as, associated costs. The number of garnishment attempts year to date for 2021 is 324 (as of September 15, 2021) compared to 318 garnishment attempts for the entire 2020 year, also resulting in an increase of court costs incurred. As of September 15, 2021, the City Income Tax Department has expended \$82,567.36 in court costs this year and has collected \$254,500.39 from post judgement payments. Budgeted for these expenses has been largely depleted. Additional funds are needed to continue pursuing collections for the remainder of 2021. \$35,000 to the Legal/Financial Services 441400 account would allow the City Income Tax Department to continue these processes. Ordinance No. 2021-098 was created. Filed.

**COMMITTEE REPORTS:**

A **COMMITTEE OF THE WHOLE** meeting was held on Tuesday, September 21, 2021 to conduct a pre-budget meeting.

*Called to order: 5:33pm. Adjourn: 6:34pm. City Auditor Staschiak presented his pre-budget for 2022 in advance of the 2022/2023 operations budget.*

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

**LEGISLATION:**

**RESOLUTIONS:**

**RESOLUTION NO. 018-2021** (*designation of financial institute*) **requires three (3) readings** **third reading - adopted**

A RESOLUTION DESIGNATING CERTAIN FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES FOR CITY FUNDS, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Resolution, seconded by Councilman Palmer.

Discussion:

Councilman Wobser asked if there have been any changes to this since it went out to bid. City Auditor Staschiak replied that they currently are taking applications for public depositories from banking institutions that want to do business with the City. Cash has become a challenge in that a lot of institutions do not want cash because they do not want to deal with it. Approximately five (5) years ago, the City had twelve (12) depositories that were willing to do business with the City, but have now dropped to ten (10) and will lose two (2) more, leaving only seven to eight (7-8) depositories. One of the big challenges under the former State Treasurer Josh Mandel was that he cut out collateralization. Before then, every dollar the City of Findlay deposited was protected by a dollar and five cents (\$1.05). Under current laws, it can be protected for as low as fifty cents (\$.50). Ohio has monies at risk that it never had before. The City is requiring and have asked that the institutions that the City does business with federalize the City to protect every dollar that is deposited with a dollar (\$1.00) or more with the majority of them agreeing to that. The City will enjoy collateralization at about one hundred two percent (102%) which is a dollar and two cents (\$1.02) for every dollar deposited, which is significant and is a sign of respect and appreciation from the institutions that the City does business with.

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

**RESOLUTION NO. 019-2021** (over PO amount) **requires one (1) reading**

**first reading - adopted**

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

Councilman Wobser moved to adopt the Resolution, seconded by Councilman Palmer. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, 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. 2021-089** (Airport Terminal Building Repairs) **requires three (3) readings**

**third reading - adopted**

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

Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-089 and is hereby made a part of the record.

**ORDINANCE NO. 2021-092** (waiving TAP fees for Bluebonnet/Bittersweet Sanitary Sewer) **requires three (3) readings**

**second reading**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE TAP FEES FOR THE BLUEBONNET DRIVE AND BITTERSWEET DRIVE SANITARY SEWER PROJECT #35601200 FOR FIVE (5) YEARS AFTER THE PROJECT COMPLETION, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2021-094** (Findlay Commerce Park (Technology Drive) rezone) **requires three (3) readings**

**second reading**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS THE FINDLAY COMMERCE PARK TECHNOLOGY DRIVE REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "M-2 MULTI-FAMILY, HIGH DENSITY".

Second reading of the Ordinance.

**ORDINANCE NO. 2021-096** (Fire Dept pumper truck) **requires three (3) readings**

**second reading - adopted**

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

Discussion:

Councilman Russel noted that it was explained why this is important to be adopted tonight during a previous meeting.

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

Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-096 and is hereby made a part of the record.

**ORDINANCE NO. 2021-097** (Juneteenth holiday) **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 THE NEW HOLIDAY KNOWN AS JUNETEENTH, EFFECTIVE ON OR BEFORE JANUARY 1, 2022, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2021-098** (City Income Tax additional funds for small claims court hearings) **requires three (3) readings**

**first reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Wobser requested this be referred to the Income Tax Board to discuss it before the next City Council meeting. Mayor Muryn is the Chair of the Board. Mayor Muryn replied she will schedule a meeting.

First reading of the Ordinance.

**UNFINISHED BUSINESS:**

**OLD BUSINESS:** none.

**NEW BUSINESS:**

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on October 14, 2021 at 12:00pm in the first floor Council Office of the Municipal Building (CO).

- agenda: 1. Madison Ave rezone - tabled  
2. Tela Inc. (Park St & Oakland Ave) rezone  
3. Londonderry Dr (Country Club Acres) vacation

President of Council Harrington reminded Council that there is some business of Council that needs to be completed prior to the end of the year (rules of procedure, salary ordinance, etc).

Councilman Wobser: **PUBLIC MEETING** on October 11, 2021 and October 12, 2021 from 5:30pm-8:30pm in the first floor Council Chambers of the Municipal Building (CC).

agenda: Strategic Planning presentations from the four (4) finalists

Mayor Muryn reminded Council that a hard copy RFP will be available after 5:00pm this Friday, October 8, 2021. If any Councilmembers would like to receive their hard copy over the weekend, to let Mayor Muryn know so she can get that to them. It will be emailed to Councilmembers, as required in the RFP, to allow Councilmembers to review it prior to the finalists' presentations on Monday and Tuesday, October 11 and 12, 2021. Questions should be directed to Mayor Muryn and/or Councilman Wobser. There will be thirty (30) minutes between presentations to allow equal time to each entity to set up and tear down. Councilman Wobser asked when the electronic copies will be available. Mayor Muryn replied electronic copies have to be sent before 5:00pm on Friday, October 8, 2021. Councilman Hellmann asked when the meeting is. Councilman Wobser replied that it is on Monday, October 11, 2021 and Tuesday, October 12, 2021 with set up beginning at 5:00pm and the presentation beginning at 5:30pm, with the meetings concluding at 8:30pm.

President of Council Harrington asked Councilman Palmer and Councilman Hellmann to each turn their microphones on to see if theirs were the interference heard tonight. Both microphones provided interference when turned on separately.

Councilman Palmer moved to adjourn, seconded by Councilman Niemeyer. All were in favor. Meeting adjourned at 7:18pm.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT