

## FINDLAY CITY COUNCIL MEETING MINUTES

### REGULAR SESSION

SEPTEMBER 20, 2022

COUNCIL CHAMBERS

#### ROLL CALL of 2022-2023 Councilmembers:

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

**ABSENT:** Slough

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

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

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

Councilman Palmer moved to accept the September 6, 2022 Regular Session City Council meeting minutes, seconded by Councilman Greeno. All were in favor. Filed.

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

Councilman Russel moved to remove and add the following to tonight's agenda, seconded by Councilman Bauman. All were in favor. Filed.

##### REMOVALS:

1. Remove August 11, 2022 September 8, 2022 agenda (top 2 pgs) of the PLANNING & ZONING COMMITTEE report & agenda (*COMMITTEE REPORTS* section)
  - The agenda was for the August 11, 2022 P&Z Committee meeting and should not have been attached with the September 8, 2022 P&Z Committee meeting minutes and committee report.

##### REPLACEMENTS:

1. acquisition of Bank Street and East Hobart Street properties Real Estate Purchase Agreement (pg 4) (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS* section)
  - to match Mayor Murny's letter
2. Ordinance No. 2022-081, AS AMENDED – salary ordinance (*LEGISLATION* section)
  - see attached list for changes to Ordinance No. 2022-081. Ordinance No. 2022-081 is up for its third reading during the September 20, 2022 City Council meeting.

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

#### PETITIONS:

##### Alley vacation request – 119 West McPherson

Anthony J. Coyne/Diane A. Calta, Attorneys for the applicant Mansour Gavin LPA is requesting a vacation of a fifteen foot (15') alley between West McPherson and Lake Cascades Parkway, formerly Vance Avenue, east of Douglas Parkway abutting Sherman Addition Block, G and inlots number 16815 through 16822. Referred to CITY PLANNING COMMISSION and PLANNING & ZONING COMMITTEE. Filed.

##### Zoning amendment request – 119 West McPherson

Anthony J. Coyne/Diane A. Calta, Attorneys for the applicant Mansour Gavin LPA would like to change the zoning of 119 West McPherson to C1 Local Commercial. It is currently zoned as R2 Medium Lot Residential. Referred to CITY PLANNING COMMISSION and PLANNING & ZONING COMMITTEE.

#### Discussion:

Councilman Russel pointed out that these requests are generating a lot of conversations, especially in his neighborhood. He noted that both requests will be referred to both the CITY PLANNING COMMISSION and also the PLANNING & ZONING COMMITTEE where they will discuss them on October 13, 2022 with the CITY PLANNING COMMISSION meeting at 9:00am, which is when public input is welcomed, and the PLANNING & ZONING COMMITTEE meeting at 12:00pm. Filed.

**WRITTEN COMMUNICATIONS:** none

## **ORAL COMMUNICATIONS:**

### **Tricia Valasek, Executive Director of Raise the Bar Hancock County - update**

Ms. Valasek is before City Council tonight to provide an update on Raise The Bar activity, especially because Council has generously invested in the work that they do. She is proud to share with Council how they have leveraged the thirty thousand dollar (\$30,000.00) investment that the City of Findlay has put into Raise The Bar this year that has turned into a four thousand percent (4,000%) return on investment because they have turned the City's thirty thousand dollars (\$30,000.00) into an additional one million two hundred thousand dollars (\$1,200,000.00) for the community.

Without the City's matching funds, Raise The Bar would not be eligible to go after the State's Industry Sector Partnership Grant out of the Governor's Office which is a grant that they have received two (2) years in a row for two hundred fifty thousand dollars (\$250,000.00) each year in which she has to raise one hundred twenty-five thousand dollars (\$125,000.00) of local funding to match those costs, all of which is reinvested back into the workforce with a large focus on manufacturing. There is another grant coming from the Governor's Office very soon which in turn means that Raise The Bar will need to raise another one hundred twenty-five thousand dollars (\$125,000.00) of investment. This is the type of return that Raise The Bar can get when they have entities like the City, the County, the Community Foundation, and businesses investing in the work of Raise The Bar. Raise The Bar of Hancock County is one (1) of only fifteen (15) partnerships in Ohio that is endorsed by the Ohio Manufacturers Association. Because of their endorsement, they are bringing nine hundred thirty thousand dollars (\$930,000.00) to the community for the next three (3) years to build the manufacturing workforce which is part of the Ohio Manufacturers Association's twenty-three million dollar (\$23,000,000.00) award through the Good Jobs Challenge grant. The City of Findlay's small seed of funding helps Raise The Bar bring much more investment to the community. When she goes to a State-wide summit with partnerships like Raise The Bar, the Findlay community is very far ahead of others because of the leadership that Findlay has, the Mayor who sits on Raise The Bar in the Presidency role, and former Councilmembers. It is because of the people who are investing in their work where Raise The Bar is driving a lot of change and are maximizing the assets that they have in this community. Raise The Bar is not asking to add more things, but are trying to streamline what they already have and maximize their potential. While they continue to do so, they are seeing tremendous results. They continue to focus on manufacturing because that is where many jobs are right now, so the demand is there. They are seeing how they can focus on other industries in the community. She thanked Council for investing in Raise The Bar for so many years and would like to see that investment continue because the City's match does matter. It brings a lot more funding to the community. She asked Council to continue to see the work that they do and how they can play a role in shaping the community to be exactly what the people would like it to be.

#### **Discussion:**

Councilwoman Frische asked for an example of what the two hundred fifty thousand dollar match consists of, as well as the nine hundred thirty thousand dollars (\$930,000.00) that is endorsed by the Ohio Manufacturers Association. She asked if the welding project over at the City Mission is part of it. Ms. Valasek replied that is not part of the work that Raise The Bar does. It is a project that they are doing on their own. The two hundred fifty thousand dollars (\$250,000.00) that Raise The Bar has right now is what is being invested back into leadership development training for youth and are focusing on the K-12 school system to help them fulfil their obligations with the State through their Business Advisory Council which they are required to be a part of. Raise The Bar is shaping and guiding it and is not duplicating their efforts. Raise The Bar is also making sure there are teachers who are aware of the jobs that their students could be eligible for and getting them into those spaces. The nine hundred thirty thousand dollar (\$930,000.00) award is a very tailored project about recruiting individuals to the community. Raising the tax base that they can have for economic gain and putting more people into jobs, upskilling them, but also helping them overcome barriers that they might have for employment.

Councilman Hellmann asked how large Raise The Bar's staff is and how big their budget is. Ms. Valasek replied that she is a staff on one (1) which is just herself. Any work that she has that is extra is by contract. Their yearly budget outside of grants is one hundred fifty thousand dollars (\$150,000.00)

Councilman Wobser noted that the City has not renewed their funding to Raise The Bar and asked when the City's last funding runs out. Ms. Valasek replied that the City's contribution is for this fiscal year. Councilman Wobser asked Mayor Muryn if she is going to include the City's contribution in the budget for next year or if it will be discussed separately. Mayor Muryn replied that it is her intention to include it. It is an item that has come up going into the budget season. It is valuable dollars. As Ms. Valasek stated, Raise The Bar's budget of one hundred fifty thousand dollars (\$150,000.00) covers Ms. Valasek's expenses, advertising, expenses for Manufacturing Day website content, contract work that is regularly done, and contracting out work as needed, etc. The dollars that the City is investing are important because she does need to prove that the organization receives them when applying for grants to show that they have that local partnership support. When funds are coming from local government, it encourages State and Federal agencies to invest because our local community is stepping up and supporting the Raise The Bar organization. Raise The Bar was originally formed and focused on manufacturing because it is a core portion of the community and is now starting to build off that framework to work with the Health and Human Services Workforce Committee where agencies related to health and human services are working together to build needed workforces and partnerships opportunities, determine education tracks to educate which has allowed them to build out the framework around manufacturing and apply it toward different industries. Councilman Wobser reminded Council that in years past when Council has invested in Local 501C3s, Council has always had a seat on the Board to ensure that the funds were being spent properly which was one of the contingencies for spending the money. Currently, Mayor Muryn is on the Board and asked if she is President or Vice President. Mayor Muryn replied she is President this year and next year. Councilman Wobser added that Mayor Muryn is the Board President for a two (2) year term, but that Council does not have a seat on the Board. Their Board decided that they would rotate funders off. Ms. Valasek replied that originally they did do that for perpetuity, but bylaws changed the health of the board of change over every so often. Councilman Wobser noted that one of the reasons the City only provided one (1) year of funding was that in order to allow for discussions like this to see if the City will continue to fund the organization with where the City is at currently which is discussed at budget time. Filed.

**Drew Corso, AEP Project Manager – project update for the Findlay Fifth Street underground project (Findlay to Fifth)**

Mr. Corso is before City Council tonight to provide an update for the underground transmission project build that is going from the Findlay station at Putnam and Hurd, down Hurd Avenue, over to Lincoln Street to the Marathon Substation (behind Marathon’s substation). He came before City Council about two (2) months ago (7/5/22) to provide a project kickoff update. Council had asked him to come back to Council to provide regular updates which is why he is here tonight. Progress is going very well and they are on track per the schedule. They have been working closely with the City of Findlay Engineering Department team. They have been reaching out to the public by providing a mechanism for the public to be able to contact AEP to resolve any kind of issues or problems that might arise, so there is a good circular path of communication with the public and businesses. Tonight’s update is fairly critical as they are getting close to Lincoln and Main Street which is an extremely busy area. AEP has been working closely with City Engineer Kalb, Marathon’s campus, Hancock Hotel, and a variety of other businesses on Main Street from Fire Chief Eberle’s station to Hardin Street to make sure that the businesses know exactly what AEP is doing and when they will be doing it as it will affect traffic flow patterns in that area.

AEP is working very hard to incorporate their needs and wants as much as they possibly can with businesses to provide the least amount of footprints and irritation to the public. Mr. Corso provided Council with a packet of information that breaks down their projects in Findlay. The first page is their title page of the general view of the construction of digging into the ground and putting conduit into the ground to accept new power cables. The next page is an overview of what the line route is. The subsequent pages are of Phases I-IV listing a duration for each phase and also includes a traffic flow pattern for each phase, and a duration of how long that phase will take. The area marked in green hash marks is the area that will be closed which will be for the duration of the project. Road shifts and patterns have been communicated with the public and the immediate businesses around those areas. They anticipate finishing up the duct bank construction around December 8, 2022, depending on how the project goes. It is underground work which is precarious where they often times find things they did not know about, or maybe were not in the right position, or where they thought they were. He received a last second update on the dates listed by pushing them by a week so that they do not interfere with the local homecoming parade that will be coming through the area where they will be working at. He just found out about the parade tonight which delays the project slightly.

**Discussion:**

President of Council Harrington notified Mr. Corso that his allotted four (4) minutes to speak are up. Councilman Russel moved to allow Mr. Corso to continue, seconded by Councilman Palmer. All were in favor. Mr. Corso was allowed to continue.

Mr. Corso continued stating that AEP will be finishing up on the eighth (8<sup>th</sup>) and pushing the dates by a week. Next steps after that will be to hold off on paving until spring because the City Engineering Department is working on some other paving projects in the area. The City will be working together with AEP to bundle some projects together during the correct time of year to allow for the best product, and allow the City the benefit of AEP repaving some areas that the City will dig into, allowing for some economic benefit with the coordination between the two (2) entities, with the City being able to dig down and AEP taking care of the roads.

Councilman Russel asked if the first closure on Main Street will be October 8, 2022, which is a Saturday, instead of the listed date of October 1, 2022. Mr. Corso replied it will be the following Monday. There is a week delay because of the Findlay Homecoming Parade. It is a calendar week delay. Councilman Russel asked Mr. Corso to confirm that AEP has talked with Findlay’s downtown businesses on the west side of Main Street across from the hotel and asked if they are aware of the no parking area during this project. Mr. Corso replied that AEP has talked with the Hancock Hotel and the Marathon campus and are in the process of talking with everyone on the east and west sides of Main Street from Lincoln to Hardin. Councilman Russel asked if the handout Mr. Corso provided to Council indicates that there will be no parking there. Mr. Corso replied that is correct. Councilman Russel replied that no parking will be difficult for the businesses in that area and asked if there is anyway to block the intersection with physical barriers to allow motorists to re-enter Main Street traffic heading south. Mr. Corso replied there are some Ohio Department of Transportation (ODOT) restrictions on that. City Engineer Kalb added that the guidelines keep from creating potential conflict points that could cause potential accidents when restricting two (2) lanes down to one (1) while merging over to a different lane with parked cars coming out of their parking spots and not expecting the traffic, it becomes a safety concern. He discussed the downtown business parking situation with AEP, but after talking through it and what the closure is going to look like, he could see a potential problem and wants to make sure there are no problems with conflict points. What will be done on Lincoln Street is similar to what was done on Lima where the traffic light was turned into a blink mode so that the north/south traffic can keep moving and not create a choke point at Lincoln. No parking in that area during AEP’s project is to eliminate any safety concerns. Councilman Russel asked if there are any parking alternatives for businesses that are highly reliant on street parking near their business. He asked if the no parking area will go past the north of that alley (at Smarty Pants, Subway, and the bike shop). City Engineer Kalb replied that it will extend to the Wilson’s Sandwich Shop. He will review what was done with residential areas, including apartments, for temporary parking locations for them and businesses. Filed.

**Michael Stoner – South Blanchard Street vacation**

Mr. Stoner is before City Council tonight to address his request to vacate the alley behind his house. His main concern is safety, safety for his children, animals, and the overall safety for his entire family. His petition is for two hundred five feet (205’). His abutting neighbors (1415 Blanchard Street, 711 Fifth Street and 714 Sixth Street) have all signed his petition. He is not petitioning to close the entire alley, and is petitioning to close his portion of the alley. He has followed the request to vacate and all property owners were notified that about the alley. His request is for the safety of his children, but was told it would cause a hardship for the rest of the people down the alley. They would still have access off of Graceland. He has endured a hardship with the closing of the two (2) alleys that used to intersect that alley. While he does not have a crystal ball and cannot predict the future of hardships or any future projects that anyone may run into, but does know that a precedence was set in 2013 for Bill Johns who petitioned to close a portion of an alley between Third and Fourth Street, only a portion of it and not all of it. All of his particulars equal the petition that Mr. Johns put in, only to vacate a partial of it and not all of it. Both are unimproved leaving only one way in and one way out of ingress and egress. Both have gravel to a point, and then are grass.

Both have powerlines and need to maintain an easement access for AEP or other utility companies for maintenance purposes in which he is not trying to restrict it. The City Planning Commission's did not recommend the approval of Bill Johns' partial alley being closed, but Councilman Russel went against their recommendation of denial and voted to pass it. He feels he is being discriminated against. His property rights should be the same as Bill Johns. In the case of the Third and Fourth Street alley vacation, some of the property owners were in opposition that did not about the portion of the alley that was being requested to vacate, which is the same for his case. In Mr. Johns' case, Judy Scrimshaw (CPC) advised Bill Johns to reach an agreement with the abutting neighbors and non-abutting neighbors on access for maintenance. Bill Johns stated that not all members would agree to it. The partial alley was still closed even after that. In Mr. Stoner's case, all his abutting neighbors that abut next to it have agreed on his request to close the section he has petitioned for. He has received signatures from non-abutting property owners in the past couple of weeks that originally were not in favor of it, but are now. Councilwoman Frische visited the neighborhood, as well as some of the non-abutting property owners, in which one was not in favor of the vacation, but after Councilwoman Frische spoke with them, they are now in favor of it. He has eleven (11) property owner signatures in favor of his petition. He is asking for his property rights to be the same as Bill Johns. The big difference in his petition and Mr. Johns' petition is that he is petitioning for the safety of his children, where Mr. Johns' did not have anything listed about safety on his request. It is not a land grab, as he has been accused of, but has powerlines that run right next to his house.

Discussion:

President of Council Harrington notified Mr. Stoner that his allotted four (4) minutes to speak are up. Councilwoman Frische moved to allow Mr. Stoner more time to finish his statement, seconded by Councilman Russel. All were in favor. Mr. Stoner was allowed to continue.

Mr. Stoner continued stating that it is not a land grab as he has been accused of. He has powerlines running next to his house, so there is no way that he can possibly improve upon his house or garage into the alleyway. He asked Council to deny the committee report and to draw up legislation to vacate the portion of alley that he has asked for, for the safety of his kids, and give it the three (3) full readings in order to get it closed.

Councilwoman Frische asked if Council wants her to wait to provide comments until the committee report portion of tonight's meeting or now. President of Council Harrington replied that discussion right now is just for questions for the speaker. Councilwoman Frische asked Mr. Stoner what can be accomplished if he does not get the alley vacated and asked if it will be similar to the property on Third and Fourth Streets where the property owners were not in agreement, but went ahead and granted that vacation. Mr. Stoner replied that he is hoping that he can be in agreement with the neighbors that would still like to have access in that area for tree trimmings and other general purpose maintenance at the back of their properties as he is not trying to deny them that. He is trying to deny the ruffraff that he has seen going in and out of there. He has kids that play outside with him (he included pictures of them playing with him). His garage is right next to the alley. As much as anyone tries to watch their children, they can be quick and can run into the alley. If his kids are outside in their garage with him and suddenly dart out from the corner of the garage, if there is a vehicle going down the alley, his children could be struck, potentially killing his children. Councilwoman Frische asked Mr. Stoner if he understands that the alley is an unimproved alley and will always be an utility easement. Mr. Stoner replied he does. Councilwoman Frische asked Mr. Stoner that if the vacation discussion were to continue tonight and if the City was able to ensure that all Findlay citizens are treated equally, what he sees his vacation looking like. She asked if he plans to plant a tree or what he plans to do. Mr. Stoner replied that he spoke with the abutting property owner that lives next to him who is in agreement to put a metal pole on either side and would run a chain in between the two properties. When a property owner needs to get back there or if a utility company needs access, all they would have to do is unhook the chain, go about their business, and then hook the chain back up when they leave. He is trying to build a physical barrier so that cars and other ruffraff know that it is not just a freeway that they can come in and out of. Most of the alley is grass, so a lot of motorists go slow through it, possible because not everyone has a 4x4 off-road vehicle and want to go bajaing. As soon as motorists hit the back part of his property, which is where he is petitioning to close, it turns into stone from there to South Blanchard Street where speed is increased expeditiously through there. Many treat it as a drag strip through there and even have had cars pulling out of there throwing stones on his wife's car.

Councilman Wobser asked how many cars go down that alley. Mr. Stoner replied that it is not a high traffic alley, but when it is used . . . Councilman Wobser interrupted asking if it is used. Mr. Stoner replied that it is used. There are property owners that go back there to do stuff, which he is not trying to deny them to do, but is trying to keep everyone else out. In the past two (2) weeks, there has been a handful of cars who do not live there and go back through there, and then realize that they cannot go all the way through and turn back around on his portion of it, many doing so at a high rate of speed with no regard to safety for anyone. Councilman Wobser asked how many votes were in favor of this request from both the CITY PLANNING COMMISSION and also the PLANNING & ZONING COMMITTEE. Councilwoman Frische asked if Councilman Wobser is asking of the committee report he has in front of him. Councilman Wobser replied that there were two (2) committee reports in front of him and asked how many from the CITY PLANNING COMMISSION and the PLANNING & ZONING COMMITTEE were in favor of it. Councilwoman Frische replied that from the PLANNING & ZONING COMMITTEE, she was against denying the petition with the rest in favor. The CITY PLANNING COMMISSION has followed their preferences which is that they do not vacate a partial alley unless it has a cross over alley that has another way in or out. In the minutes, the CITY PLANNING COMMISSION recommended to the property owner to talk to more abutting property owners. Mr. Stoner replied that he did so. He talked to over the majority of them. Councilman Wobser asked how many votes Mr. Stoner acquired in favor of the vacation. Councilwoman Frische asked if he wants to know how many of Mr. Stoner's abutting property owners are in favor of the vacation and how many signatures he was able to obtain. Councilman Wobser replied that he is not asking for signatures, and is asking for those in favor of the vacation from the CITY PLANNING COMMISSION. He asked how many voted in favor of the vacation that are on the Commission. Councilwoman Frische asked if he is wanting to know how many voted in favor of the vacation on the PLANNING & ZONING committee report. Councilman Wobser replied no, on CITY PLANNING COMMISSION. Councilwoman Frische that the 9:00am meeting that that Mayor runs, all voted against the recommendation. Councilman Wobser asked if anyone on the CITY PLANNING COMMISSION voted in favor of the vacation. Councilwoman Frische replied that they voted against the recommendation. Councilman Wobser asked if anyone on that commission voted in favor of the vacation. Councilwoman Frische replied that there was some discussion of some kind, but that she was not at that 9:00am meeting. Mayor Muryn added that there were no votes in favor of support.

They were originally going to table it to give the petitioner time to get additional signatures, but then realized that they could not amend the petition as presented and instead denied the request and requested that he get a petition to vacate the entire alley because there were citizens that came forward and spoke that they utilize it as an access point to get to their property. Councilwoman Frische added that CITY PLANNING COMMISSION denied the recommendation and recommended the entire alley which is fine because there is a PLANNING & ZONING COMMITTEE through City Council that brings legislation allowing Council to disagree with it if they so choose which was done in 2013 for the property on Third Street going to Fourth Street which is the exact same example with the only difference being that it was requested because they use the alley as their driveway and not for safety reasons or any other reason. The recommendation from the CITY PLANNING COMMISSION was to have all abutting property owners in agreement to which the property owners have stated in the minutes that is not going to happen.

President of Council Harrington informed Council that Councilman Wobser has the floor. Councilman Wobser replied that his question has been answered so he is done. President of Council Harrington reminded everyone that the questions are for the speaker. Councilwoman Frische replied that the questions were just for her. President of Council Harrington called on Councilwoman Frische if she has any further questions for the speaker. Councilwoman Frische asked Mr. Stoner if he feels he is being discriminated against because he is not being treated the same as the property owner on Third Street. Mr. Stoner replied yes. Councilwoman Frische asked Mr. Stoner if he understands why the CITY PLANNING COMMISSION denied his recommendation and if he understands their preference. Mr. Stoner replied yes.

Councilwoman Frische explained that there is no policy for the CITY PLANNING COMMISSION to follow. Their recommendation is only their preference to which she understands that and respects it. Councilman Russel chaired the PLANNING & ZONING COMMITTEE in 2014 when they went against the CITY PLANNING COMMISSION's recommendation for the exact same request that Mr. Stoner is now asking for which is a partial alley vacation with no other ingress or egress, and does not have one hundred percent (100%) support from abutting property owners on vacating the alley. She asked Mr. Stoner if she is correct. Mr. Stoner replied that is correct.

Councilman Hellmann asked Mr. Stoner what the result was when he attempted to vacate the entire alley. Mr. Stoner replied that he has not submitted a petition to vacate the entire alley and that he only submitted a petition to close his portion of the alley which is approximately two hundred five feet (205'). Councilman Hellmann asked if there was a statement made tonight for an effort to be made to vacate the entire alley, which would be the preference of the CITY PLANNING COMMISSION and also the PLANNING & ZONING COMMITTEE, in order to not create a stub alley. Mr. Stoner replied that is correct.

Councilwoman Frische asked Mr. Stoner . . . *(cannot hear the audio)* on that property. If you would have come first, you could have done your petition because there would have been an additional ingress and egress. Mr. Stoner replied that he was not born before the 1950s, so he was not able to do so. Councilwoman Frische asked Mr. Stoner with what he is petitioning and if he believes he followed the process as written out on the application. Mr. Stoner replied yes. He obtained the signatures of all the abutting property owners, so he has one hundred percent (100%) signatures of all abutting property owners which is the requirement. Filed.

#### **Alfred Benavides – South Blanchard Street vacation**

Mr. Benavides recently purchased his home at 1411 South Blanchard Street. He previously had lived by an alley that he had a lot of problems with motorists coming down the alley, some even smoking dope in the alley. He has since moved to South Blanchard Street and lives one house away from the alley where he has seen motorists drive in and turn around and drive out. During the BalloonFest, traffic was lined up on Sixth Street down to Sandusky Street. Motorists were anxious to get onto Sixth Street so they turned down this alley and then had to decide what to do to get back out. They tried to get back in the line of traffic creating a traffic jam. He lives four (4) houses from Sixth Street. He feels for Mr. Stoner as he has seen his little girl come out of the side door that faces the alley only to head right toward the alley. He has seen motorists drive there with no hesitation to who is out there. He has also witnessed someone come out of that alley that didn't belong there and cut across to the house next to him, some going across his yard and looking into his car and then walk behind his house before walking to the neighbors, which is trespassing. It was a concern for him because he has a lot of stuff, so he cannot leave his garage door open. He locks his house even when he just goes out to his garage. He is also concerned with the safety of the young lady just bought the house next to him. He is concerned about the traffic.

#### **Discussion:**

Councilwoman Frische noted that Mr. Benavides referenced safety and that Mr. Stoner's daughter comes outside and goes towards the alley. Mr. Benavides replied that the Stoner residence's door faces the alley, so it is not known if their daughter will go towards the alley or towards the garage. He has great grandchildren with one being only three (3) years old that darted right off the yard into the alley without even thinking. His door is behind the house and not beside the house like the Stoner's house is. Councilwoman Frische noted that when he referenced safety, she did not want it to be misconstrued. She asked Mr. Benavides if he knows where the property line is on that alley in comparison from the Stoner's door. Mr. Benavides replied he would guess it is about fifteen feet (15'). Councilwoman Frische replied no, it is right at the door. The alley is access to their property, but because the neighborhood was built so long ago, there is nothing that between the door and the alley which is not their property. The side door is right on the alley. Filed.

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

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Bright Road Beverage LLC, located at 1700 Romick Parkway, Findlay, Ohio for a C1, C2, and D6 liquor permit. This requires a vote of Council.

Robert K. Ring, Chief of Police – Bright Road Beverage LLC, located at 1700 Romick Parkway, Findlay, Ohio. A check of the records shows no current criminal record on the following:

Aesha J. Bhavsar  
Jayeshbhai J. Bhavsar

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

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for MMG Findlay LLC, located at 1831 Fostoria Avenue, Findlay, Ohio for a C1, C2, and D6 liquor permit. This requires a vote of Council.

Robert K. Ring, Chief of Police – MMG Findlay LLC, located at 1831 Fostoria Avenue, Findlay, Ohio. A check of the records shows no current criminal record on the following:

Manpreet Singh

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

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Shashtri Karuna LLC, dba Smoke N Stuff, located at 1406 N Main St, Findlay, Ohio for a C1, C2, and D6 liquor permit. This requires a vote of Council.

Robert K. Ring, Chief of Police – Shashtri Karuna LLC, dba Smoke N Stuff, located at 1406 N Main St, Findlay, Ohio. A check of the records shows no current criminal record on the following:

Rikenkumar N. Patel  
Viralkumar A. Patel

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

**City Planning Commission Staff Report** – September 8, 2022. Filed.

**Treasurer’s Reconciliation Report** – August 31, 2022. Filed.

**Findlay Police Department Activities Report** –August 2022. Filed.

**A set of summary financial reports for August 31, 2022:**

- Summary of Year-To-Date Information as of August 31, 2022
- Open Projects Report as of August 31, 2022
- Cash & Investments as of August 31, 2022
- Financial Snapshot for General Fund as of August 31, 2022

Filed.

**Findlay Municipal Court Activities Report** – August 2022. Filed.

**Board of Zoning Appeals minutes** – August 11, 2022. Filed.

**Police Chief Ring – State grant funds for drug overdose response and prevention**

The City of Findlay Police Department has received a three thousand dollar (\$3,000.00) check from the Hancock County Health Department. This funding was from a state grant that the Health Department received related to drug overdose response and prevention. The original grant permitted the distribution of funds to partner agencies that cooperate with the Health Department on overdose responses. The funding will be used by the Police Department to purchase drug abuse prevention and drug overdose prevention materials for the Crime Prevention Office. Legislation to appropriate funds is requested. Ordinance No. 2022-095 was created.

FROM:	General Fund (HPD Drug Overdose Grant)	\$ 3,000.00
TO:	Police Department (21012000-other)	\$ 3,000.00

Filed.

**City Auditor Staschiak – RLF Administration**

The Hancock Regional Planning Commission has submitted an invoice for their expenses/staff time for RLF administration for April 2021 through June 2022. This is now a routine request where Council has approved requesting the appropriation without going to committee each time. Legislation to authorize a draw from the Revolving Loan Fund account and appropriate \$6,130.86 from the RLF to General Expense #21010000-449400 to pay the invoice is requested. Ordinance No. 2022-096 was created. Filed.

**City Engineer Kalb – AIP-27 Runway, 7/25 Rehab (35293200) & AIP-27 Taxiway Rehab Design (35293400)**

As part of the original appropriation for the Ohio Department of Transportation (ODOT) Aviation funding that was received for this referenced projects, a portion of the ODOT funding was appropriated to the wrong project. To ensure that everything is properly accounted and that the City will have the ability to close out the projects, a transfer of two thousand five hundred sixty-five dollars and thirty-one cents (\$2,565.31) from the Runway 7/25 Rehab Project to the Taxiway Rehab Design Project will need to be made. Resolution No. 027-2022 was created.

FROM: AIP-27 Runway 7/25 Rehab, Project No. 35293200 \$ 2,565.31  
TO: AIP-27 Taxiway Rehab Design, Project No. 35293400 \$ 2,565.31

Filed.

**City Engineer Kalb – City Restroom Accessibility, Project No. 31925100**

On May 31, 2022, the City of Findlay accepted Statements of Qualifications (SOQ) from architectural/engineering firms to evaluate and assess City-owned restroom facilities for American with Disabilities Act (ADA) compliance. From the RFQ process, RCM Architects was selected to conduct the assessment for the facilities. RCM will be evaluating fifteen (15) restroom facilities throughout the City to identify conflicts with current accessibility requirements outlined in the ADA Accessibility Guidelines and the Ohio Building Code. Their proposal also includes the generation of recommendations to correct the deficiencies along with cost estimates. Legislation to appropriate and transfer funds is requested. Ordinance No. 2022-098 was created.

FROM: CIT-Fund – Capital Improvements Restricted Account \$ 45,000.00  
TO: City Restroom Accessibility, Project No. 31925100 \$ 45,000.00

Filed.

**City Engineer Kalb – Municipal Bridge Inspection Program**

The City of Findlay will be partnering with the Ohio Department of Transportation (ODOT) as part of the Municipal Bridge Inspection Program. Bridge inspection services are offered to any municipality in Ohio with bridge inspection responsibilities and that has a population of fifty thousand (50,000) or less. The inspection services are one hundred percent (100%) free to the City of Findlay with the only expectation ODOT has from the City of Findlay is cooperation. ODOT requires a timely implementation of the inspection recommendations for items such as placement of weight limits posting signs, closing the bridge if considered unsafe, or placement of riprap to protect against scour. All inspection recommendations are related to public safety. In years past, this has been a yearly program that the City of Findlay has participated in, therefore legislation is requested to renew the City of Findlay’s involvement in the program offered by ODOT. Ordinance No. 2022-099 was created.

Discussion:

Councilman Russel asked if ODOT comes up with recommendations when they inspect and if so, what the timeline might be. City Engineer Kalb replied that bridge inspections are done yearly. The City of Findlay has participated in this program since before he has been with the City. ODOT does this for municipalities with populations of less than fifty thousand (50,000). If ODOT determines something needs to be fixed (i.e. structure, decking, etc.), they will give those recommendations to the City. Councilman Russel asked if ODOT provides a timeline for the City to follow for their recommendations. City Engineer Kalb replied yes they do. Councilman Russel asked if it would be considered a standard operating procedure. City Engineer Kalb replied that is correct. Filed.

**Service-Safety Director Martin – liquid carbon dioxide purchase for 2023**

The City of Findlay has begun the process for bidding the chemical/material/services that are done annually at this time. Requests for addendums to contracts have been sent to companies who are eligible to extend the contracts for calendar year 2023 at the same pricing as the original contract. The City of Findlay has entered into a contract with Linde, Inc. for its liquid carbon dioxide purchases at a price of two hundred twenty-five dollars and no cents per ton (\$225.00/ton) for calendar years 2023 and 2024. Prices for liquid carbon dioxide have increased at an unprecedented rate over the past year and continue to rise. Linde, Inc. is not able to extend the contract at the same price, however, they have asked to be able to extend the current contract for one year (calendar year 2023) offering a price increase to three hundred seventy-five dollars and no cents per ton (\$375.00/ton) vs. bidding it out at the average current market bid rate of five hundred dollars per ton (\$500.00/ton) or an approximate total of thirty-seven thousand five hundred dollars and no cents (\$37,500.00). Legislation authorizing the Service-Safety Director to extend the contract with Linde, Inc. for one year at the price of three hundred seventy-five dollars and no cents per ton (\$375.00/ton) for liquid carbon dioxide is requested. Ordinance No. 2022-100 was created.

Discussion:

Councilwoman Frische noted that there was a lot of discussion at the last City Council meeting about chemical/material/services for 2023. She has looked into how contracts are not being upheld and that prices have gone up. She asked if businesses offer documentation for when they notify the City that they are not going to honor a contract. She asked if Linde, Inc. provide documentation for increasing the \$375.00/ton to \$500.00/ton to know where the numbers are coming in at and why they are coming in higher. City Engineer Kalb replied everyone is able to view actual market values and what other communities are seeing. He has communications with supply companies to find out where they are sitting with their current rate, what their rate could be, etc. There is a lot of communication going on. Councilwoman Frische replied she is not wanting to know what the suppliers are doing, but what the City is requesting from them when they tell the City they cannot honor their rates. She asked what the City requests from them. She spoke with some ODOT employees today who told her they are in the same situation as the City in that prices are also going up for them. ODOT requires solid documentation from their suppliers beyond just letting them know that rates are up and cannot afford it. She asked what the City is asking their suppliers for to validate what they are telling them. She asked if the City is receiving documentation that is validated.

Mayor Muryn replied that the City is not necessarily receiving documentation from them specifically, but as stated in Service-Safety Director Martin's letter, the City is able to view market values and contact different vendors to ask what their pricing looks like. On average, it is about five hundred dollars per ton (\$500.00/ton). Councilwoman Frische asked if the City obtained bids and has something documented. Mayor Muryn replied that it is typically phone calls that the City is seeing right now on costs per ton so that there is a comparison point. The City does not necessarily go out for formal bids for price differences, but does have backup for decision making. Councilwoman Frische asked if the City is asking for documentation and is only getting verbal backup. If there is any documentation, she would like to see it to back up what is being said because it appears that this is becoming a trend in that there has already been two (2) pieces of legislation with one (1) of them passing two (2) weeks ago and now another one before Council tonight. She would like to know that the City is doing their homework and are documenting it, and if it is not going out to bid because it is under fifty thousand dollars (\$50,000.00), that the City is still making sure they have documentation to validate what they are telling the City or are seeing out in the market because all markets are different, depending on where they are in the State of Ohio.

She asked if any of that information could be shared with her. President of Council Harrington asked Councilwoman Frische if she is requesting information that she only wants or if she wants it to go to all of Council. Councilwoman Frische asked Councilmembers who else would like the information. Councilman Hellmann replied that it should be shared with all of Council. President of Council Harrington noted that everything that is provided to Councilwoman Frische should also be provided to the rest of Council.

Councilman Russel noted that a point was made that Linde is not honoring their contract with the City. Service-Safety Director Martin's letter states that the City has contracted with Linde for calendar year 2022 and that they are eligible to extend it, but that it is not mandatory. By stating that they are eligible to extend does not mean that they must extend and only means that they have an option to extend. He asked if Linde is backing out of an existing contract or is the letter accurate and are just opting not to extend at a new price. Mayor Muryn replied they are not stepping back on their contract. They have the option to renew and re-evaluated what the cost of doing business is and determined that they can no longer hold the same price next year and provided a new price if the City wants to extend the contract, so the City went out and talked to a couple of different vendors explaining the situation asking if it made sense for the City to enter into a new contract and go through a new bid process in which they responded saying that their costs are more than what Linde is offering the City and that the City should go ahead and take their offer which is what is being proposed to Council tonight. Councilwoman Frische replied that she was referencing more than this situation and was referring to the last two (2) weeks of meetings. She also asked for a copy of the old contracts so she can gain an understanding of contracts without clauses. Filed.

#### **Mayor Muryn – acquisition of Bank Street and East Hobart Street properties**

During an executive session in August, Mayor Muryn informed City Council that the Bankruptcy Manager for Remington Arms had contacted her about their desire to sell the properties located at Bank Street and East Hobart Street. The City of Findlay has leased these properties since 1999 for baseball fields near Emory Adams Park. Following that discussion, she moved forward with negotiations as agreed upon. Legislation authorizing the Mayor to enter into a purchasing agreement for the purchase of two (2) parcels located on Bank Street and East Hobart Street as specified in the purchase agreement and as listed on the legislation for the purchase price of ninety thousand dollars (\$90,000.00) is requested. The agreement is in line with the previously discussed purchase price parameters and additional requests of an Environmental Phase I report, title insurance, and seller covering all closing costs. These fields are regularly used by City residents for baseball at various levels. Additionally, replacing these fields at a new location would be north of two hundred thousand dollars (\$200,000.00) which would not include any necessary land acquisition needed. Ordinance No. 2022-097 was created. Filed.

#### **COMMITTEE REPORTS:**

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Michael Stoner to vacate a portion of the east/west alley from South Blanchard Street to Graceland Avenue bounded between Lots 5391 and 5392 in the Leiser Addition. This request was tabled during the August 11, 2022 PLANNING & ZONING COMMITTEE meeting.

*We recommend denial of the request.*

Councilwoman Frische moved to deny the committee report. Motion failed due to lack of a second to the motion.

Councilman Russel moved to adopt the Resolution, seconded by Councilwoman Warnecke.

#### **Discussion:**

Councilwoman Frische stated that the reason she made a motion to deny the committee report was for a number of reasons. She is unsure what all went on with the committee reports submitted and that Councilman Russel updated them where he took the August 11, 2022 meeting and changed the date on them and was typing up minutes from their discussion, and then provided his notes regarding the recommendation. She brought documented information to that committee meeting that the property owner shared and then she shared it with the committee. She was not present at the first PLANNING & ZONING COMMITTEE meeting on this request as she had a prior engagement and did not think the request was going to be a big deal because alley vacations happen all the time, but when it was denied, she went out to the property and met with the property owners, as well as toured the alley. Councilman Hellmann also walked the alley. She could tell from the discussion that there was drama taking place. It was shared with her from the first committee meeting on this that Councilwoman Warnecke was very adamant that this alley not be vacated because she had an interest in it and used to live there. She took their petition that met the application requirements and contained abutting property owner signatures. She did not go to abutting properties because the petitioner had already gone to the abutting property owners and knocked on their door. She provided paperwork showing that she stopped and visited.



The reason she gave three (3) options: 1) vacate the entire alley because it was the preference of the CITY PLANNING COMMISSION. 2) asked abutting property owners if they would support the vacation as requested of two hundred plus feet (200+'), and 3) or if they were against it. None of the information she gathered and provided to the committee was discussed and she was not asked to show it to them. She did not receive the respect to share that information. She also talked with the City of Findlay Street Department to see if they could do anything about the tree brush/overgrowth towards the Graceland Avenue side that prohibits motorists from getting all the way through to which they responded they would be willing to take the overgrowth out if they can get to it which would make the access available on the Graceland Avenue side. When she talked to abutting property owners, she explained to them that it is a utility alley and always has to be accessed by utility companies (i.e. AEP) which was some of the concern that she was able to ease that concern. Motorists were concerned because they couldn't get out the other direction, but after she informed them that she had talked with the City of Findlay Street Department about removing the overgrowth which would give access from Graceland Avenue, they were then okay with the request.

She asked the abutting property owners what they need for their property. She asked them if access is needed to trim a tree or to be able to get to the back of their property, and if access off of Graceland Avenue would be acceptable in which all but two (2) replied it would be. While this request is not in her ward, she still tried to provide a give and take because the property owner did what was requested of them. During that meeting, she also brought up the fact that alleys have been vacated from north and south per an older ordinance from the 1950s, in which it appears that the ordinance needs a legal opinion on whether that alley was vacated all the way through or if it stopped at a certain point. City of Findlay Engineering Department interprets as being vacated all the way through. If that is the case and if it follows City Ordinance, it is vacated already, but the Hancock County Auditor's page does not list it as vacated all the way through. There is a difference of interpretation on it which could be determined by a legal opinion. In 2014, there was a property owner on Third Street that requested a partial alley vacation. It is important for all of Council to understand that in order to treat all citizens equally and not set a precedence of setting a favor for one and not the other, is that this alley on Third Street had a request to vacate because the property owner used the alley as their driveway. There is nothing else stated in the CITY PLANNING COMMISSION (CPC) minutes. It was denied by the CITY PLANNING COMMISSION with Judy Scrimshaw stating that everyone needs to be in agreement, but that it is stated in the minutes of that meeting that the property owner had stated that it is not going to happen. The reason for the denial of this request during the PLANNING & ZONING COMMITTEE meeting was because they wanted to follow the CITY PLANNING COMMISSION's recommendation to vacate the entire alley. That was their recommendation, but in 2014, Council went against the recommendation of the CITY PLANNING COMMISSION, which is okay, but if it is done for one, it should be done for all. There is nothing different for this request than what was asked for the request back in 2014. The petitioner for this request asked Councilman Russel to answer the question of why he made the motion and why the committee passed it to which Councilman Russel refused to answer. To her knowledge, he has still not answered those questions or at least he has not answered it to her. In her opinion, as an elected official, the City cannot treat some people one way and others another way. This is an exact example of the Mathias Laguire situation of a partial alley vacation where not all were in agreement, and the CITY PLANNING COMMISSION denied it, and City Council denied it, but that Councilman Russel and four (4) other Councilmembers decided to vacate it anyway which caused a hardship. In this case, the hardship is safety for their children. This request is for two hundred feet (200') and is not a property grab or a land grab. The proper owner requesting this wants to put up a chain which can always be changed at any time, and will still allow access to utility companies. The requestor has been talking with their neighbors and want to slow the traffic down and discourage motorists from using an unimproved alley. One of the first alley vacation requests since she came back onto Council was the Cherry Street vacation.

President of Council Harrington interrupted explaining that as part of City Council rules, Councilmembers are limited to ten (10) minutes for their portion of a discussion. Councilwoman Frische has reached that limit and may continue if Council approves her to do so.

Councilwoman Warnecke agrees with the denial of this request by the CITY PLANNING COMMISSION and the PLANNING & ZONING COMMITTEE due to her knowledge of the property. She lived on Sixth Street for twelve (12) years. The neighbors currently there are the same neighbors from when she lived there, so the neighborhood has not changed for at least three to four (3-4) of the abutting property owners. Two property owners to the east, one to the west, and the one behind where she lived are all the same neighbors from when she lived there. The alley that runs between Fifth and Sixth Streets from Graceland to Blanchard was put in when that neighborhood subdivision was put in and created. It is there for the residents living on Fifth and Sixth Streets to be able to access their backyards. When she lived there, she brought in a hot tub and also brought in a load of dirt for rose buds because those that lived there before them was on the garden tour. Since that neighborhood was built with an alley to allow residents access to their backyards, the space in between the houses is not travelable with a pickup truck to be able to get to their backyard. She has spoken to the neighbors who have use the alley infrequently, but is needed. She spoke with Barbara Dukes this afternoon, who lived beside her, who has had tree trimmers back there, have put in a deck, and had a Generac brought in last year. She and her husband drove by the area this afternoon for tonight's discussion. If anyone were to drive in that alley at a high rate of speed, flying, etc. as stated in the email that was sent to Council today, there would be ruts in the grass, in which she did not see any. No one wants to see children or pets hurt, however, it is the same responsibility of a parent to keep a child from running out into Blanchard which is a busy street. The alley is available for those to drive through and should not be regulated by the demands of the people who chose to purchase a property on that alley knowing that the alley was there. It is also referenced in the letter from the other gentleman in the neighborhood that there has been screaming at the neighbors, his words, not hers, as they drive through appears to be a neighborhood feud or spat that cannot be resolved by City Council. As a person elected by the City, Council must make decisions in the best interest of all the citizens they serve and cannot vote to satisfy one person's request by taking away the rights of all the other eight (8) citizens who live in the homes on that street. There are eighteen (18) homes on Fifth and Sixth Streets that the alley was meant to service between Blanchard and Graceland.

Councilwoman Frische noted that it sounds to her that Councilwoman Warnecke has a conflict on voting to accept this committee report since she is so tied to it from living there and are so close with the neighbors. Council is not in the business of dealing with neighborhood spats. Council is in the business of reviewing an application that has been sent to Council, addressing the application and the issue that is brought before Council. It is not Council's job to get in between neighborhood spats. While she appreciates Councilwoman Warnecke's statements, the abutting property owners would still have access to their property from Graceland. There is no hardship for those property owners. The petition is to put a chain up for the two hundred plus feet (200+') they are requesting to be vacated. Utility companies will still have access to utilities. The petitioner has worked with the neighbors on this with the main goal of slowing traffic down. She spoke with property owners of the east side of the alley who are upset because there are a lot of shady vehicles coming in from that direction and other things going on. Some of the abutting property owners would like to have the entire alley vacated and are looking at this property owner's request to vacate as being reasonable.

Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. Nays: Frische. The Committee report is adopted. Filed.

#### **LEGISLATION:**

##### **RESOLUTIONS:**

###### **RESOLUTION NO. 026-2022** (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 Wobser moved to adopt the Resolution, seconded by Councilman Greeno. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. The Resolution was declared adopted and is recorded in Resolution Volume XXXV, and is hereby made a part of the record.

###### **RESOLUTION NO. 027-2022** requires three (3) readings

*first reading - adopted*

(AIP-27 Runway 7/25 Rehab (35293200) & AIP-27 Taxiway Rehab Design (35293400))

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

##### Discussion:

Councilman Russel explained that since this just a simple accounting function to move one fund to another, he is going to make a motion to suspend statutory rules and give the resolution all three (3) readings tonight.

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

##### **ORDINANCES:**

###### **ORDINANCE NO. 2022-081, AS AMENDED** (salary ordinance) requires three (3) readings

*third reading - adopted*

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS, PAY RANGES, SALARY SCHEDULES AND OTHER MATTERS THAT MAY AFFECT PAY, FOR ALL NON-ELECTED OFFICERS AND EMPLOYEES OF THE CITY OF FINDLAY, OHIO, AND REPEALING ORDINANCE NO. 2021-116, ORDINANCE NO. 2022-011 AND ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND DECLARING AN EMERGENCY.

Councilman Hellmann moved to adopt the Ordinance as amended, seconded by Councilman Greeno, Ayes: Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-081 and is hereby made a part of the record.

###### **ORDINANCE NO. 2022-087** (W Lincoln St storm sewer) 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 A CONTRACT(S) FOR THE WEST LINCOLN STREET STORM SEWER PROJECT NO. 35521700, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

###### **ORDINANCE NO. 2022-089** (HAN-Greenway Trail, Phase II) requires three (3) readings

*second reading - adopted*

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

##### Discussion:

Councilman Russel pointed out that this is a project that they have been working through and then some issues required some additional study which was explained by City Engineer Kalb in his letter and during the last meeting that it needs to be kept moving. Because it still needs another reading, he is going to make a motion to suspend the statutory rules and give the Ordinance its last reading tonight. The amount is minor and the project has been under a long-term cap.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Palmer. Ayes: Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann. The Ordinance received its third reading. Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Palmer, Russel, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-089 and is hereby made a part of the record.

**ORDINANCE NO. 2022-090** (*fire house bunk rooms*) **requires three (3) reading** **second reading - adopted**  
AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT(S) FOR THE DEVELOPMENT OF INDIVIDUAL SLEEPING QUARTERS AT EACH CITY OF FINDLAY, OHIO FIRE STATIONS, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel informed Council that Fire Chief Eberle contacted him after that last City Council meeting to discuss this and stated that there is some lead time with the materials they need to build this out, but would like to get on with the planning and the purchasing of it.

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

Discussion:

Councilman Wobser asked what the total budget number is on this. City Engineer Kalb replied that it is approximately forty-one thousand dollars (\$41,000.00) which includes contingency. Councilman Wobser asked if it is going to be below fifty thousand dollars (\$50,000.00). City Engineer Kalb replied that is correct. It also includes asbestos removal which is seven thousand dollars (\$7,000.00) of it. It includes more than one company with more than one component to it. Councilman Wobser asked if it is being bid out. City Engineer Kalb replied no.

Ayes: Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-090 and is hereby made a part of the record.

**ORDINANCE NO. 2022-091** (*fiber loop to the north & south water towers*) **requires three (3) readings** **second reading**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2022-094** (*liquid sodium permanganate*) **requires three (3) readings** **second reading**  
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE THE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT(S) WITH CARUS LLC FOR THE PURCHASE OF LIQUID SODIUM PERMANGANATE NEEDED BY THE CITY OF FINDLAY, OHIO FOR CALENDAR YEAR 2023, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2022-095** (*State grant funds for drug overdose response and prevention for FPD*) **requires three (3) readings** **first reading - adopted**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel noted that since this is an opportunity to accept and utilize grant money, he is going to make a motion to suspend statutory rules and give the Ordinance its second and third readings.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Warnecke, Wobser, Bauman, Frische, Greeno, Hellman, Niemeyer, Palmer, Russel. Councilwoman Warnecke moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-095 and is hereby made a part of the record.

**ORDINANCE NO. 2022-096** (*RLF Administration (April 2021 - June 2022)*) **requires three (3) readings** **first reading - adopted**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel pointed out that this is basic regular business and will make a motion to suspend the statutory rules and give the Ordinance its second and third readings.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-096 and is hereby made a part of the record.

**ORDINANCE NO. 2022-097** (*Real Estate Purchase Agreement – seller*) **requires three (3) readings** **first reading**  
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH REMINGTON ARMS FOR THE PURCHASE OF PROPERTIES LOCATED ON BANK STREET AND EAST HOBART STREET, AND DECLARING AN EMERGENCY.  
First reading of the Ordinance.

**ORDINANCE NO. 2022-098** (*City Restroom Accessibility*) **requires three (3) readings** **first reading**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.  
First reading of the Ordinance.

**ORDINANCE NO. 2022-099** (*Municipal Bridge Inspection Program*) **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 ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THEIR MUNICIPAL BRIDGE INSPECTION PROGRAM, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if there is a timeline on this and if it is something that needs to be passed tonight. City Engineer Kalb replied he would like to have it adopted tonight since it is a free program with ODOT and does not want to lose the opportunity and would like to have the letter from ODOT sent to him as soon as possible.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Bauman. Ayes: Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, Frische, Greeno. The Ordinance received its second and third readings. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-099 and is hereby made a part of the record.

**ORDINANCE NO. 2022-100** (*liquid carbon dioxide purchase for 2023*) **requires three (3) readings** **first reading**  
AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE THE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT(S) WITH LINDE, INC. FOR THE PURCHASE OF LIQUID CARBON DIOXIDE NEEDED BY THE CITY OF FINDLAY, OHIO FOR CALENDAR YEAR 2023, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**UNFINISHED BUSINESS:**

**OLD BUSINESS:** none

**NEW BUSINESS:**

Mayor Muryn reminded Council that the **APPROPRIATIONS COMMITTEE** met earlier this evening to review ARPA projects. She will send an email to all of Council with some general guidelines related to the ARPA guidelines even though the City does not have to tie back to them given the standard allowance that took place with the revenue replacement, but do want to continue to tie City projects back to it. She would like for Councilmembers to reach out to their citizens by talking to individuals in the community with project ideas and then filter them back to her where the Administration team will evaluate whether or not they can be incorporated in the next round of funding requests.

Mayor Muryn pointed out that page 4 in the Remington Arms agreement had the wrong revision included instead of the most recent update which specifies that the seller would cover all of the closing costs. They are in the process of completing Phase I.

Mayor Muryn noted that the Taylor Street properties the City acquired recently were demolished today and encouraged Councilmembers to drive through the area as it looks a lot different. The City is making good progress there.

Mayor Muryn followed up with the petitioners of the South Blanchard Street vacation request to let them know that their request would qualify as a spot that the City could install a no thru traffic sign as the City continues to evaluate other steps.

Councilman Niemeyer reminded Council that there is a **COMMITTEE OF THE WHOLE** meeting on Tuesday, September 27, 2022 at 4:00pm in the first floor Council Chambers of the Municipal Building (CC).

agenda: prebudget/mid-year review financial update

Discussion:

Councilman Niemeyer asked if the time changed for this. Councilman Wobser replied it was for ~~5:30pm~~, but is now at 4:00pm. President of Council Harrington asked Councilmembers to let him know if they cannot attend so that he can let City Auditor Staschiak know.

Councilman Palmer moved to adjourn City Council at 8:25pm, seconded by Councilman Niemeyer. All were in favor.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT