

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Planning Commission agenda – June 16, 2022, minutes – May 11, 2022. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Ten Start Enterprises Inc. dba Scramblers, 516 South Main Street, Findlay, Ohio for a D5I liquor permit. This requires a vote of Council.

Unable to provide background check(s) for the criminal record(s) for those that applied for this liquor permit due to no applicant(s) name(s) or social security number(s) provided by the Division of Liquor Control stating that this is a master file, therefore, Division of Liquor Control will not provide applicant(s) name(s) and/or social security number(s).

Councilman Slough moved for no objections be filed, seconded by Councilman Bauman.

Discussion:

Councilman Wobser pointed out that this is the first time he has seen a liquor permit come through without any names on it which does not allow for the City of Findlay Police Department to run any background checks, so he is unsure what City Council is approving and asked how Council can approve it without any background checks being done.

Councilman Hellmann noted that he was going to mention the same thing and is tempted to vote no on this without any background information as it makes no sense to pass it without that.

Councilman Wobser feels that there should be individuals in charge of this liquor permit as has been done with all the other liquor permits that City Council approved.

Councilwoman Warnecke asked what the liquor permit form usually says and believes all the other liquor permit requests Council has seen lists who is requesting it, but that this one just states that it is a disclosure form and asked if it indicates that the Liquor Division is going to let the applicant have a liquor permit. Council Clerk DeVore replied it is the same form that Council always receives and that the City of Findlay Police Department also receives a similar form with the list of applicants and social security numbers, but after numerous phone calls and emails, the Liquor Control is refusing to provide that stating that it is a master file and do not have to provide it. Councilwoman Warnecke replied that she thought the forms always states that someone is declaring that they are going to give them the right, but this one does not state that. It just says disclosure.

Councilman Russel reminded Council that there has been a motion and a second to file no objections. Council can choose to table this and obtain a better explanation on why this is different, or could vote on the motion of no objections be filed.

Councilman Bauman noted that this is for Scrambler Marie's and not a fly by night operation.

Councilman Wobser replied that someone still has to be on the line for the alcohol permit.

Councilman Hellmann added that someone owns Scrambler Marie's. It's a Corporation with locations out of state. Councilman Russel added that it is known as Ten Star Enterprises. Councilman Hellmann replied that Council should do everything they can to decline this and go from there.

Councilman Wisener agrees with Councilman Bauman in that it is a business in Findlay's downtown, however, Council owes it to the residents to follow through on this.

Councilman Russel informed Council that the process on liquor permits is that if Council were to file an objection or not pass the request, it would go to the Ohio Liquor Board who generally grants the licenses anyway making the whole process a statutorily required show. If Council wants an explanation before giving it consideration, a motion to table might be the option to go with.

Councilman Hellmann moved to table the request, seconded by Councilman Niemeyer. Nays: Greeno, Russel, Slough, Wisener, Wobser, Bauman. Ayes: Hellmann, Niemeyer, Palmer, Warnecke. Motion fails.

Roll call for the previous motion of no objections be filed. Ayes: Russel, Slough, Bauman. Nays: Hellmann, Niemeyer, Palmer, Warnecke, Wisener, Wobser, Greeno. Motion fails.

Mayor Muryn – Hometown Hero banner Program

The City of Findlay ordered banners for the Hometown Hero Program to be hung from May 2022 through July 2022. Participants in the program paid a fee to the City to cover the cost of the banners which has been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2022-051 was created.

FROM:	General Fund	\$ 1,268.71
TO:	Mayor's Office #21002000-other	\$ 1,268.71

Filed.

Service-Safety Director Martin – first floor Municipal Building replacement windows

The window replacement for the first floor lobby area for the Municipal Building was budgeted in the Public Buildings budget for 2022 at a cost of forty-three thousand nine hundred dollars (\$43,900.00), but since that time, costs have risen to fifty-three thousand dollars (\$53,000.00) which is above the fifty thousand dollar (\$50,000.00) threshold for advertising and bidding requirements. Capitol Aluminum & Glass Corp replaced the windows on the second floor of the Municipal Building, so it is desirable to have them perform the window replacement work on the first floor of the Municipal Building as well as they have the knowledge of what needs done for this building, and to ensure the window replacement is completed in a timely and cost-efficient manner. Emergency legislation waiving the advertising and bidding requirement authorizing the Mayor, Service-Safety Director, and/or City Engineer to waive all formal advertising and bidding requirements and enter into an agreement with Capitol Aluminum Glass Corp for window replacement on the first floor of the Municipal Building is requested. Ordinance No. 2022-052 was created. Filed.

Traffic Commission minutes –May 16, 2022. Filed.

City Engineer Kalb – NICE Recorder

Money was appropriated as part of Ordinance No. 2022-017 for the new NICE Recorder that is currently utilized by the City of Findlay Police Dispatch. At the time the money was appropriated into the account, it was transferred to the Police Department account instead of the Dispatch account. Twenty-seven thousand dollars (\$27,000.00) was appropriated into the Police account, but needs to be transferred to the Dispatch account to ensure everything is tracked properly. Legislation to transfer twenty-seven thousand dollars (\$27,000.00) from the Police Account to the Dispatch account is requested. Resolution No. 016-2022 was created.

FROM: Police #21012000-other \$ 27,000.00
TO: Dispatch #21015000-other \$ 27,000.00

Filed.

City Income Tax Monthly Collection Report – May 2022. Filed.

City Auditor Staschiak – ARPA funds

The City of Findlay has received a total of two million one hundred sixty-seven thousand eight hundred one dollars and thirteen cents (\$2,167801.13) in American Rescue Plan Act (ARPA) funds from the Federal Government. As of today, only eighty thousand dollars (\$80,000.00) of those funds had been appropriated to the Riverside Dam Modification Project via Ordinance No. 2021-114 in November 2021. Since that time, the Federal Government released their final rule and many supplemental guidance documents. The City of Findlay is considered a non-entitlement unit (NEU) of government since it received less than ten million dollars (\$10,000,000.00) in total. The final rule allows for a designation of much more flexibility in how the City chooses to utilize ARPA funding and has the ability to tremendously minimize reporting. After careful review and analysis of the final rule and supplemental guidance, it has been determined that the original appropriation made for the Riverside Dam Modification project should be modified so that the project falls into a different category in the City's financial system and have not yet been presented with a draw request on that funding from the Blanchard River Watershed Partnership in relation to that project. Legislation to transfer funds so that all transactions fall into the appropriate categories on the financial system, and adopted prior to the expenditure being presented is requested. Resolution No. 017-2022 was created.

FROM: Riverside Dam Modification – ARPA #32913000 \$ 80,000.00
TO: Riverside Dam Modification #31924300 \$ 80,000.00

Filed.

City Engineer Kalb – Madison & Monroe Sanitary Phase II, Project No. 35621200

Ordinance No. 2022-017 authorized a bid opening for this project on May 17, 2022. Bids were received from three (3) potential contractors with bid amounts ranging from one hundred thirty-eight thousand one hundred fifty-eight dollars and ninety-eight cents (\$138,158.98) to one hundred sixty-one thousand two hundred fifteen dollars and no cents (\$161,215.00). The lowest and best bid was received from Jim Palmer Excavating Inc. of Portage, Ohio. Twenty thousand dollars (\$20,000.00) was previously appropriated from the Sewer Fund to the project for design and start up fees. Legislation to appropriate and transfer additional funds for construction, inspection, and contingency to complete the project is requested. Ordinance No. 2022-053 was created.

FROM: Sewer Fund \$ 135,000.00
TO: Madison & Monroe Sanitary Phase II, Project No. 35621200 \$ 135,000.00

Filed.

Findlay Fire Department Activities Report – May 2022. Filed.

Findlay Police Department Activities Report – May 2022. Filed.

Hancock Regional Planning Commission Grant Administrator Lizzy Essinger – CDBG Allocation Application Program Year 2022

Ordinance No. 2022-045 was discussed during the May 17, 2022 City Council meeting that authorized the City of Findlay to apply for the Office of Community Development’s Allocation Grant Program Year 2022. The City of Findlay Engineering Department has not been able to determine how beneficial the proposed green infrastructure project would be. Engineering has decided to alter the Allocation Project to updating public restrooms to ADA compliancy. The restrooms to be updated will include those at Swale Park, Riverside Park, and the Airport. The submission deadline to file an application for the Allocation Program for PY2022 funding is June 15, 2022 at 5:00pm, therefore Ms. Essinger is requesting Council waive the third reading of the Ordinance and pass it through emergency procedures. Ordinance No. 2022-045 received its first reading during the May 17, 2022 City Council meeting. Filed.

COMMITTEE REPORTS:

The **STRATEGIC PLANNING COMMITTEE** met on May 17, 2022 to discuss the documents included in the strategic plan study.

We recommend that the public be allowed to submit plans to PlanningNext to be included in the document list. One week will be given for submission from the date of announcement. These documents will be for reference use by PlanningNext.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss American Rescue Plan Act (ARPA) funds.

We recommend that the Mayor bring forward with planning for ARPA funds and bring them to this committee when ready for discussion.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the property acquisition of three (3) Taylor Street properties.

We recommend to move forward with the purchase of the properties, however, want a conversation with the County Commissioners about them purchasing with flood mitigation funds. Ordinance No. 2022-047 was created for this. It received its first reading on May 17, 2022.

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

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 014-2022 (CR 99 annexation) requires three (3) readings **second reading**

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN ALLEN TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 36, T2N, R10E, A TRACT OF LAND CONSISTING OF 3.978 ACRES OF LAND, MORE OR LESS.

Second reading of the Resolution.

RESOLUTION NO. 015-2022 (no PO) requires one (1) reading **first reading - adopted**

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

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

RESOLUTION NO. 016-2022 (NICE recorder) requires three (3) readings **first reading - adopted**

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 017-2022 (ARPA funds) requires three (3) readings **first reading - adopted**

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Wobser pointed out that since this just moving funds from one account to another, he is going to make a motion to adopt it tonight.

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

ORDINANCES:

ORDINANCE NO. 2022-035 (*continue Workers Compensation programs*) **requires three (3) readings** **third reading - adopted**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKER'S COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Russel, Slough, Warnecke, Wisener, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-035 and is hereby made a part of the record.

ORDINANCE NO. 2022-038 (*National Purchasing Cooperative dba National BuyBoard*) **requires three (3) readings** **second reading**
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO SIGN ALL NECESSARY DOCUMENTS FOR MEMBERSHIP OF THE NATIONAL PURCHASING COOPERATIVE DBA NATIONAL BUYBOARD®, A NATIONAL PURCHASING COOPERATIVE, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2022-040 **requires three (3) readings** **second reading - adopted**
(*Federal Highway Administration Grant Application Old Mill Stream Byway Multiuse Path (32823500)*)

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO EXECUTE THE NECESSARY GRANT APPLICATION(S) AND/OR AGREEMENT(S) TO RECEIVE GRANT FUNDS FROM THE FEDERAL HIGHWAY ADMINISTRATION, PROJECT NO. 32823500, FOR FUNDING OF A MULTI-USE PATH FROM THE NATIONAL SCENIC BYWAYS PROGRAM, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Wobser asked what the timeline for this is. Councilman Russel replied the deadline is June 10, 2022. Councilman Wobser added that in order to get this Ordinance passed in time to meet the deadline, he is going to make a motion to adopt it tonight.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Wisener. Ayes: Slough, Warnecke, Wisener, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance received its third reading. Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Warnecke, Wisener, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-040 and is hereby made a part of the record.

ORDINANCE NO. 2022-042 (*3rd Capital Improvement appropriation of 2022*) **requires three (3) readings** **second reading – adopted**
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.

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

Discussion:

Councilman Hellmann asked why this Ordinance is being adopted now after its second reading. Service-Safety Director Martin replied that there are some time sensitive projects with lead times and supply chain issues, which as been a redundant excuse that has been used for a long time, but there are some projects that the Administration would like to get moving that have lead times. If this appropriation ordinance could be passed tonight, it would allow for agreements with contractors to be signed and move forward on the projects.

Ayes: Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wisener. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-042 and is hereby made a part of the record.

ORDINANCE NO. 2022-043 (*Han-Bright Rd Phase III FY2023, PID108776*) **requires three (3) readings** **second reading**
AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT(S) WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE HAN-BRIGHT ROAD PHASE III FY2023, PID108776, PROJECT NO. 32821800, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2022-045 (CDBG funding – Cooper/Rawson Park Green Infrastructure) **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 EXECUTE THE NECESSARY GRANT APPLICATION(S) AND/OR AGREEMENT(S) TO RECEIVE GRANT FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR THE COOPER/RAWSON PARK GREEN INFRASTRUCTURE, PROJECT NO. 35523600, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked for the status of this grant request and what needs to be done per the add-on letter submitted for it. Hancock Regional Planning Director Cordonnier replied that the proposed project was a green infrastructure project. City Engineer Kalb met with some consultants to review numbers with the concern that it might not have the desired effect that is desired or hoped, so City Engineer Kalb decided not to move forward with the project with unknown outcomes and alter it to a new project and conduct further research on the green infrastructure project. The projects the City of Findlay Engineering Department would instead like to do are to make park bathrooms at Rawson Park, Swale, and the Airport Americans with Disabilities Act (ADA) compliant which are fundable under the grant with an estimated budget being two hundred sixty thousand dollars (\$260,000.00) for all three (3) restrooms, and the grant amount would be one hundred seventy-seven thousand six hundred dollars (\$177,600.00) with the City making up the rest of the balance. Updating the restrooms to be ADA complaint has been on the radar for a while.

Councilman Wobser moved to amend the Ordinance per Hancock Regional Planning Commission Director Cordonnier's recommendation to change the use of the grant funds for the baseball diamond to upgrade the two (2) park restrooms and the one (1) Airport restroom to be ADA compliant, seconded by Councilman Hellmann.

Councilman Russel clarified that the amendments to this ordinance are as follows:

- Header:
Change: "~~COOPER/RAWSON PARK GREEN INFRASTRUCTURE, PROJECT NO. 35523600~~" to "AMERICAN WITH DISABILITIES ACT (ADA) COMPLIANT RESTROOM PROJECT"
- SECTION 1:
Change: "~~Cooper/Rawson Park Green Infrastructure, Project No. 35523600~~" to "American with Disabilities Act (ADA) compliant Restroom Project:"

Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wisener, Wobser. The Ordinance is amended.

Discussion:

Councilman Russel asked what the application deadline date is for this. HRPC Director Cordonnier replied June 15, 2022. The State puts them in a tough position. They roll out the guidelines and how to apply for the program. They used to roll things out in February with a June application deadline date, but gets later and later every year forcing HRPC to respond quickly to the guidance that they give which is why this project is switching at the last minute. Councilman Russel asked if both this grant application and the next one via Ordinance No. 2022-046 have a June application deadline which would require Council's approval yet tonight. HRPC Director Cordonnier replied that is correct.

Discussion:

Councilman Wobser pointed out that he does not like to suspend readings, especially when a major change to the legislation has been done, but given the timeline of this request and that both of these grant applications are similar in scope he will make a motion to suspend the rules and pass it tonight.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilwoman Warnecke. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wisener, Wobser, Bauman. The Ordinance received its third reading. Councilman Wisener moved to adopt the Ordinance as amended, seconded by Councilman Greeno.

Discussion:

Councilman Hellmann asked if this Ordinance will still upgrade the restrooms at the same parks that were listed in the Ordinance before the amendment and are just making them ADA compliant now. Hancock Regional Planning Director Cordonnier replied that is was Rawson and Cooper Field and now is Rawson and Swale and adding the Airport. Councilman Hellmann asked if the difference is available in the budget. HRPC Director Cordonnier replied that City Engineer Kalb has indicated that is correct. Today is June 7th and the website that these have to be submitted by June 15, 2022 is not working.

President of Council Pro-Tem Russel clarified that the motion that has been made is to adopt the Ordinance as amended.

Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wisener, Wobser, Bauman, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-045 and is hereby made a part of the record.

ORDINANCE NO. 2022-046 (CDBG funding –small waterline upgrade) **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 EXECUTE THE NECESSARY GRANT APPLICATION(S) AND/OR AGREEMENT(S) TO RECEIVE GRANT FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR THE SMALL WATERLINE UPGRADE, PROJECT NO. 35723800, AND DECLARING AN EMERGENCY.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Bauman. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Wisener, Wobser, Bauman, Greeno, Hellmann. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Palmer, Russel, Slough, Warnecke, Wisener, Wobser, Bauman, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-046 and is hereby made a part of the record.

ORDINANCE NO. 2022-047 (*Taylor St property acquisition*) **requires three (3) readings**

second reading

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A PURCHASE AGREEMENT(S) FOR THE ACQUISITION OF THREE (3) PROPERTIES LOCATED ON TAYLOR STREET, FINDLAY, OHIO, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2022-048 (*Technology Dr & Midwest Ct 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 TECHNOLOGY DRIVE AND MIDWEST COURT REZONE) WHICH PREVIOUSLY WAS ZONED "C-2 GENERAL COMMERCIAL" TO "M-2 MULTI-FAMILY, HIGH DENSITY".

Second reading of the Ordinance.

ORDINANCE NO. 2022-049 (*Municipal Court CASC Facility*) **requires three (3) readings**

second reading

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT WITH RQAW ARCHITECTURE FOR THE DESIGN OF THE MUNICIPAL COURT CASC FACILITY, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Wobser pointed out that employees of the Municipal Court are in the audience tonight and would like to provide additional details on this proposed facility.

Judge Hackenberg reminded Council that Assistant Chief Probation Officer/Bailiff Griffith provided a presentation several months ago about the concept of the proposed CASC facility and asked Council if they would like her to go over it again. They are also before Council tonight to answer any questions about where it is in the process.

Councilman Greeno asked for a brief overview of what this is about. Assistant Chief Probation Officer/Bailiff Griffith replied that it is a Community Alternative Sentencing Center (CASC) which is a post-conviction misdemeanor facility. It is a detention facility that allows for work release, outpatient treatment, and treatment within the facility, GED programming, and life skills programming. The goal is to find a more cost-effective facility to hold post-conviction misdemeanor offenders instead of the Justice Center, which is already overcrowded. It would be a facility that would allow the Municipal Court to work with the offenders with the potential of making progress with them before they are released out into the community and be on probation.

Councilman Wobser asked where the funds will come from. Judge Hackenberg replied that a proposal from RQAW Architecture was provided with a breakdown of the design schematic (architecture part of the whole process) which totals approximately three hundred thirty thousand dollars (\$330,000.00) which is broken down in about six (6) different segments that can be cut off at any point in the process. The first segment totals approximately eighteen thousand dollars (\$18,000.00), second segment is approximately forty thousand dollars (\$40,000.00). Municipal Court, through the Special Projects Fund, is more than willing to fund the initial effort to determine if this kind of facility is something that makes sense for the community and for the City. The County Commissioners have formed a Jail Advisory Committee that is just starting in its infancy. He and Mayor Muryn are on the committee and at the request of the Commissioners, there are several individuals in the community that are also on the committee. Cost needs to be figured out and if it is even feasible because it will have a direct impact on what the mission of that committee is as far as what the criminal justice facilities will look like for detention type facilities and this facility that will allow individuals to maintain employment while obtaining treatment as Ms. Griffith has mentioned. The goal is to obtain a couple of design build options and the costs associated with it. The Jail Advisory Committee is interested in those details. No funds from Council are being sought at this point. This Ordinance will authorize them to go through a couple of stages of the project. They will bring the results of those design layouts back to City Council and can then take a look at the big picture items going forward. Assistant Chief Probation Officer/Bailiff Griffith added that the first step is the preliminary design only that Municipal Court will be funding for eighteen thousand dollars (\$18,000.00). Through that process, they will be looking at best practices and looking at other facilities and food vendors. By the second stage (schematic design), they will have a general cost of the facility and will have a better idea of the flow of the facility and the policies around it will be and will bring that back to Council. Councilman Wobser asked why the normal bidding requirements for this should be waived for this as this Ordinance states. Judge Hackenberg replied that they sent out letters of request with proposals submitted by three (3) different architects. RQAW Architecture came back as the number one choice by which generated the request to enter into a contract with them to start the process.

City Auditor Staschiak noted that it is possible that the language is in there retroactive to cover that they did receive the bids. Service-Safety Director Martin replied that this ordinance is to allow the design build process by going through the RFQ process of scoring and ranking the firms accordingly. The bid process is not part of the RFQ process. Acting Law Director Werth added that the bidding process can be waived for Special Services (Attorneys, Engineers, Architects, etc.) based on what was done for this which was a ranking to determine which group was the most qualified to move forward with based on the presentation they heard and the information that was provided. For example, if bids were received from nine (9) individuals/companies, the lowest bid or the second lowest bid might be a much better financial decision, but might not have the experience or idea of what needs to be done. This is especially true in this case because funds are being spent on someone that has the expertise to do this project.

Councilman Wobser asked if this request does not go through an advertising and bidding process. Service-Safety Director Martin replied that is correct. Councilman Wobser asked if the Ordinance should be amended to remove the advertising and bidding process language. Acting Law Director Werth replied he understands the question being asked, but is unsure from a technical view if it has to be removed. Councilman Russel noted that this is up for its second reading tonight, so there is time to get the answers before the next Council meeting/third and last reading of the Ordinance. Acting Law Director Werth replied that he would like to refer this to Law Director Rasmussen for his opinion.

Councilman Warnecke pointed out that this Ordinance is asking to have money for the design which is estimated to be three hundred thirty-three thousand dollars (\$330,000.00) and the first two phases are estimated to be fifty-eight thousand dollars (\$58,000.00) but that Municipal Court will fund it and asked if this Ordinance is just to get started or for the entire three hundred thirty-three thousand dollars (\$330,000.00). She asked if the three hundred thirty-three thousand dollars (\$330,000.00) is just for the design and to build anything. Judge Hackenberg replied that the Court cannot contract with anyone. They do not have the authority to contract, so the City of Findlay has to be the one to enter into the contract. The contract authorizes the Mayor or Service-Safety Director to enter into a contract with RQAW Architecture to start the design build process that can be stopped at any stage and is not committing to the total design cost of about three hundred thirty-three thousand dollars (\$330,000.00). They can stop it after any stage of the process. No funds are being asked from Council for the initial stages. Councilwoman Warnecke replied that this Ordinance appears to be open-ended. Judge Hackenberg replied that Municipal Court cannot contract as the Court, so they are asking for the authority of those that can (Mayor and Service-Safety Director) to do so, but are not asking for any tax dollars from the City to fund the initial stage or two until they can get an idea whether or not this facility makes sense to keep going forward with it. Councilwoman Warnecke replied the Ordinance would make more sense to her if it listed that it is for which stages it is for. Service-Safety Director Martin replied that the contract does stipulate phase after phase and breaks down the dollar amount that is allotted for each phase. It was made very clear when City and Municipal Court representatives sat down with the firm that we are only committing to phase I. When it is time to move on to Phase II, the group will make that decision to move on and commit funds, and will move throughout the different phases in the same manner. The request now is nothing more than a feasibility study and is not committing to build this. It is just fact finding. By gaining an understanding of the feasibility of this will fit not only the needs of this community, but also financially with what the Court is trying to accomplish. The entire project is a tiered process.

Councilman Russel noted that there have been some conversations about a location for this proposed facility in that he feels is well ahead of the process. He asked if this Ordinance is the next step in the investigation. The only information Council has received on this is a short letter (paragraph or two) from Assistant City Engineer Rausch during the last Council meeting and then this Ordinance is dramatically lacking information. It appears that Council is missing the mark on this somehow. He would like to see the financials with the contract on this.

Councilman Wobser feels this is a big project and will be a big change to what is done today. He asked if this Ordinance will allow for the next initial step. Judge Hackenberg it was determined both internally and with through stakeholders and other individuals who have an interest in. This kind of facility makes sense on how it could serve the needs of the Findlay Municipal Court and potentially low-level felons coming out of Common Pleas Court. Assistant Chief Probation Officer/Bailiff Griffith has been working diligently on this project over the last several months generating numerous reports to include those that are currently incarcerated in other outside facilities who would be eligible for the proposed CASC facility. That data supports continuing down the path of the CASC facility to address the needs. At some point, the rubber does need to hit the road. Municipal Court now needs to see if the proposed CASC facility financially makes sense from a cost standpoint to build and from a standpoint to operate. The first step is to determine the cost to build. They will come back to Council with that information once they know what it is going to look like, determine the manpower and staffing. The operational costs will then be determined. It is time to start determining what the facility will look like and what it is going to cost and will then make the decision if it makes sense financially to continue the process. There is a proposal from RQAW Architecture can be provided to Council that breaks down the costs and measures each phase's quality and what they will be delivering.

Councilman Palmer asked if there is any documentation stating the Court will be paying for this first step for transparency for the public. Judge Hackenberg replied that there currently is not, but something can be produced to that would satisfy all involved City Departments. City Auditor Staschiak noted that Council and the Administration will review the proposal before the next Council meeting and add any needed appropriations language that covers what has to be set aside. Final amounts still need to be clarified.

Councilman Hellmann noted that in light of all the work that has been done on this over the last year and with the committee that stays on top of this, it should move forward as it has been handled properly regardless if there is a specific site designated for it or not will not make a difference. When Council approves this, the finances needed for the first two phases could then be allocated so it can move forward and give this some direction. Judge Hackenberg replied that a couple of the County Commissioners have expressed interest in having the CASC facility located on a stretch of property that they can own off of CR 140. There is not a Memorandum of Understanding in place with them yet, but were receptive to that idea. While the location of the facility drives additional factors, it is not critical to obtaining the design layout and the cost associated with the facility. The location may not be important if the facility ends up not making sense across the board financially.

Councilman Wobser asked if the Municipal Court Judges are in coordination with the group that is looking at potentially building a new county jail. Mayor Muryn and Judge Hackenberg were asked to be on the Jail Advisory Committee. The committee has already had one meeting in these Council Chambers about a month ago and then took a tour of the jail last week. The committee has a lot of members who do not have a lot of familiarity with the criminal justice system, but bring other skills to the table, so there is a learning curve with the committee to get up to speed. Next step for the committee is that we are looking for a date for a half day on a Saturday for a conference/seminar with the consultants who created the jail master plan for the County a couple of years ago, to come up with to educate the committee further.

Councilman Hellmann asked if that once the plans are set if this will go out to bid since it went through the Request for Proposal (RFQ) process or if the City is obligated to RQAW Architecture for all the phases of the project. Service-Safety Director Martin replied it is a phase by phase process. Councilman Hellmann asked if funds should be allocated now so that members of the Municipal Court that are here tonight do not have to continue to come to Council for each phase of the project. Service-Safety Director Martin replied that members of the Municipal Court are willing to come to Council for the different phases of the project that they are willing to cover financially, and then when it comes to the decisions for the City to appropriate funds, that will be different discussions as it moves through the process. Judge Hackenberg added that he wants Council to be informed exactly where the process is at every stage of it and answer any questions. It is not an inconvenience to keep everyone updated for transparency on where the project is at, if it even goes that far. The project has a ways to go before it even gets to that point. Countless hours have been invested in the project to get to this point to be able to have a firm provide some kind of idea of what it may look like and what it would cost to build and operate. This is a big picture type of situation. It is a facility that would elevate current problems and issues in the systems, and makes sense to fully evaluate to see if the community wants to do. Both Municipal Court and the Mayor have reached out to the State Legislators and others down in Columbus who have indicated that there is a chance that this may qualify for some funding from the State. While it is very preliminary right now, there is some interest with those agencies and those individuals with looking at this. The committee will be looking at all avenues to lessen the burden on the City if it is something the City wants to go down the path with.

Councilman Wisener asked if the funding that is coming from the Municipal Court is from individuals that have been sentenced to a special plan. Judge Hackenberg replied that is correct. It comes from Court costs. Councilman Wisener asked if those funds have been allocated to the Municipal Court Project Fund. Judge Hackenberg replied that is correct. Director of Court Services/Chief Probation Officer Beach added that there is adequate funding in those accounts. Ohio Revised Code 1901.26(B) allows for certain amounts of court costs to be retracted to be set aside for specific functions of the Court. There is adequate funding to cover the two (2) phases that the Court is willing to finance. The letter from RQAW Architecture that lays out the exact sequence of this will be forwarded to Council. As Judge Hackenberg stated, there are several steps of the process for this. Municipal Court is willing to finance steps 1 and 2. If at any point it is known that it is not going to work, the process stops and have done our due diligence. The facility has to work in conjunction with a jail and will not eliminate the Hancock County jail. The Hancock County jail is still needed, but need more capacity. The proposed CASC facility will handle the current Hancock County jail's needs at a much lower cost for those that do not need hardened cells. Councilman Wisener asked if costs for the facility will be known after the second phase. Director of Court Services/Chief Probation Officer Beach replied that they have an idea of costs right now. Three hundred thirty-three thousand dollars (\$330,000.00) is estimated for the design and will go down through that segmentally. Assistant Chief Probation Officer/Bailiff Griffith added that the letter from RQAW Architecture that will be forwarded to Council provides a more detailed layout listing what each step contains. The second step is schematic design with an estimated cost of the construction of the facility.

Second reading of the Ordinance.

ORDINANCE NO. 2022-050 (gas aggregation) requires three (3) readings

second reading - adopted

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH INDEPENDENT ENERGY CONSULTANTS TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM, EFFECTIVE IMMEDIATELY, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked for a status update on this and what the price lock is. Service-Safety Director Martin replied that the City was locked in at a ceiling of \$.74 per unit of measure for this aggregate for a 4-year term, and can evaluate every year on the renewal of those four (4) years to see where the market is and can adjust based on the market. The \$.74 is where the ceiling is through tomorrow based on tonight's Council meeting. He explained the situation of where Council is with passing the Ordinance and asked them to extend the rate out further, but they were not willing to extend it any further than tomorrow. He asked what the rate would they be if Council does not pass the Ordinance tonight which is at the \$.75 mark at this point. He reached out to them today to get a current rate and to see if it is parallel with the pumps for vehicles, but did not receive an answer back. While he was quoted the \$.74 until it is locked in tomorrow if Council passes the Ordinance tonight, he is concerned that might have been a false sense of security of where the market is going to go. This is a good option and a good opportunity. He shared some of the cost savings and historical information that were discussion points at the last Council meeting. The forward vs. retro analysis help to quantify the value of an aggregation for the community, but is an option. The City needs to do their due diligence and effectively communicate the process to the public. The firm is obligated to do that, but with today's technology, the City has the capability to make sure the opt-out communication is in there as a choice for the citizens if they choose so.

Councilman Wobser asked if the unit of measure is mcf. Service-Safety Director Martin replied yes.

Councilman Palmer spoke with former Councilwoman Anne Spence who was going to come to Council tonight for an ORAL COMMUNICATION, but spoke with Service-Safety Director about her concerns which was at the back end of the agreement of being notified when the current rate is going to expire that she ran into some issues with not knowing that and got hit with a large bill. He asked what the process is for the aggregate company the City is contracted with. He asked if they are supposed to send something towards the end to notify their customers of when the price will expire. Service-Safety Director Martin replied that is correct. Their obligation is to communicate that effectively. Ms. Spence shared her situation with him, but am in a different time of communication that he is unsure if that was an outlier. The City is in a better position of not only communication opportunities for the firm to communicate, but also for the City to make sure it is being overcommunicated through our avenues.

Councilman Russel asked if citizens can opt-out at any time. Service-Safety Director Martin replied that is correct. There is no penalty to do so. Councilman Russel asked if the worst case scenario for the next four (4) years is that gas aggregate customers will be paying \$.74 per unit of measure. Service-Safety Director Martin replied that is correct. Councilman Palmer pointed out that there is a website that the Public Utilities Commission of Ohio (PUCO) operates that provides an apples to apples comparison of gas and electric rates. It can be found by typing: PUCO apples to apples on any search engine.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Palmer. Ayes: Russel, Slough, Warnecke, Wisener, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance received its third reading. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Slough, Warnecke, Wisener, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-050 and is hereby made a part of the record.

ORDINANCE NO. 2022-051 (*Hometown Hero banner program*) **requires three (3) readings**

first reading - adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Bauman moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Slough. Ayes: Warnecke, Wisener, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough. The Ordinance received its second and third readings. Councilman Bauman moved to adopt the Ordinance, seconded by Councilwoman Warnecke.

Discussion:

Councilman Russel noted that the banners look great. He loves seeing them and reading the names of the veterans on the banners.

Ayes: Wisener, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-051 and is hereby made a part of the record.

ORDINANCE NO. 2022-052 (*first floor Municipal Building replacement windows*) **requires three (3) readings**

first reading

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT WITH CAPITOL ALUMINUM & GLASS CORPORATION FOR THE REPLACEMENT OF MUNICIPAL BUILDING FIRST FLOOR LOBBY WINDOWS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2022-053 (*Madison & Monroe Sanitary Phase II*) **requires three (3) readings**

first reading - adopted

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

Discussion:

Councilman Russel informed Council that if this is passed tonight, that City Engineer Kalb has the contractor ready to start on the project. It has been in the Capital budget for a while, so the funds are available.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Slough. Ayes: Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wisener. The Ordinance received its second and third readings. Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wisener, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-053 and is hereby made a part of the record.

UNFINISHED BUSINESS:

Acting Mayor Harrington pointed out that Judge Bishop has a handout for Council that explains the phasing of the CASC facility. Judge Bishop distributed the handout.

OLD BUSINESS:

Councilman Wobser: **APPROPRIATIONS COMMITTEE** meeting on Tuesday, June 14, 2022 at 4:30pm in the first floor conference room of the municipal Building (CR1).

agenda: Water Distribution materials

Councilman Bauman asked why the intersection of Main St/Rosemont is tore up and when it will be put back like it was found. He asked if it is because of the ongoing sewer project there. Service-Safety Director Martin replied that they are making progress, but he does not have a timeline on the completion of the project. He will follow up on it.

Councilman Hellmann has been approached by a few individuals in the past couple of weeks about unmowed lawns along Tiffin Avenue, most on commercial properties, but some on residential properties. Some areas out there are looking shabby. Service-Safety Director Martin agreed stating he has also received comments on that area. An Enforcement Officer was added to the City of Findlay Zoning Department two (2) weeks ago due to some transitioning of employees in that department over the last couple of years, most staying with the City, but relocating to different departments leaving the Zoning Department understaffed. It was decided to place a Police Officer from the Findlay Police Department into the Zoning Office to ensure the safety side of law enforcement was covered. Once that happened, it allowed the Police Officer to take the enforcement position up to the Zoning Department. That happened within the last two (2) weeks. Officer Smith is already fulfilling those job duties within the Zoning Department. He is doing a great job. Drastic changes will be seen within that department. The Zoning Department is currently addressing the Tiffin Avenue high grass issue. He will provide an update of the progress to Council after Officer Smith has been in his new position for a few weeks.

Councilman Russel asked if there will be a KPI related to that process. Service-Safety Director Martin replied that it is being developed.

City Auditor Staschiak provided Council with information on an upcoming live virtual Sunshine Law training on June 23, 2022 from 10:00am-1:15pm provided by the State Auditor's Office. Those taking the training will obtain their required hours. The entire video is required to be viewed that covers new changes in the law requirements to conduct public meetings, executive sessions, the maintenance of records that must be maintained in a manner in which a public office must comply with records requests, remedies, penalties and definitions, practical compliance and other items dealing with the role of the Attorney General's Office. He encouraged Councilmembers to view the video themselves, and if not possible, to assign someone to take it for them. With everything that has been going on with everything Council has been doing, he encouraged every Councilmember to take the training to learn it at least once.

Councilman Palmer asked *unable to hear the audio of his question, so unable to type it into the minutes*. City Auditor replied that it is not in this particular case. It is a live session. There may be other incidences where that can be done. They have some other types of virtual training available, but this particular one is not. This is a more intense training. The State Auditor has put a lot of focus on this training. When the City Auditor's Office went through their audit with the State, they spent a lot of time making sure records requests are being complied with properly which is something he appreciates.

Service-Safety Director Martin informed Council that the City experienced an unfortunate event last week at the Drury Inn. It was a hostage situation. The City's Tactical EMS Team, ERT Teams (Fire, Police, Dispatchers), and Sheriff's Office assisted. He is proud of how the Command Staff, from the top all the way down, executed the long lengthy twelve (12) hour situation. He had the opportunity to observe the Negotiating Team in action that day reflecting the talent and professionalism of Safety Services representatives in how they conducted themselves with an end result of everyone being able to go home after the incident. He commended Fire Chief Eberle, Police Chief Ring, and everyone that was involved. Provided prior training was executed very well that day and a follow up drill was ran the other day that went off very well.

Acting Mayor Harrington noted that he and Mayor Muryn have discussed going back to original seating for City Council meetings. Councilmembers and the Administration will go back to regular seating beginning the first City Council meeting in July (7/5/22). If the pandemic were to take a turn for the worse or another issue arises, it would be addressed then. Councilman Wobser objected stating that seating should stay where it is at. The current seating arrangement works very well right now.

President of Council Pro-Tem Russel noted that there has been a request to adjourn into Executive Session to address a legal matter. At the conclusion of that Executive Session, Council and the Administration will come out of that meeting, adjourn the meeting, conducting no other business. Councilman Wobser moved to adjourn into Executive Session at 8:29pm to discuss a current legal matter with no further business to be conducted after, seconded by Councilman Hellmann. All were in favor. Councilman Palmer moved to adjourn out of Executive Session at 8:56pm, seconded by Councilman Greeno. All were in favor. Councilman Palmer moved to adjourn out of Regular Session at 8:56pm, seconded by Councilman Greeno. All were in favor.

CLERK OF COUNCIL

COUNCIL PRESIDENT PRO-TEM