

## FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

JULY 5, 2022

COUNCIL CHAMBERS

### ROLL CALL of 2022-2023 Councilmembers:

**PRESENT:** Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser

**ABSENT:** none

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:

1. Councilman Slough moved to accept the June 21, 2022 Public Hearing meeting minutes to rezone Technology Drive and Midwest Court via Ordinance No. 2022-048, seconded by Councilman Bauman. All were in favor. Motion carried. Filed.
2. Councilman Slough moved to accept the June 21, 2022 Regular Session City Council meeting minutes, seconded by Councilman Palmer. All were in favor. Motion carried. Filed.

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

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

#### ADD-ONS:

1. Letter from Hancock County Board of Commissioners – Taylor Street properties (*WRITTEN COMMUNICATIONS section*)

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

**PETITIONS:** none

### ORAL COMMUNICATIONS:

#### Andrew Corso, American Electric Power (AEP) – upcoming projects update

Mr. Corso is before City Council tonight to provide a high level overview and update of an upcoming underground transmission project which is scheduled to begin on July 11, 2022. Mr. Corso is the PM from American Electric Power. The buck stops with him on the project. He has been working with City Engineer Kalb on this project for over a year who both feel it is prudent to update Council with a high level overview, answer any questions Council may have, and provide contact information for issues constituents may have that need to be addressed, as well as provide an avenue for communication with AEP. Mr. Corso provided some visual aids showing a line route map. All of the work for this project will be in the road right-of-way under the franchise agreement with the City of Findlay which means roads will have to be closed in order to install the underground duct bank which are the conduits that will be pull the new transmission lines through. AEP will work closely with City Engineering Department for approval of the MOTs and road closure signs, dates, provide press releases on social media to update the public on when road closures will start, their durations, and when the end. That communication/cycle will continue until the end of the project. The upper left hand part of the line route shows the newly expanded Findlay station, goes down Putnam, turns down Hurd, runs across East Lincoln, and finishes up on Beech right by Marathon's substation. The project is scheduled to start Monday with an initial road closure on Putnam Street. The second page of the handout is the road closure map that has already been published online. The duration is 7/11/22-7/29/22, and then once that is finished, they will refill the trench. They will remill the road when they are done with the entire project as East Lincoln was recently repaved. The second road closure in the middle of East Lincoln Street will start the week after. It will be closed for approximately two and a half (2 ½) weeks to put in a power vault. There are two (2) power vaults that are large underground vaults where AEP pull cables underground making splices from a power station to a power vault powerball to power vault, power vault to station, but are limited to the amount of run they can do which is why there are splicing vaults. The second page of the other handout he provided is of pictures of what they will be doing. The lower right picture is of a typical trench that they dig into the ground in the middle of the street. The picture in the upper right is showing where they place trench boxes and install the duct banks which is the conduit seen in the bottom. They are very concerned about public protection while under construction, so they place four (4) sided fencing which is referred to as four-sided public protection so nobody can enter the job site and would have to climb over the fence to access the work area. The bottom left picture is the reel of the cables that are placed underground showing how large they are. The last page lists AEP contacts for questions and concerns: Maggie Beggs is their Outreach Specialist, and Nick Yinger is their Lead Right-of-Way Manager.

#### Discussion:

Councilman Russel asked when all the projects will be completed. Mr. Corso replied, installation of main duct bank projects are estimated to be completed the end of October or early November, weather permitting. It is difficult to provide an exact date because they sometimes run into things that they did not know were there when digging underground through old City streets, then it takes about a week to pull the cables through which require smaller road closures. They have to have the projects done by the end of December and then have to complete testing and checkout on policies for safety and governance after completion. Councilman Russel asked when road milling would be done. Mr. Corso replied that might be done the beginning of next year. He will work with City Engineer Kalb on that to ensure they are doing it during an appropriate timeframe. City Engineer Kalb added that there are a couple of sections on Lincoln Street and some other areas that need paved. Once AEP completes their work and then the City does some storm work, and then will start paving. He and Mr. Corso will work together and determine what portion of paving AEP will cover and what portion the City will cover based on who tore up the road for work being done to ensure it is a new road once all work is done. It depends on timing and the weather, but will ensure the end result is a good product.

Councilman Russel asked if communication is given to companies and organizations that these projects will affect. The East Lincoln work will disrupt traffic flow for several organizations. Mr. Corso replied that Marathon is AEP's biggest customer, so they have a vested interest in making sure they communicate with them. They have a very robust right-of-way mechanism in place in outreach that they communicate with all property owners that starts with tonight's meeting followed by press releases. When they close an area down, they place no parking signs and door knockers with the same contact information. If anyone is a disabled resident or is on oxygen that has to have oxygen delivered, they do everything possible to lessen the impact not only on the businesses, but also on individuals who may have disabilities or other kinds of issues. There is a robust mechanism to reach out to those affected to let them know what is going on and also to receive feedback and then do what they can to best accommodate them. It is a circular process that they have built into their project meetings.

Councilman Wobser asked what the reason is for the new line being run. Mr. Corso replied that the existing line that goes between those two circuits is a 34.5 kilovolt line that is old and needs to be upgraded to a 69 kilovolt underground line. It was chosen to be underground instead of overhead on the same line route was because of the new National Electric Code and the upgraded size of the line meant that they would have to buy entire rows of houses right down Findlay which would not go over well. It was decided to go underground in road right-of-way for the betterment and redundancy for the grid in general. Councilman Wobser asked if the reason they are going underground versus in the current lines is because of the size of the line and the amount of current being carried. Mr. Corso replied yes. Because of that, it requires greater clearances in right-of-way width. Also, a vehicle can barely be driven down the alley that it goes down and would encroach on garages, living dwellings, etc. that AEP would have to buy and condemn which would not be very good. Councilman Wobser asked if any overhead power lines will be eliminated by the new underground line. Mr. Corso replied it will not eliminate any power lines that are currently going down the alley. There is one alley that AEP will lop off the top of the distribution on an alley that has the transmission on one side and distribution line on the other. All that will disappear is the very top of one of the lines, but no other lines or parts of lines will be removed because the lines on both sides are distribution lines and will only be lopping off the top of the transmission line in that segment. Councilman Wobser asked if there is any way to get rid of those lines during this project. Mr. Corso replied no. While we are under the same umbrella, it is a completely different company – AEP Distribution. These are transmission lines. They are taken from the generation plant, amped it up, and then taken to the substations like what was expanded off of Putnam where it is stripped down and distributed through the distribution lines.

President of Council Harrington asked Mr. Corso if he will be back in a couple of months or so to provide an update as the projects progress. Mr. Corso replied he will. Filed.

**WRITTEN COMMUNICATIONS:**

**Hancock County Board of Commissioners Chair Michael W. Pepple – Taylor Street properties**

The Hancock County Board of Commissioners provided a letter as a follow up to discussions that took place about the properties north of Clinton Court, specifically adjacent to Taylor Street in downtown Findlay. The Hancock County Board of Commissioners (HCBC) have acquired a number of properties known to frequently flood within the area, many of which will be benched for flood mitigation purposes. The properties adjacent to the properties that City Council are looking to purchase on Taylor Street will not be benched and are space that could be utilized for parking in support of the downtown recreation area that is planned south of Clinton Court. Their letter is to show support for coordinating utilization of the following listed parcels:

610000341060 - County owned	610000342800
610000341790 – County owned	610000342750
610000341780 – County owned	610000342210
610000341080 – County owned	610000342000

Though the County has not yet determined if the HCBC will transfer ownership of these parcels to the City of Findlay, they are fully supportive of a Memorandum of Understanding (MOU) or other arrangement between the City and County to best utilize the acquired parcels in that area and look forward to future discussions about other parcels in the area and throughout the City of Findlay. The HCBC concurs with Mayor Muryn's statement and agree that if in the future, these parcels are sold, proceeds will go toward operations and maintenance of the benching and/or downtown recreation area.

**Discussion:**

Councilman Russel moved to have the letter read, seconded by Councilman Palmer. All were in favor. The Council Clerk read the letter in its entirety. Filed.

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

**City Income Tax Monthly Collection Report – June 2022.** Filed.

**Treasurer's Reconciliation Report – May 31, 2022.** Filed.

**City Engineer Kalb – FAA Airport Rescue Grant Program (35212300)**

The City of Findlay has received American Rescue Plan Act 2022 (Public Law 117-2) (ARPA) funds from the Airport Rescue Grant Program (ARGP) to help offset airport operational and maintenance expenses. Legislation to move grant funds into the project for the gathering of documentation to submit for reimbursement is requested. Ordinance No. 2022-063 was created.

FROM:	FAA Grant (Airport Rescue Grant AIP-32)	\$ 59,000.00
TO:	FAA Airport Rescue Grant Program, <i>Project No. 35212300</i>	\$ 59,000.00

Filed.

**City Planning Commission agenda – July 14, 2022; minutes – June 16, 2022.** Filed.

**Assistant City Engineer Rausch – STRICT Center**

On May 31<sup>st</sup>, the City of Findlay accepted Request for Qualifications (RFQ) for Design/Build Contractors to assist in the development and implementation of design and construction of the STRICT Center Project. From the RFQ process, three (3) teams were shortlisted for interviews (see attached). Following Requests for Proposal (RFP) that were submitted on June 23<sup>rd</sup> with subsequent interviews on June 27<sup>th</sup>, Clouse Construction has been selected for the project. The first phase of the project will be to develop plans for the permitting and construction of the STRICT Center. Once the design phase is complete, Clouse Construction will provide the City of Findlay Engineering Department with a detailed cost estimate for the construction and a Guaranteed Maximum Price (GMP) will be estimated. Legislation authorizing the Mayor, Service-Safety Director and/or City Engineer to enter into contracts for the design services in the amount of forty-eight thousand five hundred dollars (\$48,500.00) is requested. A request for authorization and/or appropriation of funds will follow for the construction phase of the project. Ordinance No. 2022-064 was created. Filed.

**Mayor Muryn – NatureWorks grant**

The City of Findlay Public Works Department would like to apply for the NatureWorks grant. The request is for fourteen thousand dollars (\$14,000.00) to be used toward restoration of Riverside Park Shelter buildings. The restoration will include removing loose defective mortar joints, power washing, tuck and point all defective joints, and then seal the buildings using H-177 sealer by BASF. The renovation of shelter buildings at Riverside Park is a multi-year project that the Public Works Department has been utilizing funds from the Community Park Improvement Program grant through the Hancock Park District (HPD) which helps reduce the need for City of Findlay funds. The NatureWorks grant is offered annually and is funded through the Ohio Parks and Natural Resources Bond issue. The NatureWorks grant program provides up to seventy-five percent (75%) reimbursement assistance for local government subdivisions for the acquisition, development, and rehabilitation of recreational areas. The City's match of twenty-five percent (25%) will be three thousand five hundred dollars (\$3,500.00). Legislation authorizing the Service-Safety Director, City Engineer and/or Mayor to apply for the NatureWorks grant is requested. Ordinance No. 2022-065 was created. Filed.

**Traffic Commission minutes –June 28, 2022.** Filed.

**Findlay Fire Department Activities Report – June 2022.** Filed.

**City Auditor Staschiak – Opioid Abatement Fund**

The State of Ohio reached an eight hundred eight million dollar (\$808,000,000.00) agreement with the three (3) largest distributors of opioids. The State developed the OneOhio Plan, a mechanism to ensure that any money from a negotiated settlement is distributed fairly to the communities hit hardest by the opioid crisis. The settlement agreement allocates thirty percent (30%) to local governments, fifty-five percent (55%) to a foundation that will distribute funds to projects, and fifteen percent (15%) to the Office of the Ohio Attorney General as Council for the State of Ohio. During the November 16, 2021 City Council meeting, Resolution No. 020-2021 was adopted which states the City would accept the terms of the OneOhio settlement pursuant to the OneOhio Memorandum Of Understanding (MOU). OneOhio Funds must be utilized in a manner consistent with the approved purposes definition in the MOU. It is not yet known exactly when or what amount of funds will be awarded to the City of Findlay, however, before the City of Findlay receives its portion from the State, the Auditor of the State (AOS) is recommending that each participating subdivision accepting the funds provide a written legislation stating that the local government share shall be placed in a separate fund and used only for the approved purposes as required by the OneOhio MOU. Pursuant to the AOS recommendation, legislation to establish the Opioid Abatement Fund within the City's chart of accounts is needed. The fund would be categorized as a Special Revenue Fund. The difference between this fund and other City funds is that this fund will not be included as part of the annual appropriation process and would be a request for an appropriation of each expenditure as needed. The AOS issued a bulletin regarding the use of these funds stating that the AOS recommends that each participating subdivision accepting OneOhio Funds document their rationale for each expenditure. That documentation would best be provided via legislation adopted by the entity's legislative body explaining how the expenditure meets the approved purpose definition of the OneOhio MOU. The City Auditor's Office also asks that each expenditure be carefully tracked and that adequate documentation of the expenditure be maintained in order to expedite future audit work. Legislation is requested. Resolution No. 020-2022 was created. Filed.

**Mayor Muryn – Rainy Day and Self-Insurance Funds**

City Auditor Staschiak requested two (2) pieces of legislation for the last City Council meeting on June 21, 2022: Resolution No. 018-2022 requested the minimum reserve balance be increased from two (2) months of General Fund expenses to three (3) months of General Fund expenses; Ordinance No. 2022-059 requested the City's Self-Insurance Fund be increased from the current balance of one million dollars (\$1,000,000.00), as well as, receive an additional one million dollars (\$1,000,000.00) increasing the total balance by two million dollars (\$2,000,000.00). While she does not have significant opposition to either request, she has a number of questions specifically related to the significant increase recommended for the Self-Insurance Fund. Councilman Wobser requested both of these items to be discussed in more detail during the July 19, 2022 APPROPRIATIONS COMMITTEE meeting, but that will be immediately before the third reading of both pieces of legislation, therefore, she is requesting that Resolution No. 018-2022 and Ordinance No. 2022-059 be tabled prior to their second reading during the July 5, 2022 City Council meeting to allow for the public to be aware of any requested modifications prior to the potential adoption of them. She would also like to look at both requests as part of the City's financial picture. The City Administration was made aware on May 23, 2022 that the City Auditor's Office filed the paperwork for the City of Findlay's American Rescue Plan Act Funds to be considered revenue replacement. This now provides the City's team the necessary guidance to bring City Council a plan on how to propose investing these dollars in the community. First round discussions with City Council on proposed American Rescue Plan Act spending would then be ready to take place in August which would be an appropriate time to look at any current proposed or additional financial requests of the City Auditor's Office.

The City of Findlay is fortunate to be in the current financial position it is in and that potential opportunities on the many dedicated team members of the City of Findlay are not lost. She looks forward to discussing how everyone can work together to ensure a strong and stable financial future for the City of Findlay government while also putting Findlay citizens' hard earned dollars back into the community.

Discussion:

Councilman Russel moved to have the letter read, seconded by Councilman Bauman. All were in favor. The Council Clerk read the letter in its entirety.

City Auditor Staschiak noted that there are a number of errors in Mayor Muryn's letter that could lead to creating a real mess for the City. He cleared those errors up prior to any decision or discussions that Council has. The subject of the letter refers specifically to a Rainy Day Fund, but the City does not have a Rainy Day Fund, but do have a Rainy Day Restricted Account, however, it has absolutely nothing to do with the two (2) pieces of legislation that he has put forth in front of Council for consideration. There is a lot of public confusion now over the difference between this request and the discussion on the Mayor's behalf regarding the ARPA money. This request has nothing to do with the ARPA money. It is a completely separate matter and has nothing to do with the funds that have come in. The ARPA Funds that have come in have been put in a special individual fund. Requests he has made to Council are due to what has been discussed in the past at Regular Session City Council meetings with Council and committees. The City of Findlay has had a huge net profit of business tax windfall of millions and millions of dollars (almost over eight million dollars) into the Income Tax Account over that last two (2) years which contributed to the largest General Fund cash balance that the City has ever seen which has nothing to do with the ARPA money and has everything to do with a windfall from the City Income Tax, particularly with business profit tax. The desire to mix the discussion of these meetings into one meeting is most likely a mistake. The Federal Government has made it very clear that when dealing with American Rescue Plan Funds that paying down unfunded pensions liabilities offsetting tax cuts applying for matching funds towards Federal grants paying interest or principal on debt for consent decrees or contributing to Rainy Day Funds. Joining them into one specific meeting to talk about all those things could lead to confusion or to a document/documentation from committee meetings that the City is allocating money to reserve in the minimum reserve or to set off a high level of liability that the City has with their Self-Insurance Fund that this body is not aware of and in confusing it could create a potential clawback or creating the ability for the clawback provision and the ARPA money to be enacted for future Councils to be stuck with the liability of repaying all or some of those funds. He would not have put the legislation in front of Council to increase the minimum reserve to a full three (3) months because the time is right to do so as the City will never be in a better position to do so. It does not restrict the use of those funds other than to say if for budgeting purposes that the City dips down below a three (3) month preserve, there also has to be a plan presented to Council by the Administration on how those funds are going to be recaptured in a reasonable period of time. There are several issues that Council is not aware of with the Self-Insurance Fund that lead directly to the need to consider a significant increase in the amount of dollars to that fund. He mentioned to Councilman Wobser in a private conversation that he wanted to ask for three million dollars (\$3,000,000.00), but thought it would be more prudent to ask to increase it to two million dollars (\$2,000,000.00) and are only contributing an additional one million dollars (\$1,000,000.00) based on the seriousness of the issues that we are dealing with. He does not want to see those matters intermingled in the future as it would be a huge mistake, particularly with the ARPA money and funding rules that are in place. Revenue replacement that is mentioned in the Mayor's letter is, per Deputy Auditor and CPA Sampson who is the expert on these monies and concurs based on his reviews. It provides the most liberal, best way, most easily usable way to decide what to do with projects for that fund for what Council and the community Council wants to do. There is a great opportunity to do right by our taxpayers on all the topics brought forward.

Councilman Wobser pointed out that he is the one who called the APPROPRIATIONS COMMITTEE meeting and listed only two (2) topics for that meeting which are the two (2) pieces of legislation that were brought forward, and will not discuss how the ARPA money will be spent. He asked City Auditor Staschiak if the funds need to be taken into an account when looking at total dollar amounts/overall financial picture. City Auditor Staschiak replied no. It would directly contradict the instructions that have been given to the City for use of the ARPA money. That money is completely separate for separate projects and these are stand alone issues. The self-insurance issue per his letter are on the things it potentially funds and the liabilities that the City has and are looking at in the near term and middle term, with lawsuits the City is currently seeing adverse, and the minimum reserve as a second standalone issue. It is best practice to have a three (3) month minimum reserve. It was known that it would move to that direction when it went to two (2) month minimum reserve, but did not at that time because of the concerns with what might happen with cash flow during the CARES Act. The requests are completely two (2) separate distinct unique topics that stand on their own. Councilman Wobser asked when looking out over the next year of income and spending, if at any point in the conversation the ARPA Funds coming into the City's coffers can be looked at and if they have to be spent specific to the guidelines provided to the City that City Auditor Staschiak just discussed, and asked if it is completely separate and sidelined from the City's budgetary restraints and guidelines for the budget that is completely separate and that money has to be kept aside for brand new things that have not been considered. If those monies are to be spent on items that would have normally been funded from the General Fund at some point, it would be something that Council would have considered at their overall outlook picture of the City's financial situation. City Auditor Staschiak that Councilman Wobser's statement could expand to the Strategic Plan as a whole. Nothing should be done until the Strategic Plan is done. Currently, the City has two million one hundred thousand dollars plus (\$2,100,000.00+) of ARPA money and will get another two million one hundred thousand dollars plus (\$2,100,000.00+) and will have approximately four million three hundred thousand dollars (\$4,300,000.00) of ARPA money sitting in a completely separate, totally isolated from the General Fund that none of it has been spent. The City's General Fund currently has approximately twenty-one million dollars (\$21,000,000.00) of an appropriated balance, and a Self-Insurance Fund of approximately eight hundred thousand dollars (\$800,000.00) that is being spent down, both are completely isolated.

In the spirit of the guidance that has been given to the City by the Federal Government, if there is any chance that the waters get muddy looking like the City is using the ARPA money to supplement money so that the City can reserve funds, it would not be hard for an Auditor down the road on another City Council (not this one) to make the case that Council used the opportunity or that Council supplanted funds with that ARPA money so that those reserves could be done, which is not the case today. Councilman Wobser is not saying Council should adopt either or both pieces of legislation that City Auditor Staschiak has put forward, but does think that they have merit as Mayor Muryn has mentioned and is in agreement with them.

He just wants to make sure that the discussion is formatted properly at the APPROPRIATIONS COMMITTEE meeting and wants to understand what City Auditor Staschiak's concerns about them are. City Auditor Staschiak replied that during the committee meeting, if there is a desire to alter the amount of the Self-Insurance Fund, then Council might want to consider tabling it. With them being stand along separate issues, he does not see the practicality of it and are just confusing the issue in muddying the water. Councilman Wobser noted that he will be making a motion to table the two (2) pieces of legislation because of the timeline and nothing to do with the amounts. It is not a problem to have the legislation go for a final vote in an additional Council meeting if the amounts end up changing. It will give the public a little more time to read and understand what is being done. He asked if there is a timeline issue with these requests. City Auditor Staschiak no there is not. The newspaper did a wonderful job a week and a half ago talking about the issue and making sure the public was aware it. He does not want to see it politicalized and wants to see it done properly, well considered, and completely separate from these other conversations.

Mayor Muryn appreciates Councilman Wobser looking at tabling the legislation as she understands that ARPA is completely separate and does not want to jeopardize it in any way and want to show very clearly what those funds will be spent on even with the revenue replacement format. It is important that the conversation to layout for the public what is the City's financial plan moving forward. Since the City has received additional funds because businesses are doing well, then everything that ARPA dollars are being spent on are investing in the community, then some of those additional funds could be put towards the downtown recreation area and would have to make sure that it is a qualifying project. Typically, the Administration looks at shoring up the different accounts at the end of the year when looking at the total financial picture of where funds came in at, so she was surprised to see the legislation and does not necessarily agree, but wants to understand a little bit more. If the Capital Plan is presented and moved to a five to ten (5-10) year plan, it could be laid out what to spend the ARPA money on with the City's financial position and some different areas that the City Auditor is recommending to shore up financials listing what the City wants to do over the next six (6) months, year, three (3) years, and five (5) years. It is very wise to look at different aspects of budgets not only for the City, but for other businesses she has worked with, and having the conversation to understand the different avenues and investments the City wants to make that can be explained and differentiate would be beneficial. She sees no need to rush the legislation and share the whole message so that it doesn't become political and shows that the City is working as an Administration, as the Auditor, and as Council to be able to put a plan together.

Councilman Wobser asked Mayor Muryn if the APPROPRIATIONS COMMITTEE meeting will not discuss ARPA projects. He asked if she is going to introduce anything like that at that committee meeting. Mayor Muryn replied no, not if the two (2) agenda items are the two (2) pieces of legislation as she wants to understand why the amounts are increasing and then have that in mind when putting together the ARPA plan separately. For instance, if the pool needs to be redone and additional funds are needed, will Council want to wait six (6) months to see how next year starts off. She wants to make sure those conversations take place as she does not know what it looks like as there have only been a couple of weeks to start looking at the ARPA plan. When looking at finances, she wants to be able to know what areas are short, what money is being spent on, and have a clear plan moving forward. Councilman Wobser replied that he wants to ensure, given the City Auditor's warning and as the Mayor's letter stated, the conversations about specific projects for ARPA dollars will be held in August. Mayor Muryn agreed stating that the conversation can be whenever Council wants it. She already has all the highlights of the warnings and signs, and will make sure there are no concerns from an audit standpoint. Filed.

#### **COMMITTEE REPORTS:**

The **STRATEGIC PLANNING COMMITTEE** met on June 21, 2022 for an in-depth overview given by the PlanningNext group on the process to date.

*We recommend to continue the Strategic Planning process.*

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

#### **LEGISLATION:**

##### **RESOLUTIONS:**

##### **RESOLUTION NO. 018-2022**

*tabled after first reading/before second reading on July 5, 2022*

*(minimum reserve balance policy) requires three (3) readings*

A RESOLUTION ADOPTING A MINIMUM RESERVE BALANCE POLICY AS PROMULGATED BY THE CITY AUDITOR'S OFFICE, AND REPEALING ALL RESOLUTIONS AND/OR PARTS OF RESOLUTIONS IN CONFLICT HERewith, AND DECLARING AN EMERGENCY.

Councilwoman Warnecke moved to table the Ordinance before it is given its second reading tonight, seconded by Councilman Bauman. Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. The Resolution is tabled.

##### **Discussion:**

Councilman Wobser asked for a point of order stating that the resolution was up for its second reading and asked if Council technically gave it its second reading and are tabling it before its third reading. Councilwoman Warnecke replied that the Clerk of Council had not read it for its second reading yet, so it is being tabled prior to it receiving its second reading. Councilman Wobser asked if it wasn't even brought up yet how it could have a motion on something that wasn't brought up into the discussion. Councilwoman Warnecke replied that she was under the impression that she could do so in order to table it before its second reading.

Councilman Wobser replied he is just trying to figure out if it will be up for one or two more readings when it is untabled. Councilwoman Warnecke replied that it will have two more readings when it is untabled. President of Council Harrington agreed stating that it has not been given its second reading on the record. It was tabled prior to it being given its second reading. He is unsure if it can be backtracked and given its second reading or if the process has to be done all over again. Law Director Rasmussen, in the audience, replied that vote was to table, so it can be tabled if Council so chooses.

President of Council Harrington replied that Councilman Wobser's question is that if it is tabled right now, the Ordinance will have only been given one reading. When it is untabled, it will require two (2) more readings. Council can suspend those two (2) readings if they so choose. He asked Council if they understood that when they voted.

City Auditor Staschiak asked if Council is operating under Robert's Rules. President of Council Harrington replied yes which is part of the rules. It does not mean they cannot defer from them, but is their guidelines.

Councilman Wobser asked if the timeline for this Ordinance is that there will be a City Council meeting on the 19<sup>th</sup> of July which would be the second reading of the Ordinance and look to untable it to give it its second reading and then its third reading on August 2, 2022. President of Council Harrington replied that dates are not concrete until it is untabled. If it is not untabled at the next meeting, then the timeframe goes out further than August 2, 2022. Councilman Wobser replied he understands that, but that his concern was that he wants to make sure that all Councilmembers have the same goal for this. Councilwoman Warnecke replied that she made the motion with the goal for it to have to have two (2) more readings after tonight.

**RESOLUTION NO. 020-2022** (*Opioid Abatement Fund*) **requires one (1) reading** **first reading - adopted**  
A RESOLUTION AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO TO ESTABLISH AN ADDITIONAL FUND.

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

**ORDINANCES:**

**ORDINANCE NO. 2022-047** (*Taylor St property acquisition*) **requires three (3) readings**  
**tabled after third reading during the 6/21/22 City Council meeting, then adopted during OLD BUSINESS**

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.

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

Discussion:

Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Hellmann, Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-052 and is hereby made a part of the record.

**ORDINANCE NO. 2022-054** (*Supreme Court of Ohio Technology grant*) **requires three (3) readings** **second reading - adopted**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel noted that since this is a grant award from the State of Ohio and that the project received front page coverage, he will make a motion to also give it its third reading tonight.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Bauman. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-054 and is hereby made a part of the record.

**ORDINANCE NO. 2022-055** (*City Income Tax Administration Fund*) **requires three (3) readings** **second reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2022-056** (*Cherry Street Storm Sewer Project No. 35524100*) **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 WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT WITH HOHENBRINK EXCAVATING INC., FOR THE CHERRY STREET STORM SEWER PROJECT NO. 35524100, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked City Engineer Kalb in the audience to provide a quick summary for this Ordinance, as well as Ordinance Nos. 2022-057 and 2022-058. City Engineer Kalb replied that they found a catch basin within an alley. The developer that is working on Nino's Bar on North Main Street is redeveloping that area to tie in their parking lot into that catch basin, but found out that it is actually dumping into the sanitary sewer, so they want to get any storm water out of there. The City contacted a couple of local firms to for quotes. Since it is under the fifty thousand dollar (\$50,000.00) amount. Hohenbrink Excavating Inc. came back with the lowest bid and are being awarded the contract.

They have the equipment and material ready to do the project so as soon as permission to enter into a contract and the funds are available, they will be able to mobilize on site and get the catch basin replacement done making sure it is in a storm line prior to any further development of that Cherry Street property.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Greeno. Ayes: Russel, Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-056 and is hereby made a part of the record.

**ORDINANCE NO. 2022-057** (*2022 Street Preventative Maintenance, Project No. 32820100*) **requires three (3) readings** **second reading - adopted**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Discussion:

City Engineer Kalb replied that this is a project that the City Street Department will be doing. They are moving along throughout the City on a lot of projects and are moving pretty fast. They are spending a lot of money on asphalt and stone. He does not want to slow them down as they are making good time and have adequate staff to do the project, so he would like to keep funds available to keep them moving.

Councilman Wobser would like to keep City crews working, so he is making a motion to also give this its third reading tonight.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Bauman. Ayes: Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough. The Ordinance received its third reading. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-057 and is hereby made a part of the record.

**ORDINANCE NO. 2022-058** (*Public Works replacement plasma table*) **requires three (3) readings** **second reading - adopted**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Discussion:

City Engineer Kalb noted that the main board on this was fried through a surge. A replacement plasma table is available as soon as the funds are available to obtain a purchase order for it. The sooner this replacement table can be purchased, the sooner the Weld Shop employees can keep moving. Every day they do not have the table is another day that they cannot make parts for anything that breaks down. All three (3) of these Ordinances (2022-056, 2022-057, 2022-058) keeps everything moving and keeps all City equipment up to date and maintenance-free.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Palmer. Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. The Ordinance received its third reading. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-058 and is hereby made a part of the record.

**ORDINANCE NO. 2022-059** (*self-insurance fund*) **requires three (3) readings** **tabled after first reading/before second reading on 7/5/22**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Warnecke moved to table the Ordinance before it is given its second reading tonight, seconded by Councilman Slough. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Greeno. The Ordinance is tabled.

**ORDINANCE NO. 2022-060** (*Robert L. Hamilton estate trust funds*) **requires three (3) readings** **second reading – adopted**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel pointed out that this is for the estate of Robert L. Hamilton who is giving over forty-seven thousand dollars (\$47,000.00) to the Findlay Fire Department. He is making a motion to give it its third reading tonight so that it can be put to use now instead of waiting another two (2) weeks.

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

Discussion:

Councilman Russel asked Findlay Fire Chief Eberle in the audience if he personally knows Mr. Hamilton. Fire Chief Eberle replied he does not. Councilman Russel thanked Mr. Hamilton's family for the donation. It will be put to good use to make the community better. It is appreciated.

City Auditor Staschiak pointed out that the Findlay Police Department is also receiving a donation from the same individual.

Ayes: Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-060 and is hereby made a part of the record.

**ORDINANCE NO. 2022-061** (*332/336 Cherry St vacation*) **requires three (3) readings** **second reading**  
AN ORDINANCE VACATING A CERTAIN PORTION OF CHERRY STREET (HEREINAFTER REFERED TO AS THE 332 AND 336 CHERRY STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

Second reading of the Ordinance.

**ORDINANCE NO. 2022-062** (*Water Distribution materials*) **requires three (3) readings**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**second reading – adopted during OLD BUSINESS**

**ORDINANCE NO. 2022-063** (*FAA Airport Rescue Grant Program*) **requires three (3) readings**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**first reading - adopted**

Discussion:

Councilman Hellmann noted that since this is just taking the FAA grant in the amount of fifty-nine thousand dollars (\$59,000.00) and putting it into an account that can be accessed for a particular project, he will make a motion to give it its second and third readings tonight.

Councilman Hellmann moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Slough. Ayes: Russel, Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance received its second and third readings. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-063 and is hereby made a part of the record.

**ORDINANCE NO. 2022-064** (*STRICT Center*) **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 ENTER INTO A CONTRACT WITH CLOUSE CONSTRUCTION CORPORATION, FOR THE DESIGN PHASE OF THE STRICT CENTER PROJECT, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2022-065** (*NatureWorks grant*) **requires three (3) readings**

**first reading - adopted**

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO APPLY FOR AND SIGN ANY APPLICABLE GRANT AGREEMENT(S) OR RELATED DOCUMENTS FOR THE OHIO PARKS AND NATURAL RESOURCES NATUREWORKS GRANT PROGRAM, 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: Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-065 and is hereby made a part of the record.

#### **UNFINISHED BUSINESS:**

#### **OLD BUSINESS:**

Councilman Russel moved to untable Ordinance No. 2022-047, seconded by Councilman Bauman. Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. The Ordinance was lifted from being tabled. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Palmer.

Discussion:

Councilman Wobser thanked Mayor Muryn for providing the letter from Hancock County Board of Commissioners Chair Michael W. Pepple about the Taylor Street properties and asked if she is comfortable with the terms that they have used in the letter. It appears as though they have given themselves an out in that they would not transfer these properties to the City. Mayor Muryn replied that she is comfortable with it. She met with them and discussed it in which they suggested possibly doing a long-term lease agreement and possibly transfer that parcel to the City. They all agree that the best use of it is part of the park. For ease of legality, they will figure out how they want to handle it. She feels comfortable that it will be utilized. The utilization of that area will have to be coordinated. The County Commissioners will work with the City on it to ensure that it is in the best interest of community. Councilman Wobser asked if this is for the property that is south of Clinton Court where the benching properties are and asked if it makes sense that there is an existing patchwork of ownership even though the City is going to spend money to develop this tract of land.

Mayor Muryn replied that she feels comfortable with it. The City will be working their way through it while they are transferred to the City for benching. She believes they will all ultimately be transferred to the City, but did not feel comfortable making that commitment then with each Commissioner being in and out of vacation the last couple of days to get an agreement in place, but she feels comfortable that the City will be able to use it as parking area in support of the downtown recreation area for the foreseeable future. Her goal is that with any of the properties that have been acquired for public use, if at any point of time they are sold for whatever reason, that funds that are coming back and are being invested for the specific purposes of being re-vested back into the park area or for flood mitigation, they will be invested for what they originally purchased for. Councilman Wobser asked if the four (4) properties listed are north of Clinton Court. Mayor Muryn replied yes.

Councilman Russel noted that there has already been legislation this year transferring County-owned property to the City that is flood mitigation property and asked what the process for doing that. Mayor Muryn replied that the City received a couple of properties directly from the Park District and some from the County Commissioners. It is the goal that all the ones within the benching area will be transferred to the City. Assistant Prosecutor Johnson is working on getting all the paperwork together (completing all the deed work ensuring they have all the deed restrictions from the FEMA grants, all the surveys, etc.). He is putting all the paperwork together which is not a high item on his priority list as they are still working through acquiring a couple of those properties and have been more focused on that.



There are other properties throughout the community and not adjacent to the areas that will be a part of a larger conversation when it is determined if it makes sense when they are between two residential properties with a deed restriction where it cannot be developed or do not want to develop it because it was purchased for a reason and are going to split the property, or if the City of County is keeping it for some reason. The City and County will be working parcel by parcel and then come to Council for discussion, possibly being forwarded to a committee. The ones specifically in the benching area will be transferred to the City.

City Auditor Staschiak did some research and believes there are questions that should be answered to the general public. The land value of these properties are significantly below what the City is paying for them, two of them being sixteen thousand four hundred dollars (\$16,400.00), another that was transferred in the newspaper in the last couple of weeks for three thousand dollars (\$3,000.00), but the City is paying one hundred fifty thousand dollars (\$150,000.00) for them. He is personally grateful that the County Commissioners are not giving the four (4) properties they wrote to Council about to the City at this point in time since there is not a final resolution of what is really going on with flood mitigation but have made significant progress. Twelve thousand dollars (\$12,000.00) for each of the three (3) properties totaling thirty-six thousand dollars (\$36,000.00) is well below what the City is paying for the properties. Council owes the public an explanation on why the City is paying so much money for these properties as it is the number one question he is getting from the general public and that he is not in a position to cast a vote or make a decision on. This property is located right in the center of proposed development for apartment complexes and every time he hears that these properties might be sold, could be sold, may be sold, Councilman Russel participated in the development of the catalytic plan, but has stated in the paper that he is not representing the City's interests, but that he received an email from Tim Mayle stating that Councilman Russel and Paul Schmelzer were representing the City's interests on this matter. He is stating this for the sake of clarification and is probably worth addressing again in the community for full transparency.

Ayes: Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman. Nays: Greeno, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-047 and is hereby made a part of the record.

Councilman Wobser informed Council that when the APPROPRIATIONS COMMITTEE discussed the Water Distribution materials via Ordinance No. 2022-062, they were on a tight timeline for it. He apologized for not mentioning this when the Ordinance was read during the legislation portion of tonight's agenda.

Councilman Wobser moved to reconsider Ordinance No. 2022-062, seconded by Councilman Niemeyer. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Greeno. The Ordinance is being reconsidered. Councilman Wobser moved to suspend the statutory rules of Council and give the Ordinance its third reading, seconded by Councilman Greeno. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann. The Ordinance received its third reading. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-062 and is hereby made a part of the record.

#### **NEW BUSINESS:**

Mayor Muryn noted that it was a wonderful time at the fourth of July parade yesterday with a great showing of community members. She especially enjoyed it because she had her five (5) year old niece visiting from Texas who got to ride with her in the fire truck. It was wonderful to celebrate with family and celebrate our country's Independence Day. President of Council Harrington added that he has lived in Findlay for almost his entire life and feels as though this year's fourth of July parades was one of the largest parades he has seen in Findlay's history. He thanked Mayor Muryn and the City teams for coordinating the parade. It was nice to see everyone celebrating our country, especially with all the division there seems to be. Mayor Muryn replied that the Public Works team prep work getting the downtown looking nice. The Downtown Findlay Improvement District (DFID) provides investments to make sure it looks nice. Findlay Police Officers work tirelessly that day. It is also a success because of citizens that volunteer and organize it.

Mayor Muryn thanked Council for their support on a number items and what these opportunities mean for the community, which will set up the community for the future such as the downtown recreation area, financial stability, the ARPA dollars that will be discussed over the next couple of months. City teams are hard at work. The weather has provided a better work environment lately.

Mayor Muryn provided condolences for Officer Williamson who passed away on June 30, 2022. He was a long time Police Officer that served our community well.

Councilman Wobser: **APPROPRIATIONS COMMITTEE** meeting on July 19, 2022 at 5:30pm in the third floor conference room of the Municipal Building (CR1).  
agenda: 1. increasing General Insurance Fund level via Ordinance No. 2022-059  
2. increasing the minimum reserve balance via Resolution No. 018-2022

Councilman Wobser: **STRATEGIC PLANNING COMMITTEE** meeting on August 2, 2022 at 5:00pm in the third floor conference room (CR1) via zoom call with PlanningNext  
agenda: review first draft of public comments and final action plan

Councilman Wobser: **STRATEGIC PLANNING COMMITTEE** meeting on August 16, 2022 from 10:00am-1:00pm in the third floor conference room (CR1)  
agenda: review and approve the final action plan to go to the public for review and comment

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on July 14, 2022 at 12:00pm in the first floor Council Office of the Municipal Building (CO). The meeting is anticipated to last longer than usual because of conversations to be had with Hancock Regional Planning Commission (HRPC) and Mayor Muryn.  
agenda: 1. 909 Broad Avenue rezone  
2. Elm Street vacation

Councilman Niemeyer moved to adjourn City Council at 8:11pm, seconded by Councilman Slough.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT