

## FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

FEBRUARY 1, 2022

COUNCIL CHAMBERS

### ROLL CALL of 2022-2022 Councilmembers:

**PRESENT:** Greeno, Niemeyer, Palmer, Russel, Slough, Warnecke, Wisener, Wobser

**ABSENT:** Bauman, Hellmann

President of Council Harrington pointed out that Councilman Bauman and Councilman Hellmann informed him that they would not be in attendance tonight. Councilman Russel moved to excuse Councilman Bauman and Councilman Hellmann, seconded by Councilman Palmer. All were in favor. Filed.

President of Council Harrington opened the meeting with the Pledge of Allegiance and a moment of silence.

### ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the January 18, 2022 Regular Session City Council meeting minutes, seconded by Councilman Niemeyer. All were in favor. Motion carried. Filed.

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

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

### PETITIONS:

#### Alley vacation request – Cypress Avenue (Women’s Resource Center)

Chrissy Montgomery on behalf of the Women’s Resource Center, is requesting a vacation of the first north-south alley (Cypress Avenue) east of Main Street from Laquineo Street to the north dead end. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

### ORAL COMMUNICATIONS:

#### Tom Ross – real estate study/DDA

Tom Ross, landlord and licensed Realtor in Findlay, is before City Council on behalf of the Findlay Area Rental Association (FARA), an association of approximately eighty (80) landlords in Findlay and greater Hancock County representing approximately one hundred million dollars (\$100,000,000.00) in real estate value. Their members are upset and have asked him to speak tonight about an outright review of a recent housing study by DiSalvo Development Advisors (DDA) currently being promoted by Mayor Muryn and the Hancock Regional Planning Commission (HRPC). FARA members are concerned with the accuracy, the content and the recommendations of the report. FARA members specifically request that the housing study not be used for any policy decisions as they are considered as a baseline for any city or county planning or legislative discussions because the report is flawed and is based on inaccurate and misrepresented data. The study is based on flawed census data of estimated population growth of three percent (3%) for greater Hancock County in that pretty much everyone knows that the real census data shows zero percent (0%) growth County-wide. While FARA appreciates being recognized as a key stakeholder in the original housing study and being used as a source of data, however, their data is misrepresented throughout the report. Solid data and real time numbers were either ignored or misrepresented to fit what is believed to be a narrative per the conclusions of the document. A perfect example is that the report indicates or shows fifty-two percent (52%) of three (3) bedroom rentals in Hancock County priced at or below seven hundred fifty dollars (\$750) a month which isn’t even close. Real data FARA provides are three (3) bedroom homes priced at thirteen hundred fifteen hundred dollars (\$1,300.00-\$1,500.00) in the community which is ten to fifteen percent (10-15%) below market rates statewide. There are countless other examples in the document on this. The misrepresentation of the data shows a disrespect for the FARA organization and a document that illegally represents what the FARA organization provides in good faith. It is obvious that the document is not a legitimate study and is based on a political agenda document intended to provide a false narrative to drive some undesirable policy changes. The study focused solely on the end user and for price points without considering the fixed cost supplier which is FARA. It is an unbalanced and flawed approach that completely ignores the market knowledge of the service providers themselves. The survey was used to obtain a one-sided and prescribed answer. One of the study recommendations that is upsetting to FARA is that potential tenants should have all previous evictions and/or criminal history expunged from the viewable data by landlords running a background check. He and the FARA organization find it personally offensive and question the legality of such behaviors that encourages the judges to hide prior evictions and criminal behaviors and the creating of lists that specifically force property owners to go against their own personal best interests as advocated throughout the document which is criminal. The FARA organization is not going to tolerate it. The document calls for one hundred ninety-two (192) additional affordable units to be constructed along with fifty-six (56) market rate units. The census data alone contradicts the conclusion for this need, not to mention the remaining inaccuracies throughout the document. The numbers do not add up. This document cannot be used in good conscience as it is a flawed and inaccurate document for any policy decisions. The community deserves better real-time data. He asked council to be advised and warned that if Council continues to use the document, their organization will be forced to take action to protect their business interests, which is in their best interest.

Discussion:

Councilman Wobser asked how many individuals represent the FARA organization. Mr. Ross replied that there are eighty (80) landlords in the organization. Some are part of a larger group and some are individual landlords.

Councilman Wisener asked when the survey from the Hancock Regional Planning Commission (HRPC) was completed. Mr. Ross replied a year and a half ago. Councilman Wisener asked when the issues he has brought forward to Council tonight first arose. Mr. Ross replied when the FARA group found out or when they got to read the report. HRPC provided FARA with a copy of the report. Matt Cordonnier, HRPC, attended one of their Findlay Area Apartment Association meetings and spoke to the organization about it and did not dispute any of their findings brought up during their discussion. Filed.

**WRITTEN COMMUNICATIONS:** none

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

**A set of summary financial reports for December 31, 2021:**

- Summary of Year-To-Date Information as of December 31, 2021
- Open Projects Report as of December 31, 2021
- Cash & Investments as of December 31, 2021

Filed.

**Service-Safety Director Martin – Fire Department Pumper Truck #21014000**

During the October 5, 2021 City Council meeting, Ordinance No. 2021-096 was approved for the purchase of a demo fire truck from Sutphen. The agreement with Sutphen was that the demo truck would be driven to expos and displayed for a few months prior to the City taking possession in February 2022. A purchase order was not created for this prior to the end of 2021, therefore, the funds were returned to the CIT Fund. Legislation to appropriate funds to complete the purchase of the fire truck is requested. This is the same financial request that was already passed in 2021 via Ordinance No. 2021-096 and is not an additional monetary request. Ordinance No. 2022-008 was created.

FROM:	CIT Fund – capital improvements restricted account	\$ 600,00.00
TO:	Fire #21014000-other	\$ 600,000.00

Filed.

**Treasurer’s Reconciliation Report –December 31, 2021.** Filed.

**City Engineer Kalb – ODOT FY22 Resurfacing (PID108772), Project No. 32811800**

Ordinance No. 2021-120 authorized a bid opening that was held on January 25, 2022 for the above referenced project. Bids were received from three (3) potential contractors with the bid amounts ranging from \$630,274.60 - \$688,846.00 with the lowest and best bid received from M&B Asphalt Co., Inc. of Tiffin, Ohio. All bids received were under the Engineer’s estimate of \$667,616.00 which is an example of the benefit of bidding early when contractors are looking for projects to fill in their schedule for the year. The low bid was 5.6% below the estimate. This project is included in the 2022 Capital Improvements Plan. Grant funds received from ODOT annually for being one of the largest seven (7) cities that are not part of an MPO will be used to cover eighty percent (80%) of the construction cost up to \$571,479.20 (80% of the Engineer’s estimate and construction Engineering reimbursement). The grant agreement amount of \$571,479.20 will need to be appropriated even though the City should end up receiving \$541,606 based upon the bid amount. \$1,000.00 was previously appropriated to the project for advertising. An additional appropriation is needed at this time to cover the City’s portion of the construction cost and to provide a contingency for the project. Legislation to appropriate and transfer funds is requested. Ordinance No. 2022-009 was created.

FROM:	ODOT	\$ 571,479.20
TO:	ODOT FY22 Resurfacing (PID108772), Project No. 32811800	\$ 571,479.20
FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 142,870.00
TO:	ODOT FY 22 Resurfacing (PID108772), Project No. 32811800	\$ 142,870.00

Discussion:

Councilman Russel asked if this is for Bright Road. City Engineer Kalb replied it is for the 2<sup>nd</sup> Phase on Bright Road which is from Tiffin Avenue to Fostoria Avenue. Filed.

**Fire Chief Eberle – update to City of Findlay Codified Ordinances, Part 15 (Fire Prevention Code)**

During a review of Part 15 (Fire Prevention Code) of the Codified Ordinances of the City of Findlay, it was discovered that two (2) specific references in 1501.01 and 1501.03 are no longer accurate due to revisions in the Ohio Fire Code, therefore, replacement language is recommended which does not alter any current enforcement or processes of the Findlay Fire Department, nor does it alter any existing requirements for residences or businesses.

**1501.01 FIRE PREVENTION CODE ADOPTED (currently states):**

There is hereby adopted by the City, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion in the City, a certain code known as the Ohio Fire Code, current edition, and the whole thereof is hereby adopted and incorporated as fully as if set out at length herein, except such portions as are hereinafter deleted, modified or amended by this chapter. The adoption of this Code shall include all reference standards agencies, accepted engineering practice standards, and methods of tests as listed in Appendix A of such Code. (Ord. 2000-11. Passed 1-18-00.)

**1501.01 FIRE PREVENTION CODE ADOPTED (replacement ordinance):**

The City of Findlay does hereby adopt, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion in the City, a certain code known as the Ohio Fire Code, current edition, and the whole thereof is hereby adopted and incorporated as if same was fully rewritten herein, except such portions as are hereinafter deleted, modified or amended by this chapter. The adoption of this Code shall include all appendices of such code.

**1501.03 STORAGE LIMITATIONS ON EXPLOSIVES AND BLASING AGENTS (currently states):**

The limits referred to in Section F-3003.2 of the Ohio Fire Code in which the storage of explosives and blasting agents is prohibited are established as follows: all zoned districts with the exception of Industrial Districts. (Ord. 2000-11. Passed 1-18-00.)

**1501.03 STORAGE LIMITATIONS ON EXPLOSIVES AND BLASTING AGENTS (replacement ordinance):**

The limits referred to in Rule 56 of the Ohio Fire Code in which the storage of explosive sand blasting agents is prohibited are established as follows: all zoned districts with the exception of Industrial Districts

Ordinance No. 2022-010 was created. Filed.

**COMMITTEE REPORTS:**

**STRATEGIC PLANNING COMMITTEE** January 18, 2022 agenda and meeting minutes.

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

**LEGISLATION:**

**RESOLUTIONS:** none

**ORDINANCES:**

**ORDINANCE NO. 2022-003** (2022-2023 Retirement Severance Payouts) **requires three (3) readings** **third reading - adopted**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Greeno, Niemeyer, Palmer, Russel, Slough, Warnecke, Wisener, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-003 and is hereby made a part of the record.

**ORDINANCE NO. 2022-005** (HPD Community Park Improvement Program grant) **requires three (3) readings** **second reading - adopted**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel explained that it is a common practice for Council to suspend rules and pass the Ordinance when the City is receiving grant funds. The legislation is to simply move money from one fund to another so that funds can be used.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Palmer. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Wisener, Wobser, Greeno. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Palmer, Russel, Slough, Warnecke, Wisener, Wobser, Greeno, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-005 and is hereby made a part of the record.

**ORDINANCE NO. 2022-006** (O S Main St 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 SOUTH MAIN STREET, PARCEL NO. 620001022082 REZONE) WHICH PREVIOUSLY WAS ZONED "C-2 GENERAL COMMERCIAL" TO "M-2 MULTI-FAMILY, HIGH DENSITY".

Second reading of the Ordinance.

**ORDINANCE NO. 2022-007** (*Heartland Court ROW vacation*) **requires three (3) readings** **second reading**

AN ORDINANCE VACATING A CERTAIN PORTION OF A CERTAIN ROAD RIGHT-OF-WAY (HEREINAFTER REFERRED TO AS THE FINDLAY COMMERCE PARK 4TH ADDITION HEARTLAND COURT RIGHT-OF-WAY VACATION) IN THE CITY OF FINDLAY, OHIO.

Second reading of the Ordinance.

**ORDINANCE NO. 2022-008** (*demo fire truck*) **requires three (3) readings** **first reading - adopted**

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

Councilman Greeno moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Slough Ayes: Russel, Slough, Warnecke, Wisener, Wobser, Greeno, Niemeyer, Palmer. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Slough, Warnecke, Wisener, Wobser, Greeno, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-008 and is hereby made a part of the record.

**ORDINANCE NO. 2022-009** (*ODOT FY22 Resurfacing (PID108772), Project No. 32811800*) **requires three (3) readings** **first reading - adopted**

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

Discussion:

Councilman Russel explained that this is for the resurfacing of Bright Road and is part of the Capital Plan that has been discussed for awhile now. The money needs to be accepted yet this month. The City Engineer has requested that Council suspend the statutory rules and adopt this tonight.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Greeno. Ayes: Warnecke, Wisener, Wobser, Greeno, Niemeyer, Palmer, Russel, Slough. The Ordinance received its second and third readings. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Wisener, Wobser, Greeno, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-009 and is hereby made a part of the record.

**ORDINANCE NO. 2022-010** (*Part 15 Fire Prevention Code*) **requires three (3) readings** **first reading**

AN ORDINANCE AMENDING PART 15 OF THE FIRE PREVENTION CODE, REPEALING ORDINANCE NO. 2000-011 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

**UNFINISHED BUSINESS:**

**OLD BUSINESS:** none

**NEW BUSINESS**

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on February 10, 2022 at 12:00pm in the first floor Council Office of the Municipal Building (CO).

agenda: Cypress Avenue (Women's Resource Center) vacation

Councilman Wobser informed Council that there was a STRATEGIC PLANNING COMMITTEE meeting today prior to tonight's City Council meeting. It was the first Community Outreach meeting that went very well with the forty (40) participants, most of which were there, so it is moving along very nicely. There will need to be a STRATEGIC PLANNING COMMITTEE meeting between now and the next couple of weeks. He will email some dates out to the group to decide on a date for it. Everything seems to be moving nicely and he is very pleased with their progress so far.

Mayor Muryn noted that the Administration will be reviewing a couple of items over the next couple of years related to ISO rating including a visit for an ISO evaluation here within the next couple of months. It will be a helpful tool to be able to show what is being addressed in the current to State Fire Code.

Mayor Muryn informed Council that City Engineer Kalb sends out emails to Councilmembers after Council packets go out giving comments and feedback on legislation that he thinks is beneficial. One of the items that Council addressed tonight is the Bright Road legislation. She overheard some comments questioning why it is being passed so quickly which was explained in City Engineer Kalb's email. She asked Councilmembers to look at their emails ahead of time so that they are aware of the most up to date information available. The Bright Road legislation is part of the resurfacing plan that has been in the works for a couple of years now. The State is wanting the City to address it within thirty (30) days so that documents can be approved and the City can receive the money from the State. She appreciates Council's attention to those types of items. The fire truck legislation is a similar one in that it had been previously appropriated last year where Council had agreed to it, but that a purchase order was not created for the funds, so it needed to be done this year.

Mayor Muryn announced that a snow storm is predicted yet this week and that City crews are prepared for it. It does not appear that there will be rain and ice, so the biggest concern that the City is watching for are power outages. The City can handle snow and ask motorists to be off the roads. If Findlay receives over eight inches (8") of snow, especially in the downtown area, the snow will be moved into the parking lanes and then they will come back, when available, to be able to get the snow into bucket trucks and move it out of the area. The City is asking motorists to move their vehicles off of roads and be patient with City crews removing snow. Main arteries will be cleared first, then initial passes on all side roads, and then will come back and clear curb to curb. If a Councilmember receives a complaint that the City didn't clear a road, but that snow plows came down it, it is on purpose. The goal is to clear roads to the point motorists can at least pass through the road even if it will be to drive down the middle of the road, especially on residential roads, and then crews will come back as it permits to clear the roads. The City is watching the weather closely. The Administration's time has been consumed with preparing, but are in good shape and will do their best. She asked Councilmembers to share a video she put out on social media today on a couple of reminders related to staying safe in storm events, clearing fire hydrants, not using space heaters close to blankets, etc., items to keep individuals safe which is the City's main priority.

Councilman Slough asked what the predictions are. Mayor Muryn replied that as of 1:00pm today, there is a ninety percent (90%) chance of at least eight inches (8") of snow with a possibility of up to ten to sixteen inches (10-16"). There is another briefing at 1:00pm tomorrow. Initially it was supposed to start raining today changing to snow tonight, but that got pushed back to rain all day tomorrow and start to transition to snow in the afternoon with the majority of the snow coming down on Thursday into Friday morning.

President of Council Harrington pointed out that last year's primary snow event was thirteen inches (13") which shut the City down pretty good, but City crews did an excellent job clearing the roads allowing motorists to be out within ten (10) hours. Mayor Muryn added that all the behind the scenes tasks that the City are doing to prepare for the upcoming snow storm (i.e. cots for team members to be available to take shifts and breaks as needed, food ready and available for crews to eat when onsite, fuel backup plans for power outages, staged locations throughout town, staggered shifts, etc.). City crews are prepared because the City is a service organization. The majority of City employees have to show up for work regardless of what is going on. They have to make sure the Water Treatment Plant and the Water Pollution Control Center are up and operating. Police and Fire have to be ready to respond at all times. If they have to be available for forty-eight (48) hours at a time, they have to be able to give each other breaks. The City Public Works team is ready to clear roads in staggered shifts, and other team members who have the credentials and ability to support other staff members are prepared to do so. The Airport will be clearing runways. All City teams have been preparing for the upcoming snow storm right after they received word of the storm event and have had meetings and discussions on how to support each other and determining worst case scenarios. Those discussions and meetings have also taken place with the County, the EMA, and surrounding areas.

Councilman Wisener moved to adjourn City Council at 7:24pm, seconded by Councilman Niemeyer.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT