

# FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

OCTOBER 19, 2021

COUNCIL CHAMBERS

## ROLL CALL of 2020-2021 Councilmembers:

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

**ABSENT:** Slough

President of Council Harrington pointed out that Councilman Slough informed him that he would not be in attendance tonight. Councilman Hellmann moved to excuse Councilman Hellmann seconded by Councilman Palmer. 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 Wobser moved to accept the October 5, 2021 Regular Session City Council meeting minutes, seconded by Councilman Greeno. 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.

1. APPROPRIATIONS COMMITTEE agenda and committee report – BRWP Riverside dam project (**COMMITTEE REPORTS** section)

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

**ORAL COMMUNICATIONS:** none

**PETITIONS:** none

**WRITTEN COMMUNICATIONS:** none

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for James G. Davidson, 208 East Sandusky Street, Findlay, Ohio for a D1, D2, D3 liquor permits. This requires a vote of Council.

Robert K. Ring, Chief of Police – James G Davidson, 208 East Sandusky Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

James G. Davidson

*Note: Mr. Davidson has an LLC, but put the liquor permit under his personal name and not the business.*

Councilman Wobser moved for no objections be filed, seconded by Councilman Hellmann.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Main Street Deli of Findlay LLC, 1<sup>st</sup> floor only, 513 and 515 South Main Street, Findlay, Ohio for a D1 liquor permit. This requires a vote of Council.

Robert K. Ring, Chief of Police – Main Street Deli of Findlay LLC, 1<sup>st</sup> floor only, 513 and 515 South Main Street, Findlay, Ohio. A check of the records shows no criminal record on the following:

Anthony R. Clark, Jerrod D. Hartman

Councilman Wobser 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 Pizza Pie Investments LLC dba Pieology Pizzeria, 1123 West Trenton Avenue & Patio, Findlay, Ohio for a D5 liquor permit. This requires a vote of Council.

Robert K. Ring, Chief of Police – Pizza Pie Investments LLC dba Pieology Pizzeria, 1123 West Trenton Avenue & Patio, Findlay, Ohio. A check of the records shows no criminal record on the following:

Jerrod D. Hartman

Councilman Wobser moved for no objections be filed, seconded by Councilman Palmer.

Discussion:

Councilman Niemeyer asked if the Main Street Deli is a transfer and asked if the Main Street Deli has a liquor license now. Council Clerk explained that they are renewing on the first request and the second request is to transfer it.

All were in favor. Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Cracker Barrel Old Country Store Incorporated, dba Cracker Barrel Store 68, 1031 Interstate Court, Findlay, Ohio for a D5I liquor permit. This requires a vote of Council.

Robert K. Ring, Chief of Police – Cracker Barrel Old Country Store Incorporated dba Cracker Barrel Store 68, 1031 Interstate Court, Findlay, Ohio. A check of the records shows no criminal record on the following:

Sandra B. Cochran, Richard M. Wolfson, Kara S. Jacobs

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

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

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

**Findlay Fire Department Activities Report** – September 2021. Filed.

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

**Precipitation and Reservoir levels report** – third (3<sup>rd</sup>) quarter July – September 2021. Filed.

**City Planning Commission agenda** – October 14, 2021; **minutes** –September 9, 2021. Filed.

**Treasurer’s Reconciliation Report** –September 30, 2021. Filed.

**A set of summary financial reports for September 30, 2021:**

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

Filed.

**President Pro-Tempore Russel – Ad-Hoc Committee for 2022-2023 Council Committee Assignments & Rules of Procedure Review**

Pursuant to his authority as President Pro-Tempore of Findlay City Council, Councilman Russel is appointing the following to serve on an Ad-Hoc Committee to recommend City Council assignments for the 2022-2023 term, as well as to review City Council Rules of Procedures.

- Grant Russel, Chairman
- Randy Greeno
- Josh Palmer
- Jeff Wobser

Recommendations will be presented to the full Council at the January 4, 2022 Regular Session of Council for approval.

Councilman Wobser moved to approve the appointments, seconded by Councilman Greeno. All were in favor. Filed.

**City Engineer Kalb – fifth Capital Improvement appropriation of 2021**

Legislation authorizing the Service-Safety Director and/or City Engineer to advertise for bids and enter into contracts for construction, as well as to appropriate and transfer funds as follows is requested. Ordinance No. 2021-099 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 92,000.00
TO:	Upgrade Shelter 15 #31913400	\$ 40,000.00
TO:	Lean-To Manley Building #31913300	\$ 40,000.00
TO:	Recreation Functions #21044400-other	\$ 12,000.00

Filed.

**City Engineer Kalb – Bittersweet Drive and Bluebonnet Drive Sanitary Sewer, Project No. 35601200**

The Bittersweet Drive and Bluebonnet Drive Sanitary Sewer Project has been a well discussed project in numerous Council and committee meetings. The original scope of the project involved installing the sanitary sewer in the grass off the edge of the roadway. After construction was started, it was found that there was an existing storm line that was very close to the alignment of the new sanitary sewer. Due to the depth of the sanitary, it was decided to relocate the sanitary to avoid any conflict with the existing utilities in the area. Since this project is outside of city limits and the road is under Liberty Township’s jurisdiction, the City consulted with Liberty Township and the County Engineer to determine a new location for the sanitary sewer. The Township and County advised the City that they would prefer the sanitary lines be placed in the middle of the roadway. Additional work and backfill material was needed due to the new location of the sanitary in order to complete the project because the sanitary line was now under the pavement. An additional seventy-seven thousand three hundred twenty dollars and sixty-nine cents (\$77,320.69) is needed to compensate the contractor for the additional work. Legislation it appropriate and transfer funds is requested. Ordinance No. 2021-100 was created.

FROM:	Sewer Fund	\$ 77,320.69
TO:	Bittersweet Drive and Bluebonnet Drive Sanitary Sewer 35601200	\$ 77,320.69

**Discussion:**

Councilman Wobser asked if there were any other options for this other than for the City to spend additional money on this project. City Engineer Kalb replied that this is within the jurisdiction of the Township and the County, but he met with them and voiced his opinion with them that he would prefer to have it being on the edge of the road in which all parties involved came to an agreement with the suggestion of putting it in the middle of the road for ease of maintenance for them for the long-term for the roadway. As part of this project, they will provide more stone for backfill than what was originally planned. Fresh concrete was going to be used as an option to save as much as possible due to the move on it and save on making the trench ask narrow as possible. They made the suggestion because it is within their jurisdiction.

Filed.

**City Engineer Kalb – sidewalk insurance bond**

A concrete sidewalk was recently installed by Chris’s Concrete for a resident that was not installed within the specifications of the City of Findlay standards. The concrete walk was inspected by the City’s Street Department and the contractor was notified of the defects and what standards that were not met. The contractor was nonresponsive, therefore, the insurance bond will need to be executed to have the Street Department repair the sidewalk to the City’s standards. Legislation to appropriate and transfer insurance bond funds to the Street Department so that the sidewalk may be repaired this year is requested. Ordinance No. 2021-101 was created.

FROM: Sidewalk Insurance Bond \$ 570.00  
TO: Streets #22040000-other \$ 570.00

**Discussion:**

Councilman Hellmann asked if this is to rectify a situation that the contractor did not do properly. City Engineer Kalb replied that is correct. The City inspected it and found out that the sidewalk was not going to meet the City’s specifications or code and contacted the contractor to let them know about the deficiencies, but did not receive anything back so they were notified that if nothing is done with it, the City will pull the bond for them which would cover the cost for the City’s Street Department to fix it properly. The City received a check for it, so this is just to put the money into the Street Department Fund so that they can do this yet this year. Councilman Hellmann replied that he does not want to send a message to contractors that they do not have to meet the City’s specifications and codes because the City would take care of it. City Engineer Kalb replied that the City will pull a contractor’s bond if the work is not done properly. Filed.

**Income Tax Board minutes – October 11, 2021.**

Under NEW BUSINESS in these minutes, there is a request to waive formal advertising and bidding requirements and enter into a new contract with Scott Basinger to provide legal services (due to Roger Rader’s retirement). Mr. Basinger has already been filing cases for Findlay Municipal Court for garnishment collection. The number of cases has increased, as well as Municipal Court’s fees have also increased. Ordinance No. 2021-102 was created. Filed.

**Service-Safety Director Martin – IAFF (FFD) contract renewal 2022-2024 (3) years**

The current three (3) year Fire Union contract expires on December 31, 2021. Over the recent months, Service-Safety Director Martin, Fire Chief Eberle, and the Fire Union have been negotiating a new contract for a three (3) year term to include years 2022-2024. The negotiations went well, and both parties feel the contract is amicable. It is imperative to continue to collaborate with the Union to find common ground in exhibiting the City’s appreciation for the Fire Department’s dedication to the City of Findlay. The tentative agreement was voted on by the Union body in August 2021 and was passed by their body. Legislation for Council to vote on this ratified contract, as well as an Executive Session to discuss the details of this contract, if necessary, during the October 19, 2021 Regular Session City Council meeting, is requested. Ordinance No. 2021-103 was created. Filed.

**Service-Safety Director Martin – OPBA (FPD) contract renewal 2022-2024 (3) years**

The current three (3) year Police Union contract expires on December 31, 2021. Over the recent months, Service-Safety Director Martin, Police Chief Ring, and the Police Union have been negotiating a new contract for a three (3) year term to include year’s 2022-2024. The negotiations went well with healthy discussion by all involved. Understanding the current National climate for police work in addition to the strain the pandemic has caused on all associates, it was imperative to continue to collaborate with the Union to find common ground in exhibiting the City’s appreciate of our Safety Service’s dedication. A large focus of the discussion evolved around the recruitment of highly qualified candidates, as well as the retention of strong performing police force. The contract was voted on by the Union body on October 12, 2021 where it was passed by their body. Legislation for Council to vote on this ratified contract, as well as an Executive Session to discuss the details of this contract, if necessary during the October 19, 2021 Regular Session City Council meeting, is requested. Ordinance No. 2021-104 was created.

**Discussion:**

Councilman Wobser asked if details on both of these contracts can only be discussed in Executive Session. Service-Safety Director Martin replied that is correct. Filed.

**COMMITTEE REPORTS:**

The **WATER AND SEWER COMMITTEE** met on October 4, 2021 to discuss water regulations.

*We recommend no action needed by Council.*

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

The **STREETS, SIDEWALKS & PARKING COMMITTEE** met on October 5, 2021 to continue September 7, 2021 discussions on carriage/service walks.

*We recommend to take out the carriage walks when disrupted by construction in the right-of-way no matter if parking is allowed or not because of Americans With Disabilities Act (ADA).*

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

**Discussion:**

Councilman Russel asked Councilmembers if they would like to have an explanation on this, discussion on why it is an issue for the City, and answer questions that they have been receiving from the public now or wait until legislation is available. One option is that Council could vote down the committee report and then the issue dies or legislation could be provided for it with discussions on it during the third reading of the legislation. Law Director Rasmussen replied it is Council’s decision on what they want to do.

President of Council Harrington noted that Council will have to decide on which scenario to take on what Councilman Russel has presented, or provide another scenario if any Councilmember has another idea.

Mayor Muryn asked for clarification from Councilman Russel for next steps and asked if there is anything on this matter that he is opposed to and/or if he needs more communication on why the City is making this decision. Councilman Russel replied that he has not made a decision on it yet, but believes the whole issue is government bureaucracy run amuck and whatever hits the fan is what the City of Findlay and other municipalities have to deal with under the practical realities of ADA interpretation. He recently heard from a citizen a few months ago about something that has existed for decades upon decades well before the American With Disabilities Act (ADA) that has never caused any issues until now, that is considered outlawed for silly reasons under the guides of the City protecting themselves from potential liability under ADA where the City runs scared and go along with it. It is a question that Council ultimately has to weigh in on if they want to take on the liability or risk of or say enough is enough. The way the City handles it is with a committee report and if legislation is wanted, there has to be two (2) Councilmembers make a motion to do so, or can accept the committee report and create legislation and have discussion at a later time. The question is if Council wants to have the conversation now or run it through the legislation process which is why he is openly asking the question and is asking the Law Director for his guidance on how Council should go about it. He is under the impression that the majority of Council is not prepared to have a conversation of that depth and finality during the reading of the committee report because committee reports are traditionally approved and then go to legislation. He raises a question to Law Director Rasmussen so that Council can weigh in. Mayor Muryn replied that there have been two (2) or three (3) committee meetings that has gotten it to the point where this committee, whose responsibility is to make recommendations to Council on this topic, is now making their recommendation. The committee has been having those conversations. If Council would like to address it in a different manner, they can do so, but at this point, they are recommending the carriage/services walks be removed and move forward. If Council wants to look at it in a different manner and have legislation, they can do so, but that their recommendation is based on conversations that have already taken place about why this is the recommendation that they have come to. Councilman Russel pointed out that at some point, the committee has to explain why they made the recommendation that they did. The information that he has gathered has not been from committee reports, but has been from conversations he has had directly with the Law Director and City Engineer. He is unsure what the rest of Council has done on this issue. This is something that warrants conversation. His question to Council is if someone is going to recommend approval of the committee report and move forward, or if it dies here.

Councilman Wobser agrees with Councilman Russel and has not heard much about the situation except for bits and pieces here and there and asked why it came to this conclusion as the committee report was not very illuminative except for the fact of ADA. He is also looking for additional information on this. Mayor Muryn replied that she would have appreciated it if all Councilmembers could have attended the meetings held on this where it was discussed at length which is why it is publicized on the agenda for those meetings to occur. When doing construction projects and going through neighborhoods, especially historical neighborhoods with carriage walks (perpendicular sidewalks between the primary sidewalk and the roadway), it has been determined that they are a violation with the Americans With Disabilities Act (ADA) because someone could come off the main sidewalk, walk onto that sidewalk and potentially go directly into the flow of traffic. One option was to see if they could be kept where there are parking lanes between the sidewalk and carriage walk where there is a parking light so that someone does not go directly into the flow of traffic when they step out. It was the feeling of the committee and Law Director that it is still an area of concern. The City recognizes that this is something that citizens have become accustomed to and is of a benefit if they are parking on that roadway, but because it is a violation of a Federal Law, the City has concerns when doing construction around them. Rather than being responsible for putting them back in, which is not the City's responsibility, if someone would like to put them back in, it would be their responsibility to do so from the sidewalk to the roadway and would do so at their own expense.

City Engineer Kalb added that the committee and the Administration decided to eliminate them completely because they are considered a mid-block crossing. Mid-block crossings have to be in certain areas, have certain signage, etc. Carriage walks are mid-block crossings in ADA terms and would not be to code. Carriage walks can be grandfathered in, but as soon as the City touches anything, they have to be up to code. As the City resurfaces roads, curb ramps have to be up to code even if they aren't up to code when construction starts. As the City goes through and removes and replaces curbs, they have to go about two to three feet (2-3 ft) behind the curb to be able to get the curb machine through which affects the carriage walks in the area. The question arises whether to put them back size-wise for ADA and also follow slopes, etc. which categorizes them to become more like mid-block crossings. He has to make sure everything is to specs and is safe for everyone. ADA compliance is something the City makes sure they follow on all jobs even though it is not always the shortest route or most convenient route for residents to get to their homes, but is the safest route. Some crosswalks only have a 3-lane crossings. If a 4<sup>th</sup> way was to be added in for a 4-way intersection, it would not be safe because of visibility. If a pedestrian were to use a carriage walk, they could step out into a line of traffic when motorists are not expecting someone to go through there. The Law Director and City Engineer decided it would be best to remove them completely. They looked into developing a permit to revert the liability to the homeowner, but they would still be within the City's right-of-way in the long run. To make everything easier, the recommendation is to remove them completely and not allow them back in.

Councilman Russel clarified that he is not asking the Administration to defend the ADA and its interpretations or make sense of Federal Government regulations, but would pose the same rhetorical question that he asked before the meeting in that if a carriage walk is a potential mid-block crossing, what the driveway or the apron of the driveway from the sidewalk to the street is. they have the same open invitation to cross the street. The solution is to make it safer for when pedestrians exit their cars from street parking and then walk in the street until they can go down to the end of the block to find a sidewalk. Implementing ADA requirements at this level is not something he is asking the Administration to defend, but is the practical challenge is what he is faced with in that the solution is just so above and beyond. He asked for clarification on a homeowner wanting to re-establish it and put it in after the City takes it out. It was mentioned they may do so at their expense, but then City Engineer Kalb stated they cannot because it is municipal land and would be building on unimproved land in that area. He asked if a resident can or cannot re-establish their carriage walk that has been removed. City Engineer Kalb replied that it was an option that the Administration looked into for property owners to sign off on, but after further talks with Law Director Rasmussen, he suggested that since they are well within the City's right-or-way and even though the City would be signing off liability to completely remove them out and not allow any of them back in, the final decision is to remove them all and not allow any back in, even with a liability paper signed.

Councilman Russel asked if the City is going to retroactively remove carriage walks throughout the City under the banner of safety and ADA, or if any of them will be grandfathered. If grandfathered, why are they not under the banner of safety and retroactively remove them. City Engineer Kalb replied that the City will not rectify them or change them until the City has to touch them during construction. The same for curb ramps in that when the City is resurfacing, he has to adhere to ADA requirements. The City will not go through and remove carriage walks until the road there needs resurfaced. They have to be removed as part of the curb process, but would not replace them. The City will not go out and actively remove them.

Councilman Shindledecker asked where responsibility begins and ends. The area between the sidewalk and curb is City property, but the property owner is expected to keep the lawn mowed in that area. If the property owner were to let the grass grow to ten feet (10 ft) tall, they would be cited for not doing what is expected of them to do. He asked where the responsibility begins and ends for homeowners on grass and what the City's responsibility is for carriage walks. City Engineer Kalb replied that when the City does work and has to remove a sidewalk, the City would be responsible to replace it. At the time of replacement, the City has to make sure it meets ADA requirements. The City would have removed it and have to figure out what process to go through to replace it (grass or concrete). It would be the same scenario if a gas company had to tear out sidewalks in a residential area. They would have to put it back per ADA which is what the City's permits are for.

Mayor Muryn added that there are certain services that citizens are unable to provide for themselves. For instance, citizens would not have the ability or expertise to maintain the street area in front of their properties, nor the water and sewer systems that they receive water through, or gas lines that come to their house. Residents have entrusted the City of Findlay and utility companies to provide those services by paying their taxes and/or monthly bills. The City has that responsibility to make sure that it is safe and well-maintained for its residents. Residents are responsible for their plot of land that has been put to them with a reasonable expectation of residents maintaining their property as a good citizen. There are areas where the City intervenes and ensures that it is maintained for the benefit of the community. In this situation, safety of the infrastructure is the City's responsibility, as well as to maintain it. Government bureaucracy is not fun but it is important to note that the main concern with carriage walks are that pedestrians exit off sidewalks into the roadway and not off the road where they have chosen to park knowing that they have to get out of their vehicle and then safely travel onto the sidewalk rather than flowing into traffic. While some use driveways as pedestrian access, they technically are for vehicular traffic. Legal options have been discussed over the last several months with the committee, Engineer, Law Director, and Administration's providing a recommendation after vetting it, which may not be ideal, but is in compliance and is in the best interest of the property owners and the City of Findlay.

Councilman Wobser asked who is responsible for the upkeep of sidewalks. Mayor Muryn replied that property owners are responsible for the sidewalk within their area. Councilman Wobser asked if this would fall under that same situation. Mayor Muryn replied it would for just the maintenance, but the City is responsible to restore to the same condition, if not better whenever the City disturbs it when providing a service to that area. It is City right-of-way which is where utilities are located for public service.

Councilman Russel asked if there is an estimate of financial liability of carriage walks and/or the construction of illegal carriage walks after curbs have been touched. He asked what financial liability the City has. He asked if there is a financial dollar amount that the City will take finance risk on this issue. City Engineer Kalb replied that it is approximately three to four hundred dollars (\$300-\$400) depending on the size of the right-of-way. The Department of Justice comes in and looks at the Capital budget and looks to see what amount is being spent each year and assigns a percentage of it to be used for ADA upgrades. While it is not common that accidents happen, they do happen not only in Ohio, but also in other states as well. The City does not want to be put into that situation.

Councilman Russel pointed out that he believes there is more discussion needed on this topic, and that tonight is not the time for a final decision to be made and that Council should go ahead and approve the committee report and create legislation which would allow for plenty of time to hear from constituents on the issue with further conversations taking place with the City Law Director, Service-Safety Director, and City Engineer to gather more information.

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

Law Director Rasmussen replied that he respects Councilman Russel's opinion and believes it is something that needs to be looked into, but does not want to put anyone at risk and does not want to be spending a lot of time fighting the ADA.

Councilman Wobser asked if there will be legislation put together for this and asked where the committee's recommendation goes. Law Director Rasmussen replied that it is up to Council to request legislation by a motion and a second to the motion.

Ayes: Greeno, Haas, Hellmann, Niemeyer, Warnecke

Nay: Palmer, Russel, Shindledecker, Wobser

The committee report is adopted. Filed.

The **STREETS, SIDEWALKS & PARKING COMMITTEE** met on October 5, 2021 to continue September 7, 2021 discussions on boulevard/right-of-way use.

*We recommend to table boulevard/right-of-way use due to lack of information.*

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

The **STRATEGIC PLANNING COMMITTEE** met on October 11 and 12, 2021 to review Request for Proposals (RFP) presentations.

*We recommend to continue the selection process to choose a consultant to assist in the strategic planning process. Next meeting is Tuesday, October 19, 2021.*

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Keith Tennant to vacate the east-west alley between Lot 149 and 150 in the Country Club Acres 2nd Addition from Londonderry Drive to the east dead end.

*We recommend approval as requested. Ordinance No. 2021-105 was created.*

Councilman Wobser 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 Van Horn, Hoover & Associates, Inc. on behalf of property owner TELA, Inc. and Terrence Connor, to rezone the area consisting of the two hundred eight feet (208'), plus or minus, east of Park Street, and the four hundred sixty feet (460') north of Oakland Avenue from I-1 Light Industrial to R-4 Duplex/Triplex, High Density.

*We recommend approval as requested. Ordinance No. 2021-106 was created.*

Councilman Wobser moved to adopt the committee report, seconded by Councilman Shindledecker. 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. This request was previously discussed during the May 13, 2021, June 10, 2021, August 12, 2021, and September 9, 2021 PLANNING & ZONING COMMITTEE meetings where it was tabled.

*The request remains tabled – no action taken.*

Discussion:

Councilman Russel noted that he should have asked to have this removed from the agenda at the beginning of the meeting as it was not discussed and no recommendation was given, so the committee report was not filled out for it, therefore no Council action should be taken on it.

Councilman Russel moved to remove this item from tonight's agenda, seconded by Councilman Wobser. All were in favor. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the BRWP Riverside dam project.

*We recommend the approval of the project. We also request the Auditor update the revenue certificate to allow use of funds in this project.*

Councilman Wobser moved to adopt the committee report, seconded by Councilman Greeno.

Discussion:

Councilman Russel asked for information on what the project is and what the recommendation is. Councilman Wobser replied that it is to get this project started. It is the second step in the process. Money was approved for it in 2016 to obtain EPA testing and clean out sediment out of the Blanchard River from the dam back up the river. It includes work on the dam to open up throughways that will allow for fish migration and will push sediment down the river. It will also slow the sediment build up behind the dam. This allow for the next step in the process and allows for a study in conjunction with the County. If this is approved and the grants area accepted, the estimated project cost will be between a million to two million dollars (\$1,000,000.00-\$2,000,000.00).

Mayor Muryn added that the committee met to review this and recommended an appropriation be made. There will be legislation brought forward requesting eighty thousand (\$80,000.00) to be granted towards the Blanchard River Watershed Partnership. The County has not put funds toward it yet, but are discussing to putting funds towards the project to help fund preconstruction and engineering because many grant funds do not cover for those services/phase, and only cover the construction phase.

Councilman Wobser added that ARPA dollars can be used for this part of the project. Mayor Muryn replied that is correct. The documentation will need to be changed through the City Auditor's Office to allow for use of the ARPA dollars.

All were in favor. Filed.

#### **LEGISLATION:**

**RESOLUTIONS:** none

#### **ORDINANCES:**

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

Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-092 and is hereby made a part of the record.

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

Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Warnecke, Wobser, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-094 and is hereby made a part of the record.

**ORDINANCE NO. 2021-097** (*Juneteenth holiday*) **requires three (3) readings** **second 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.

Second reading of the Ordinance.

**ORDINANCE NO. 2021-098** (*City Income Tax additional funds for small claims court hearings*) **requires three (3) readings** **second reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY. **ADOPTED DURING OLD BUSINESS**

**ORDINANCE NO. 2021-099** (*5<sup>th</sup> Capital Improvement appropriation*) **requires three (3) readings** **first reading**  
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER 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.

First reading of the Ordinance.

**ORDINANCE NO. 2021-100** (*Bittersweet Dr/Bluebonnet Dr sanitary sewer project*) **requires three (3) readings** **first reading**  
AN ORDINANCE APPROPRIATING FUNDS AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2021-101** (*sidewalk insurance bond*) **requires three (3) readings** **first reading - adopted**  
AN ORDINANCE APPROPRIATING FUNDS AND TRANSFERRING 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: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Warnecke, Wobser, Greeno, Haas. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Niemeyer, Palmer, Russel, Shindledecker, Warnecke, Wobser, Greeno, Haas, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-101 and is hereby made a part of the record.

**ORDINANCE NO. 2021-102** (*Attorney for Municipal Court's legal services*) **requires three (3) readings** **first reading**  
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT WITH SCOTT BASINGER TO CONTINUE TO PROVIDE LEGAL SERVICES OF FILING GARNISHMENTS ON BEHALF OF THE CITY OF FINDLAY INCOME TAX DEPARTMENT IN FINDLAY MUNICIPAL COURT, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2021-103** (*IAFF (FFD) contract renewal 2022-2024 (3) years*) **requires three (3) readings** **first reading**  
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A THREE (3) YEAR CONTRACT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 381, AFL-CIO, EFFECTIVE JANUARY 1, 2022, EXPIRING DECEMBER 31, 2024, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2021-104** (*OPBA (FPD) contract renewal 2022-2024 (3) years*) **requires three (3) readings** **first reading**  
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO THREE (3) YEAR CONTRACTS WITH THE OHIO PATROLMANS BENEVOLENT ASSOCIATION ON BEHALF OF THE DIVISIONS OF DISPATCH, PATROL OFFICERS, SERGEANTS AND LIEUTENANTS IN THE FINDLAY, OHIO POLICE DEPARTMENT, EFFECTIVE JANUARY 1, 2022, AND EXPIRING DECEMBER 31, 2024, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2021-105** (*Londonderry Dr vacation*) **requires three (3) readings** **first reading**  
AN ORDINANCE VACATING A CERTAIN PORTION OF A CERTAIN ROAD RIGHT-OF-WAY (HEREINAFTER REFERRED TO AS THE LONDONDERRY DRIVE VACATION) IN THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

**ORDINANCE NO. 2021-106** (*Park St/Oakland Ave rezone*) **requires three (3) readings** **first 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 TELA, INC. PARK STREET AND OAKLAND AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "I-1 LIGHT INDUSTRIAL" TO "R-4 DUPLEX/TRIPLEX, HIGH DENSITY".

First reading of the Ordinance.

**UNFINISHED BUSINESS:**

**OLD BUSINESS:**

Mayor Muryn requested Ordinance No. 2021-098 be revisited. The City Income Tax Department is trying to clean up the old Income Tax rules. By doing so, there has been an increase in expenses associated with filing claims, garnishments, etc. Previously, those expenses would be paid out of revenues received, but now that process has changed. Revenues first have to be received and then paid out of a separate line item that is dwindling very quickly. In order to continue that process, additional funds need to be appropriated to that account to offset that expense line item.

Councilman Wobser moved to reconsider Ordinance No. 2021-098, seconded by Councilman Hellmann. Aye: Palmer, Russel, Shindledecker, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer. The Ordinance is reconsidered.

Councilman Wobser moved to give the Ordinance its third reading, seconded by Councilman Hellmann. Aye: Russel, Shindledecker, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer. The Ordinance received its third reading.

Councilman Wobser moved to adopt the Ordinance, seconded by Councilwoman Warnecke. Aye: Shindledecker, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2021-098 and is hereby made a part of the record.

Councilman Wobser asked for a status on the Martin Luther King Parkway expansion project. City Engineer Kalb replied that traffic poles have been received with contractors and subcontractors showing up on the job a couple of days later by adjusting their schedules. It is anticipated to open back up the first or second week of November. There were some issues with some unknown gas lines in the area that set the project back a couple of days because it was where the traffic poles had to go. After the foundation is set for the traffic poles, they have to set for seven to ten (7-10) days before the poles can be placed on top. One pole has had a lot of issues, but found a solution for it just yesterday. Pavement will be put down next week, then pavement markings. There may be some work on the side that might need to be done to finish up the project after it is opened. The main goal is to get the road opened.

President of Council Harrington thanked whomever was responsible for improving the sound quality as it seems to be working properly tonight.

**NEW BUSINESS:**

Mayor Muryn noted that the City's Computer Services Department fixed the Chamber's sound system and will continue to tweak it as issues arise.

Mayor Muryn noted that the CITY PLANNING COMMISSION is trying to get in touch with Mr. Buck to get his rezoning request removed from tabled status.

Mayor Muryn noted that discussions that took place during committee meetings in regards to boulevards can be shared and Councilmembers can make recommendations on solutions, but she feels Council did the right thing by adopting the committee report.

Mayor Muryn requests a WATER AND SEWER COMMITTEE meeting to discuss an update to the Spring Lake Subdivision project. The State awarded the City six hundred thousand dollars (\$600,000.00) from the H2 Ohio program for this project. It was not a grant that the City applied for. The State just wanted to show their commitment to the project by providing funds. There will be legislation at the next City Council meeting to enter into a grant agreement in order to receive the grant funds for the construction costs of the pump station rebuild in order to get the project under way as previously discussed.

Councilman Russel asked if the grant funds for the water project was awarded. Mayor Muryn replied that those funds have not yet been released and is a different pool of funds. Councilman Russel asked when it is expected to receive those funds. Mayor Muryn replied any time. She will let Council know as soon as they know the funds have arrived.

Councilman Russel moved to adjourn into Executive Session at 7:58pm to discuss union contracts via Ordinance No. 2021-103 and 2021-104 with no further business after, seconded by Councilman Greeno. All were in favor. Councilman Haas moved to adjourn out of Executive Session at 8:42pm, seconded by Councilman Russel. Councilman Haas moved to adjourn out of Regular Session at 8:43pm, seconded by Councilman Hellmann. All were in favor.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT