

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

OCTOBER 4, 2022

COUNCIL CHAMBERS

ROLL CALL of 2022-2023 Councilmembers:

PRESENT: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser

ABSENT: Russel

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 Russel informed him that he would not be in attendance tonight. Councilman Bauman moved to excuse Councilman Russel, seconded by Councilman Greeno. All were in favor. Filed.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the September 20, 2022 Regular Session City Council meeting minutes, seconded by Councilman Niemeyer. All were in favor. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Wobser moved to add the following to tonight's agenda, seconded by Councilman Hellmann. All were in favor. Filed.

ADD-ONS:

1. City Planning Commission October 13, 2022 agenda (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*)

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS: none

President of Council Harrington requested a brief delay in tonight's meeting due to technical difficulties with the livestreaming of the meeting. Councilman Wobser moved to delay tonight's meeting until the livestreaming is fixed, seconded by Councilman Hellmann. All were in favor. Filed.

WRITTEN COMMUNICATIONS:

Katherine Hunt Thomas, The Ability Center – carriage walks

Ms. Hunt Thomas is providing Findlay City Council with a legal opinion on carriage walks.

Discussion:

Councilman Palmer moved to refer this to the STREETS, SIDEWALKS, & PARKING COMMITTEE, seconded by Councilman Slough. All were in favor. Filed.

Emily Burchfield – 119 West McPherson Avenue rezone

Ms. Burchfield submitted an email of her concerns around the potential rezoning of the residential property on McPherson to accommodate a new McDonald's. She is concerned that if a McDonald's were to go in at that location, it would cause safety concerns as the area is already congested and would increase traffic accidents. It is a main route for many children walking to and from school. She has a 10 year old who will be attending Donnell next year and would be concerned about him walking to school if there was a McDonald's there. It would have a negative impact on the overall neighborhood feel of the area. Filed.

Kathryn Zygala – feral chicken loose in the 600 block of Fishlock Avenue

Ms. Zygala submitted an email to the Council Clerk including a letter and photographs stating: On Saturday, October 1, the neighbor at 621 Fishlock approached her about a chicken running loose in the neighborhood and that it runs into the street stopping school buses and other traffic, and pecks around lawns. She suggested the neighbor call the fairgrounds to report the chicken running loose. She was told that a farmer dumped chickens he didn't want to take home after the county fair in September and left them on the fairgrounds. The Hancock County Fairgrounds subsequently let the chickens run loose in the neighborhood. The neighbor was hesitant to do anything, so Ms. Zygala called the fairgrounds and animal control. She asked a neighbor who raises chickens humanely, to help her corral the chicken and have animal control remove it. While they were trying to catch it, animal control showed up, but was unable to catch it. Before animal control left, Ms. Zygala was told that if the chicken showed up in her yard again to contact the Sheriff's Office. While attempting to catch the chicken, an anonymous man asked them to not hurt the chicken because his kids feed it, play with it, hold it, and that they were going to take it to their grandma's house to keep. On Monday, October 3, 2022, the chicken returned to her yard, tore up her grass and dug into the path that she created to move her garbage to the front yard for trash pickups. Later on, the same anonymous male claimed that he had not said anything to her, but that watching them try to catch the chicken was really funny. Ms. Zygala considers the chicken to be party to harassment, nuisance, and damage to property and possible danger to health. On Monday, she called the Sheriff's Office, animal control, and the Police who all told her that they do nothing in this instance. She then contacted the Mayor's Office to which the Council Clerk suggested she email her concerns in a letter and attach any evidence of destruction. She is asking what can be done to contain a feral and unhealthy animal. Filed.

Daniel and Sonya Coover – former 5th/3rd property and McPherson zoning change request

The Coovers submitted an email to the Council Clerk stating that they have serious traffic safety concerns with the rezoning and redevelopment of the 5th/3rd bank property on South Main Street and residential property on McPherson Avenue. The nearby hospital has emergency squad traffic using the South Main/6th Street/Cascades Parkway intersection on a routine basis at all hours, seven days a week. There are also two (2) fire stations, one on South Main and the other on 6th Street. There is a railroad crossing on 6th Street, as well as soccer fields and play park traffic. Donnell Stadium and the University of Findlay also generate sports traffic/parking overflow during the school year. The historical district of homes does not want to see the influx of traffic that a fast food drive thru restaurant would pull from I-75 and Route 15. It would be a 3rd McDonald's with one just up the highway approximately 1.6 miles away. This also would pull from businesses that already exist on that end of town (i.e. Arby's, Wilsons, Subway, among others). The Coovers are asking for the good of their residential neighborhood and community, that the request to change the zoning of lots, as well as the vacation of the alley involved, be denied. Filed.

ORAL COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Curious Enterprises LLC dba Brix By Bistro & Patio, located at 411 South Main Street, Findlay, Ohio for a D1, D2, D3 and D6 liquor permit. This requires a vote of Council.

Robert K. Ring, Chief of Police – Curious Enterprises LLC dba Brix By Bistro & Patio, located at 411 South Main Street, Findlay, Ohio. A check of the records shows no current criminal record on the following:

Jordan M. Arnold

Cory D. Berry

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

Mayor Muryn – annual bids and contracts

Each year, the City of Findlay formally bids a number of chemicals, materials and services. The contracts for these items run for a calendar year with option(s) to renew the contracts in one year increments. In July, a review and evaluation of the current contracts and contracted vendors will be conducted. For those contracts that will not be renewed, the City of Findlay will advertise and receive bids in October. Items that are normally bid each year include several chemicals used by the Water Treatment Plant and Water Pollution Control Center, materials, uniforms, services, and supplies. Legislation authorizing the Mayor and Service-Safety Director to contract these items is requested. Ordinance No. 2022-101 was created. Filed.

Mayor Muryn – appointment to Hancock Metropolitan Housing Authority Board

Mayor Muryn is appointing Dow Campbell to serve on the Board of Commissioners for the Hancock Metropolitan Housing Authority. His appointment will be effective through December 31, 2027. This appointment does not require Council's confirmation. Filed.

Assisted City Engineer Rausch – STRICT Center GMP1

On August 17, 2022, the City of Findlay entered into an agreement with Clouse Construction for design-build services for the STRICT Center Project (AGREEMENT). Clouse Construction has submitted an acceptable Guaranteed Maximum Price Proposal for the site design and site preparation work on the project. To proceed with the scope of work, the parties will need to enter into a Guaranteed Maximum Price Phase Amendment No. 1 (GMP1) for the project. Legislation authorizing the Mayor, Service-Safety Director, and/or City Engineer to enter into GMP1 to the design-build agreement for the site design and preparation work in the amount of one hundred thirty-nine thousand eight hundred sixty dollars and no cents (\$139,860.00). Request for authorizations and/or appropriations will follow for additional Guaranteed Maximum Price Amendments for the building/erection service, foundation construction and final buildout phases of the project which will allow the project to proceed and meet the original construction schedule submitted with the proposal date of June 23rd. Ordinance No. 2022-102 was created.

Discussion:

Councilman Greeno asked for clarification for both this request and the next request for the GMP2 project. City Engineer Kalb replied that the STRICT Center project has gone through the build and design process with the design around with the site plans, and have determined what the building size will be, what it will look like, etc. and is now at the point that it will be difficult to move dirt as it is a temperature dependent operation, so the project has been split up into GMP1 and GMP2 phases. GMP1 is the site work. It allows the site work to be done now so that the building can then be constructed when it is cold out. The phases have been split out to get the whole site moving and can be working on it even when it is cold out. If the City loses the opportunity to move dirt because of the temperature, then work will not be able to start until spring which pushes the whole schedule back. The GMP1 and GMP2 requests tonight will keep the project on schedule and with the building being built during cold months. The GMP2 phase is for the erection of the steel building. The GMP1 phase will be the site work to get it ready for the GMP2 phase. This process will allow the project to be worked on in all weather conditions until it is finished. Filed.

Assistant City Engineer Rausch – STRICT Center GMP2

On August 17, 2022, the City of Findlay entered into an agreement with Clouse Construction for design-build services for the STRICT Center project (AGREEMENT). Clouse Construction has submitted an acceptable Guaranteed Maximum Price Proposal for the building design and the procurement and erection of the building. To proceed with this scope of work, the parties will need to enter into Guaranteed Maximum Price Phase Amendment No. 2 (GMP2) for the project. Legislation authorizing the Mayor, Service-Safety Director and/or City Engineer to enter into GMP2 to the Design-Build Agreement for the procurement and erection of the building in the amount of two hundred eighty-five thousand one hundred sixty-five dollars and no cents (\$285,165.00) is requested. Request for authorization and/or appropriations will follow for additional Guaranteed Maximum Price Amendments for the foundation construction, floor slab, masonry, overhead doors, mezzanine deck, site utility and final buildout, including finishes and MEP phases of the project which will allow the project to proceed and meet the original construction schedule submitted with the proposal dated June 23rd. Legislation to appropriate and transfer funds is requested. Ordinance No. 2022-103 was created.

FROM: General Fund (various contribution and donations) \$ 535,500.00
TO: Fire STRICT Facility, *project no. 31994900* \$ 535,500.00

Filed.

City Engineer Kalb – Parker Training Room/restroom remodel, project no. 31912000

Over the past couple of years, the City of Findlay has looked into the possibility of installing a women’s restroom/shower in the City Gym area. With the recent renovation of the Parker Training Room and because of the increase in gym participants, the designated women’s facilities will provide a separate space for the female users. The City of Findlay Engineering Department is requesting funds to be appropriated to the Parker Training Room Project so that the schematic design and construction documents can be developed. Legislation to appropriate and transfer funds is requested. Ordinance No. 2022-104 was created.

FROM: CIT Fund – Capital Improvements Restricted Account \$ 31,000.00
TO: Parker Training Room/Restroom Remodel, *project No. 31912000* \$ 31,000.00

Filed.

Law Director Rasmussen – Bricker & Eckler LLP invoices (STRICT Center, water service extension)

The City Law Director’s Office received four (4) invoices from Bricker & Eckler LLP for the STRICT Center totaling (\$33,650.00), and one (1) for a water service extension in the amount of (\$7,701.00) that are to be paid out of the City Law Director’s Office funds. Legislation to appropriate forty-one thousand three hundred fifty-one dollars and no cents (\$41,351.00) from the General Fund to the Law Director Department 21015000-441400 is requested. Ordinance No. 2022-106 was created.

Discussion:

Councilman Hellmann pointed out that these invoices go back to May and asked if this company bills the City as they go along. Law Director Rasmussen replied yes they do, but that they are not always timely in their billing. Filed.

Mayor Muryn – ornaments for City of Findlay Christmas tree

Earlier this year, she approached the Findlay Hancock County Community Foundation (the Foundation) about allowing citizens to decorate ornaments to put on the City of Findlay Christmas tree with the concept of having a community event to allow people to come together to decorate their ornament and get into the holiday spirit. The Findlay-Hancock County Community Foundation, the Convention and Visitors Bureau, and Mayor Muryn are working to put the event together. For ease of ordering, the City of Findlay will be purchasing the ornaments and necessary decorating supplies along with other ornaments the City of Findlay has. To cover the costs of the community ornaments, the Foundation has awarded the City of Findlay a one thousand five hundred dollars (\$1,500.00) grant. Legislation authoring the Mayor to enter into a grant agreement with the Findlay-Hancock County Community Foundation and appropriate funds received from the grant is requested. Ordinance No. 2022-107 was created. Filed.

Mayor Muryn – ARPA funds

A proposal to allocate approximately two million dollars (\$2,000,000.00) in American Rescue Plan Act (ARPA) funds during the September 20, 2022 APPROPRIATIONS COMMITTEE meeting. The committee recommended the funds be distributed for a number of projects as follows:

FROM: ARPA Fund \$ 300,000.00
TO: CO2 Tank, *Project No. 35790800* \$ 300,000.00
FROM: ARPA Fund \$ 300,000.00
TO: Water Treatment Generator, *Project No. 35725300* \$ 300,000.00
FROM: ARPA Fund \$ 25,000.00
TO: Technology Improvements, *Project No. 31925400* \$ 25,000.00
FROM: ARPA Fund \$ 250,000.00
TO: Income Tax Software, *Project No. 31925500* \$ 250,000.00
FROM: ARPA Fund \$ 100,000.00
TO: Tree Plantings, *Project No. 31925600* \$ 100,000.00
FROM: ARPA Fund \$ 100,000.00
TO: Schools SafeDefend, *Project No. 31925900* \$ 100,000.00

The following approved concepts are still being worked on and funds will be requested following a defined application and disbursement plan.

- Environmental and Lead Paint Remediation	\$ 200,000.00
- FEMA Floodplain Map Amendment	\$ 500,000.00
- Demolition Program (<i>Project #31925800</i>)	\$ 200,000.00

Ordinance No. 2022-108 was created. Filed.

Hancock Regional Planning Commission Director Cordonnier – 6-month moratorium

Hancock Regional Planning Commission (HRPC) is requesting a six (6) month moratorium on the establishment of any new small box retail stores and skill-based amusement businesses. They are working to update the Findlay Zoning Code with proposed changes that will affect small box retail stores and games of skills businesses. The moratorium will allow time for the City of Findlay to consider the proposed changes.

Definitions:

- Small Box Retail - A retail sales use with a floor area less than fifteen thousand (15,000) square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods: and continuously offer a majority of the items in their inventory for sale at a price less than ten dollars (\$10.0).
- Skill-based amusement – as defined by O.R.C. Section 2915.01(UU)(1)

Ordinance No. 2022-109 was created.

Discussion:

Councilman Wobser pointed out that there is an article on the front page of The Courier today and noted that this request is asking for a significant change. He asked for additional details on this request and what the schedule for it is going forward. Director Cordonnier replied that he submitted two (2) letters to City Council. One being a zoning amendment that would put restrictions on small-box retail stores (i.e. dollar stores, thrift stores, etc.) and would also put restrictions on games-of-skill businesses that present themselves as gambling establishments where a patron plays a video game at a console, with the feeling of gambling, to win gift cards, gas cards, vouchers, etc. It is called games-of-skill because each game has been determined by the State of Ohio to have one aspect that requires skill. A zoning amendment is being requested to put limitations on both business types. The HRPC office has received a lot of interest and phone calls about establishing more small-box retail stores and games-of-skill businesses. The concern is that too many of them would have a negative effect on the City of Findlay. Other communities have allowed them in their I-1 districts or have put a cap on the number of parlors that can be open (he is proposing 1 parlor per 10,000 population), or 1 game-of-skill business for every 10,000 people in the City of Findlay and would have to be located in I-1 Districts. He is proposing this amendment to City Council to go through its normal process of going to the CITY PLANNING COMMISSION and also the PLANNING ZONING COMMITTEE, and then will come back to City Council for its readings. The other request for amendments to the Findlay Zoning Code is a 6 month moratorium to allow for time to work on an update to add restrictions to dollar stores and games-of-skill for those that rush to Findlay to add themselves before the rules can take effect. He is proposing that the CITY PLANNING COMMISSION and the PLANNING & ZONING COMMITTEE both consider the moratorium during their October 13, 2022 meeting and then provide a recommendation back to City Council for the October 18, 2022 City Council meeting. If both CPC and P&Z recommend approval, he is asking that Council waive the three (3) readings and pass it on an emergency basis. If the three (3) readings are not waived, this request will finish up around the same time as the zoning code amendments.

Councilman Bauman pointed out that Director Cordonnier mentioned per capita for the skill gaming facilities and asked what other communities do for dollar stores and how many dollar stores there already are in Findlay. Director Cordonnier replied that there are eight (8) dollar stores in Findlay with another one just outside the city limits. Other communities have placed a ratio on dollar stores with the most common being one (1) for every ten thousand (10,000) people with a clause that another dollar store cannot be placed within a mile of an existing dollar store. This change in code would not affect the existing dollar stores and could continue to operate. Findlay currently has six (6) games-of-skill. Games-of-skill are very transient as they come and go generally into a strip mall for three (3) months, then disappear with another one coming in soon after. They tend to be a moving target and are very transient and short-termed.

Councilwoman Frische asked for clarification on what I-1 areas are. Director Cordonnier replied they are light industrial areas generally on the north side of town (i.e. Tall Timbers, etc.). For example, adult businesses are permitted in the City of Findlay, so in order to discourage them, they are allowed in places that they probably wouldn't want to go. Strip malls are not in the I-1 district. If a game-of-skill business wanted to locate here in Findlay, they would most likely have to build something. It would be a conditional use that would be reviewed by the CITY PLANNING COMMISSION and would be fully vetted out. Those businesses generally only run less than a year and then go away with another one coming in shortly thereafter. If they have to locate in the I-1 District, it would discourage short-term operations.

Councilman Wobser asked if there is any concern about labeling the restriction on dollar/thrift stores. Small box retail stores are defined as being Dollar General and similar stores. He asked if gift card shops or other stores that are of the same size fall into that category and asked if those wanting to bring in a small store has to notify the City of what it is going to be. Director Cordonnier replied that the definition for it lists the size and that they frequently advertise prices that are less than ten dollars (\$10.00). He has borrowed other community's definitions that hone in on Findlay's targeted audience/businesses. Councilman Wobser asked if there have been any legal issues with legal liability or legal challenges on that type of a definition. Director Cordonnier replied that he does not know that answer. Councilman Wobser replied that he understands what is trying to be done on this and supports it, but is trying to figure out how to narrow the focus on just that type of business. As long as this can be done legally, he is all for it. He asked if the goal is for Council to pass the six (6) month moratorium tonight to allow for changes to Zoning Code to be put together during that six (6) months. Director Cordonnier replied that is correct. Filed.

Hancock Regional Planning Commission Director Cordonnier – amendments to the Findlay Zoning Code (dollar/thrift stores, skill-based gaming)

Hancock Regional Planning Commission (HRPC) is submitting two (2) text amendments to the City of Findlay Zoning Code for adoption. The first text amendment addresses the location and density of small box retail stores (aka dollar/thrift stores). The amendment will only allow small box retail stores to be located in C2 Commercial District areas and will require them to be spaced apart a minimum of one mile and will limit the number of stores. The amendment will allow one store for every ten thousand (10,000) of population in the City of Findlay, Ohio. Currently, the City of Findlay, Ohio has eight (8) small box retail stores, several of which are located in the C1 District. This amendment is referenced as Sections 1135.03, 1137.071, and 1174.

The second text amendment addresses the location and density of games of skill businesses. The amendment will only allow games of skill to be located in the I1 Light Industrial Districts and will require them to be at least five hundred feet (500') from residential zoned property. This amendment will allow one business for every ten thousand (10,000) of population in the City of Findlay, Ohio. Currently, the City of Findlay, Ohio has six (6) games of skill businesses, all located in C2 District. This amendment is referenced as Sections 1143.03 and 1174. Ordinance No. 2022-110 was created. Filed.

City Planning Commission agenda – October 13, 2022. Filed.

COMMITTEE REPORTS:

The **STRATEGIC PLANNING COMMITTEE** met on September 13, 2022 to discuss the initial draft plan.

We recommend that the Mayor and Committee Chair move forward with the formatting of a survey to solicit feedback from the Findlay business community. The goal is to gather information for the economic development portion of the strategic plan (SP) and to include a commitment to the one percent (1%) income tax (w/appropriate caveats) in the SP.

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the use of ARPA funds

We recommend that the Mayor move forward with the use of ARPA Funds as listed in the attached document. Ordinance No. 2022-108 was created.

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

The **STRATEGIC PLANNING COMMITTEE** met on September 20, 2022 to review public input data.

We recommend continuing the strategic planning process. Also, record the votes on the draft plan (see attached document).

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

A **COMMITTEE OF THE WHOLE** meeting was held on Tuesday, September 27, 2022 to discuss the City's mid-year review. The City's financial position year to date and future budget subjects were discussed and a slideshow was presented by City Auditor Staschiak.

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

A **COMMITTEE OF THE WHOLE** meeting was held on Monday, September 27, 2022 to conduct a pre-budget meeting. Future budget subjects were discussed and a slideshow was presented by City Auditor Staschiak. Ordinance No. 2022-105 was created.

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

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 028-2022 (no PO) requires one (1) reading

first reading - adopted

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

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

ORDINANCES:

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

Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Slough, Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-087 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** **third reading - adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Hellmann, Ayes: Greeno, Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-091 and is hereby made a part of the record.

ORDINANCE NO. 2022-094 (*liquid sodium permanganate*) **requires three (3) readings** **third reading - adopted**
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.

Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Hellmann, Ayes: Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser, Bauman, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-094 and is hereby made a part of the record.

ORDINANCE NO. 2022-097 (*Real Estate Purchase Agreement – seller*) **requires three (3) readings** **second 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.

Second reading of the Ordinance.

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

Second reading of the Ordinance.

ORDINANCE NO. 2022-100 (*liquid carbon dioxide purchase for 2023*) **requires three (3) readings** **second reading - adopted**
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.

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

Discussion:

Councilman Hellmann asked if there is a reason for expediting this. Councilman Wobser explained that Service-Safety Director had explained during the last City Council meeting that this could wait to be passed until its second reading which is tonight.

Ayes: Palmer, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-100 and is hereby made a part of the record.

ORDINANCE NO. 2022-101 (*annual bids and contracts*) **requires three (3) readings** **first reading - adopted**
AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, WITH OPTION YEARS, FOR THE PURCHASE OF THE MATERIALS, CHEMICALS, AND SERVICE AGREEMENTS NEEDED BY THE VARIOUS DEPARTMENTS OF THE CITY OF FINDLAY, OHIO COMMENCING JANUARY 1, 2023, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Greeno asked if this needs to be passed tonight. City Engineer Kalb replied that this gives permission to put these services and chemicals out to bid and then honor contracts with them. Preference would be to pass it tonight with budgets coming up and the timing of having to have bids out for three (3) weeks.

Councilman Greeno moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Niemeyer. Ayes: Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Wobser, Ayes: Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-101 and is hereby made a part of the record.

ORDINANCE NO. 2022-102 (STRICT Center GMP1) 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 A GUARANTEED MAXIMUM PRICE PHASE AMENDMENT NO. 1 (GMP1) WITH CLOUSE CONSTRUCTION CORPORATION FOR THE SITE DESIGN AND PREPARATION WORK FOR THE STRICT CENTER PROJECT, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische asked when this project is supposed to be done. City Engineer Kalb replied that if this Ordinance is passed, it will be completed late spring/early summer 2023 as it will allow work to be done on it through the winter.

Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-102 and is hereby made a part of the record.

ORDINANCE NO. 2022-103 (STRICT Center GMP2) 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 GUARANTEED MAXIMUM PRICE PHASE AMENDMENT NO. 2 (GMP2) WITH CLOUSE CONSTRUCTION CORPORATION FOR THE PROCUREMENT AND ERECTION OF THE BUILDING FOR THE STRICT CENTER PROJECT, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2022-104 (Parker Training Room/restroom remodel) requires three (3) readings **first reading**

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

First reading of the Ordinance.

ORDINANCE NO. 2022-105 (pre-budget appropriations) requires three (3) readings **first reading**

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

First reading of the Ordinance.

ORDINANCE NO. 2022-106 (Bricker & Eckler LLP invoices (STRICT Center, water service extension) requires three (3) readings **first reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2022-107 (ornaments for City of Findlay Christmas tree) requires three (3) readings **first reading - adopted**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A GRANT AGREEMENT WITH THE FINDLAY-HANCOCK COUNTY COMMUNITY FOUNDATION IN ORDER TO RECEIVE FUNDS TO PURCHASE CHRISTMAS TREE ORNAMENTS AND DECORATING SUPPLIES TO BE PLACED ON THE CITY OF FINDLAY CHRISTMAS TREE, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Bauman pointed out that this Ordinance is allowing the City to receive and utilize grant dollars to be used for reasons outlined in the Mayor's letter, so he is going to make a motion to suspend the statutory rules and give it its second and third readings tonight.

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

Discussion:

Councilman Wobser asked if the ornaments and decorations can be obtained in time for this year's Christmas season. Mayor Muryn replied yes that is the plan. She is ready to order them tomorrow if this Ordinance is passed tonight. She explained that this is to build on the annual Christmas tree tradition. She would like to order six inch (6") white matte Christmas ornaments to be decorated by the public. An event will be held, most likely at the Performing Arts Center, in collaboration with the City of Findlay, the Community Foundation, and the Hancock County Convention & Visitors Bureau where individuals and families can come and create their own Christmas ornaments to put on the City Christmas tree. The Community Foundation will be covering the expense of the white ornaments, along with some sharpie markers to be used to decorate the ornaments. The City of Findlay will be purchasing additional decorations (large globes) and will be working with some students to potentially create some additional decorations for the tree. While this event is a long way off, it could take some time to receive the ornaments and decorations, but they should be received in time for the community event.

Councilman Hellmann asked how many ornaments will be ordered. Mayor Muryn replied three hundred (300). Councilman Hellmann asked if there is an age limit. Mayor Muryn replied no there is not.

Ayes: Greeno, Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-107 and is hereby made a part of the record.

ORDINANCE NO. 2022-108 (ARPA Funds) requires three (3) readings

first reading

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

First reading of the Ordinance.

ORDINANCE NO. 2022-109 requires three (3) readings

first reading

(6-month moratorium for new small box retail stores and skill-based amusement businesses)

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A SIX (6) MONTH MORATORIUM ON THE ESTABLISHMENT OF ANY NEW SMALL BOX RETAIL STORES AND SKILL-BASED AMUSEMENT BUSINESSES IN ORDER FOR THE CITY OF FINDLAY, OHIO TO CONSIDER INCORPORATING THE PROPOSED ADDITIONS INTO THE CURRENT ZONING CODE AS OUTLINED BELOW BEFORE ENACTING THEM AS PART OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Wobser is conflicted about passing this on suspend rules tonight without any public comment. He understands the reason why the request is to do so, but would like to hear other Councilmember's thoughts on this.

Councilwoman Warnecke can see the point of passing this tonight and that if anyone is offended by that and/or made their decisions known after six (6) months, this would already be over by then. According to the article in the newspaper, it appears that there is mention of this possibly taking out a grocery store that has nutritious food in that the new restaurant would have cheap packaged food.

Councilman Palmer feels the owners and the industries should have the opportunity to speak and make their argument as to why this proposed 6-month moratorium should or should not happen.

Councilwoman Frische is asking for some background history on gambling facilities as they have not had the best track record in the community and asked if the Mayor has any push for Council to do the moratorium. Mayor Muryn replied that when Director Cordonnier approached her with this concern, she was supportive of it. When someone is looking at six (6) months to establish a business, they probably have already been in contact with the City and have begun the process, so she does not think that this will limit anyone in the near future that would be interested in establishing a facility like this, especially the back stores. The skills games are typically ones that pop up and have some issues with law enforcement and then are gone again. The City is familiar with one on Sandusky Street that has had a number of problems and is no longer located there. There have been some other facilities over by Menards and Rancho Fiesta that have had some issues. They typically are places that Findlay's law enforcement are well aware of and deal with frequently, but there is a population that is interested in them. This is something that Findlay already has in its community that is not necessarily negatively impacting individuals to be able to access them, but are just giving the City the ability to determine if it is something the City wants in the community. She is in support of the moratorium and further discussing the language change.

Councilman Bauman feels this just makes sense and is in favor of it. The City already has four (4) more dollar stores than what its population allows. He has been on ride-alongs with the City's Police Department and has witnessed skilled gaming sites being hard for Officers to lay eyes on what actually is occurring inside them. It is difficult for Officers to do a walk through of the business and determine what other nefarious activities are going on inside.

Councilman Hellmann asked if those that have an interest in this would be able to speak after the 6-month moratorium is up and when the ordinance language is to be reviewed. Director Cordonnier replied that the proposed changes are moving forward now. There are two (2) options that are reasonable, one is to pass it tonight which is a little abrupt, but what is proposed is to let the CITY PLANNING COMMISSION as well as the PLANNING & ZONING COMMITTEE weigh in on it in on during their meetings next Thursday (10/13/22), and then possibly waive the third reading and pass it during the next City Council meeting on October 18, 2022 to allow time to for the public to weigh in on it. He is comfortable with whatever way Council wants to handle the 6 month moratorium. The zoning code amendments should go through its normal 3 readings process, but both requests are moving forward at the same time and will not be to pass the moratorium and then moving forward with the amendment, but that both requests/ordinances started tonight. Councilman Hellman replied that he does not mind the moratorium, but would like to give those who operate these types of things, time to speak on the zoning amendment. Director Cordonnier replied that he would not request a permanent change to the code for a zoning amendment to be expedited. It will be going through the regular process so that the public can weigh in on it first.

Councilwoman Frische is on board to do something immediately for skill-based businesses, but that more consideration is needed and need to hear public input on small-box retailers. She asked if the legislation that lists both of them could be two (2) separate ordinances. Director Cordonnier replied that he presented it together and does not know the logistics of separating them right now. Councilwoman Frische replied that they would be under the same definition when its done and after it goes through committees and make the changes. She asked why the two (2) definitions are together on the same Ordinance. She asked if they are categorized together. Director Cordonnier replied that for each category, a definition is being added to the Zoning Code. He listed the proposed changes in which one of the changes is adding the definition of each. Councilwoman Frische agrees that more time to weigh-in is needed for discussion on small-box businesses. The amusement gambling situation is an issue that tends to bring things into the community that is not wanted. She would be in favor of passing skilled amusement businesses and remove the small-box businesses portion of the ordinance. She asked if the ordinance could be passed on a certain date versus being passed immediately as requested in Section 2 of the ordinance since it will not go to the CITY PLANNING COMMISSION and the PLANNING & ZONING COMMITTEE until October 13, 2022. President of Council Harrington replied that Council can propose, change, add, stop or move forward on anything they want, and that it can be passed by Council as long as there is a majority in favor of it. Director Cordonnier added that as a point of clarification, he is not viewing the moratorium as a change to the Zoning Code. Councilwoman Frische replied that she understands that but that it is putting everything on hold. Director Cordonnier replied that is correct. Councilwoman Frische replied that more vetting is needed for small-box businesses, especially when trying to determine whether a Hallmark store versus a dollar store falls under that category.

Councilwoman Warnecke asked if this has any impact on what is already in Findlay and/or if it is just to put new businesses on hold for six (6) months. Director Cordonnier replied that is correct. Councilwoman Warnecke replied that if that is the case, there should not be anyone needing to give input or comment.

Councilman Bauman agreed with Councilwoman Warnecke in that input and comments should be given with the second ordinance and that there is no need to separate the ordinance. This ordinance is to provide a point in time for City to be able to begin discussion.

Councilman Wobser noted that there is separation with the legislation, but that legislation was started tonight giving it its first reading tonight with the intention of passing it the first City Council meeting in November. He is still concerned with time for public input as this is a significant change when limiting businesses. He suggested that Council approve the 6-month moratorium tonight for both and then when Council gets the legislation for this, to delay it to give it more time since there would be six (6) months to pass it. He suggested Council suspend the statutory rules and pass it tonight and then deal with the legislation when it comes to Council.

Mayor Muryn added that while working through the process, if it is determined that Council does not want to move forward with the change, Council can repeal the moratorium prior to the six (6) month period.

Councilman Niemeyer thinks this is too much government and asked if there is someone that doesn't like dollar stores and gambling shops in Findlay. He asked if this will be done for cigarette shops (*unable to hear most of his comments*).

Councilman Bauman moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilwoman Warnecke. Ayes: Warnecke, Wobser, Bauman, Hellmann. Nays: Niemeyer, Palmer, Slough, Frische, Greeno. Motion fails.

First reading of the Ordinance.

ORDINANCE NO. 2022-110 requires three (3) readings

first reading

(amendments to Findlay Zoning Code (dollar/thrift stores, skill-based gaming)

AN ORDINANCE REPEALING SECTIONS 1135.03, 1137.071, 1143.03, AND 1174 OF THE CURRENT ZONING CODE AND IN ITS PLACE, ENACTING THE SAME AMENDED SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS: none

NEW BUSINESS:

Mayor Muryn thanked Council for passing the Christmas ornaments legislation. She will share additional information on it as it comes together.

Mayor Muryn apologized for the delay in the start of tonight's meeting and thanked Councilmembers for their flexibility. She thanked the City's Information Technologies team who were able to step in and get the technology up and running.

Mayor Muryn informed Council that during the ARPA meeting, it was discussed that they will continue to research it. She met with Deputy Auditor Sampson to work through some proposals on some additional programs and will be providing final plans to Council.

Mayor Muryn noted that there continues to be some water quality issues at the Reservoir, but is clearing up. Findlay is in a lot better shape than other communities. The quick temperature change caused some issues with water turnover at the Reservoir, but the City team adapted quickly. Water quality should clear up within the next couple of days. A lot of carbon comes out of Florida, so when they were hit hard with the recent hurricane, Findlay was able to adapt and obtain additional supply to continue to treat Findlay's water supply appropriately.

Councilwoman Frische continues to get a lot of phone calls and emails on carriage walks. She asked if Law Director Rasmussen has determined a legal opinion to define carriage walks and if they are not considered a sidewalk, how they are defined. She asked City Engineer Kalb if he has anything additional to submit from the legal opinion that was provided under tonight's WRITTEN COMMUNICATIONS section. Mayor Muryn replied that the City reached out to two (2) different firms, one being the Ability Center who provided a legal opinion in tonight's packet. They also reached out to another firm. The STREETS, SIDEWALKS, & PARKING COMMITTEE will discuss the legal opinions and determine what recommendation to make to Council. Councilwoman Frische asked if there is an additional study that was not in tonight's packet. Mayor Muryn replied that there was one other legal opinion that will go back to the committee first which is what had been originally discussed since it was tabled. It is another provided opinion that the committee will determine how to proceed with. City Engineer Kalb added that since it is a tabled subject, the Administration does not want to have to have too much conversation on it right now and would prefer to have the conversation at the committee so that it is vetted through there, and then once it has come back to Council, the conversation can be held then. Once it becomes an open subject, all the information will be provided to Council. Councilwoman Frische replied that she only brought it up because there was a legal opinion in tonight's council packet that probably should have gone to the committee and not have been put in the council packet.

She asked Law Director Rasmussen if he has anything additional to add and asked if he has his information on defining it. Law Director Rasmussen replied that he does not have his opinion ready, but plans to within the next couple of weeks and will share it with the committee.

Councilman Palmer asked Law Director Rasmussen if he has a timeframe of when he expects to have his legal opinion ready. Law Director Rasmussen replied within the next week or two.

President of council Harrington asked Councilman Palmer if he has a STREETS, SIDEWALKS & PARKING COMMITTEE meeting scheduled for this. Councilman Palmer replied that he does not have one scheduled yet as he was waiting on Law Director Rasmussen's legal opinion first. He asked Law Director Rasmussen if he could provide his legal opinion two (2) weeks from now for a STREETS, SIDEWALKS & PARKING COMMITTEE meeting and asked Councilwoman Frische if she is available for a committee meeting then. Councilwoman Frische replied that it is not about her and is about the property owners. It is getting into the fall season where property owners are needing their carriage walks to get to their front yard. Originally, two (2) weeks were given to gather the information, but now she just want to give the public some information on it and set a date for another meeting. Councilman Palmer replied that he would like to have all the additional information before having a meeting so that there are not multiple meetings on it.

Councilman Palmer: **STREETS, SIDEWALKS & PARKING COMMITTEE** meeting on Tuesday, October 18, 2022 at 5:00pm in the first floor conference room of the Municipal Building (CR1).

agenda: carriage walks

City Auditor Staschiak thanked those that attended the prebudget and mid-year review meeting as those meetings are to evaluate the City on where it is at financially. He also appreciated being able to share the information with those that were unable to attend. During that meeting, he provided a suggestion of taking any unspent, already appropriated money and put it towards restrictions and reserves for water, sewer, and things that the General Fund might touch, which is quite a bit of money. It would be timely for him to have a discussion with Council on this before the end of the month in order for him to move forward with the budget process in determining what the revenues and resources for next year will be. Councilman Hellmann asked where funds go if they are not placed in the reserve account. City Auditor Staschiak replied that the money that is appropriated from the General Fund money that is not spent, rolls into the cash balances that move forward. Those cash balances have grown from a few million dollars a decade ago to an excess of twenty-one million dollars (\$21,000,000.00) at the start of this year with the expectation of being twenty-one to twenty-three million dollars (\$21,000,000.00-\$23,000,000.00) that is accumulating and that he is looking at restricted uses for, expenses that would be an appropriate use of the funds. There also is Water Fund money in excess of one million dollars (\$1,000,000.00) that has been turned in on average regularly which would be referred back to the Water Fund in that he had suggested that known needed equipment and other planned expenses be restricted off since those monies have already been spent and are already off the books. It is the same situation with the Sewer Fund. There are some General Funds that are subsidized regularly (i.e. Airport, Street Dept, Swimming Pool, and Parking) that could be considered as carry-over. He can provide information on them during a committee meeting for consideration. Councilman Palmer requested to have that conversation in an APPROPRIATIONS COMMITTEE meeting within the next few weeks. Councilman Wobser replied that as discussed during a COMMITTEE OF THE WHOLE meeting, this is an issue that needs to be taken care of sooner rather than later so that the Administration can budget appropriately.

Councilman Wobser: **APPROPRIATIONS COMMITTEE** meeting on Monday, October 17, 2022 at 5:00pm in the third floor conference room of the Municipal Building (CR1).

agenda: Consideration of additional restricted funds/accounts

Councilman Bauman moved to adjourn City Council at 8:11pm, seconded by Councilman Greeno. All were in favor.

CLERK OF COUNCIL

COUNCIL PRESIDENT