

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

DECEMBER 20, 2022

COUNCIL CHAMBERS

ROLL CALL of 2022-2023 Councilmembers:

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

ABSENT: none

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

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the December 6, 2022 Regular Session City Council meeting minutes as amended, seconded by Councilman Niemeyer. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ONS:

1. Letter from Fire Chief Eberle – emergency repair for Engine 1 (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*).
2. Ordinance No. 2022-146 – emergency repairs for Engine 1 (*LEGISLATION section*).

REMOVALS:

1. Letter from Mayor Murn - Indigent Defense Services renewal agreement (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*).
2. Ordinance No. 2022-144 – Indigent Defense Services renewal agreement (*LEGISLATION section*).

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS: none

ORAL COMMUNICATIONS:

Tom Ross – drugs & strategic plan

Mr. Ross is President of the Apartment Association in Findlay. He is before City Council tonight to touch on two (2) points. The first one is that he thinks the Administration is out of touch with the wants and needs of this community. Findlay has a homeless problem. There are homeless people on the streets and sleeping on church steps which are all drug related. Not only is there a homeless problem, but also the crime record for Findlay is higher than our sister city in Fostoria for the fifth (5th) year in a row, again, all drug related. There was an article in the newspaper a few days ago about drugs, Fentanyl, Heroine, all sorts of things are killing our families, disrupting our City, and is on our streets everywhere. It is a serious problem in this community. Findlay has the single biggest threat to the community which is drugs, but instead, Council and the Administration put together a team and spend a bunch of money on consultants patting each other on the back telling each other how great their ideas are and how they are going to focus on fixing the community. They have come up with a plan that is going to hit the bad guys right in the face, take them on and destroy an entire industry and wipe it out. They are going to take care of those drug dealers, actually landlords and will destroy an entire industry with the strategic plan while drugs run rampant on City streets. He thinks Council and the Administration have lost their focus and do not realize what is important to this community. He would love to be a fly on the wall when Council and the Administration get together and do their strategic planning or whatever it is they do and wherever it is they go and talk to each other because they must only talk to the same twenty-five (25) people. If they were to take a walk out on Findlay City streets, Third Street for example where he lives, and knock on the door and tell him that they are going to spend one hundred thousand dollars (\$100,000.00) on a strategic plan that doesn't address drugs and spend it on destroying landlords in this community running them out of town. That would cause Council and the Administration to get punched in the nose, which they should because they are not focusing on what is important to this community and are out of touch with reality. Unfortunately, Council and the Administration are not smart enough to come up with their own ideas and instead resurrected the Tony Iriti vision document from twenty (20) years ago, knocked the dust off it, and changed the colors of the plan. Mr. Iriti is probably dead and half those that wrote it are probably dead or moved from this community and are not even around here. He asked Council and the Administration to focus on what is important in this community. If the strategic plan comes out of committee, all the committee members will be held accountable. Every elected person that votes for it to come out of committee will be held accountable as the Landlord Association will use every resource that they have at their disposal. Every time Council and the Administration rattles their saber on things about housing in this community, the numbers start to grow, and grow, and grow. Council and the Administration are the association's greatest advocate. If the plan comes out of committee and hits this floor and is voted on, every single elected official that votes yes on that strategic plan will also be held accountable. Council and the Administration have brought it to this point. They wanted to be left alone and run their businesses to make a living. Mr. Ross repeated that Council and the Administration brought them to this point. Filed.

Katie Erickson – strategic plan/FindlayForward

Ms. Erickson and her husband moved to Findlay in 2007 with the intention of staying three to four (3-4) years, but are still here. One of the reasons that has kept them in this community is the opportunities they have had to purchase multiple homes that they maintain as rental properties. They currently own seven (7) houses in Findlay, including the one they live in, so they are not big time landlords, but maintain their properties well and have completely remodeled two (2) of the properties, thus improving the value for the community. Two (2) of the sections for the proposed strategic plan that she has looked at in depth, appear to directly target private landlords, which in her case, is herself. Sections 1.5 & 1.6 (vacant property registry, land bank, rental property registration program, adoption of more housing codes, expansion of the metro housing program, etc.) are directly targeting landlords in a negative way. She assumes that they are likely targeting specific properties or specific landlords, but is threatened by them. The fact that it could get passed, threatens the income for her household from their rental properties, and also the places their tenants live. It threatens their ability to be productive members of this community that she and her husband have adopted as their homes. There are pieces of the overall plan that she supports, but lumping everything into this one big plan does not allow the opportunity for the public to look at each piece individually to see what the actual community wants. The plan appears to be a way for the government of this City to gain control over private landlords such as herself which would hinder her ability to function as a private landlord in this community. Her goal as a landlord is to help people have a great experience living in this City, whether for a short time or a long time. Elements of this plan have the potential to not make that happen which would be a struggle for landlords as well as tenants. Items in this plan that would potentially cause her costs as a landlord to go up and would cause her to raise rent costs as landlords would be forced to pass those costs on to tenants. Landlords do not want to be raising rent to an amount that people are not able to afford. The fact that pieces of this plan target private landlords appears to be discriminating against one particular group of people, to which she does not support. It is her hopes that Council and the Administration also do not support it. Filed.

Jamie Cunningham – elements of strategic plan

Ms. Cunningham reiterates and agrees with everything that Mr. Ross and Ms. Erickson have said tonight. She has been in this community as a Real Estate Investor for thirty-three (33) years doing the fairest business that they can. They treat their rental tenants as well as they can and believe in doing things by the book. A lot of the information for the proposed regulations are not known to her as she is just finding out about them, but appear to be very vague. Without details, it does a disservice to the people. She asked as a taxpayer how all of this will be paid for. As Mr. Ross pointed out that Findlay has a lot of issues that need to be addressed, it is unclear how this is going to be paid for. The numerous programs that are being proposed have to be paid somehow which is only going to happen by the taxpayer. As a Real Estate Investor, she pays a lot of taxes, so proposed changes via this plan will cause landlords and Real Estate Investors to pass costs along to rental tenants. While she cannot speak for others, she tries to keep their rent rates fixed and would like to see taxes fixed. As elected officials, no matter their position, they should do their best to be fiscally responsible with taxes that have already been generated. She feels there is still a lot of information that needs to be gathered, but agrees as Mr. Ross stated that if this is proposed, the association will definitely defend their position. Filed.

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Fire Department Activities Report – November 2022. Filed.

Findlay Municipal Court Activities Report – November 2022. Filed.

Findlay Police Department Activities Report –November 2022. Filed.

A set of summary financial reports for November 30, 2022:

- Summary of Year-To-Date Information as of November 30, 2022
- Financial Snapshot for General Fund as of November 30, 2022
- Open Projects Report as of November 30, 2022
- Cash & Investments as of November 30, 2022

Filed.

Treasurer’s Reconciliation Report – November 30, 2022. Filed.

Board of Zoning Appeals minutes – November 10 2022. Filed.

Service-Safety Director Martin – Hancock Public Health contract renewal

Ordinance No. 2021-037 was passed in May 2021 to enter into a two (2) year agreement with Hancock Public Health (HPH) for HPH to provide backflow testing and repair of all City-owned facilities, and the City of Findlay will maintain the database of isolated backflow systems and inspection fee collection, where applicable. The current agreement expires December 31, 2022. The City of Findlay and Hancock Public Health would like to extend the agreement for an additional two (2) year term. HPH is requesting one minor proposed change to increase the billable hourly fee from \$41/hour to \$43/hour. The annual billable limit not to exceed will remain at \$2,460.00. Legislation authorizing the Mayor and/or Service-Safety Director to enter into an agreement with Hancock Public Health is requested. Ordinance No. 2022-140 was created. Filed.

Mayor Muryn – Emergency Management Services

The contract to furnish emergency management services between the City of Findlay and Hancock County as required via ORC Section 5502.27 expires December 31, 2022. The City of Findlay and Hancock County Board of Commissioners would like to renew this agreement for a period of two (2) years being effective from January 1, 2023 through December 31, 2024 at a cost of forty-five cents (\$.45) per capita of population for each year of the term of this agreement. Said per capita figure as derived from the current official census for the City of Findlay is eighteen thousand one hundred forty dollars and eighty-five cents (\$18,140.85). Legislation authorizing the Mayor to enter into a contract with the Hancock County Board of Commissioners is requested. Ordinance No. 2022-141 was created. Filed.

Mayor Muryn – Airport Operations Coordinator salary increase

The Airport Operations Coordinator role has increased the efficiency of the Findlay Airport and the duties of this role directly support the smooth and efficient operations of the Airport. At the request of the Airport Director and through a market analysis of pay for similar positions, it has been determined that the Airport Operations Coordinator’s pay falls below the market. Research shows that a range between \$50,687-\$70,003 is where this position is being paid at. Currently, the fiscal year 2022 pay for the Findlay Airport Operations Coordinator is \$46,800 annually.

Review information:

Source	Position Title	Pay
<ul style="list-style-type: none"> • Columbus, Indiana • Salary.com 	<ul style="list-style-type: none"> Assistant Manager Operations Coordinator Officer 	<ul style="list-style-type: none"> \$52,457-\$78,686 \$48,917-\$61,320

2022 accomplishments for Airport Operations Coordinator Kyle Inbody:

- Increase in 100LL fuel and transient fuel sales by six percent (6%) in 2022
- Championed move from FBO to newly renovated terminal building saving the City thousands of dollars
- Consistently exceeds customer care for Airport clients
- Instrumental in the achievement of one hundred percent (100%) hangar occupancy for the first time in recent years
- Received a very high rating on his performance evaluation
- Successfully transferred from Zoning Officer to Airport Operations Coordinator

The payroll ordinance requires Council to approve any increase above eight percent (8%), therefore, the City Administration requests Council approval for an additional ten percent (10%) to increase his annual salary to \$55,224/annually. Legislation authorizing said salary increase for Mr. Inbody is requested Ordinance No. 2022-142 was created.

Discussion:

Councilwoman Frische asked what additional responsibilities the employee in the position is taking on or why their pay is going outside the normal. Mayor Muryn replied that the position was created during the time Councilwoman Frische was not on Council and moved Mr. Inbody from the Zoning Department into the position. At that time, his pay was not modified. The Administration wanted to give it a trial and make sure all went well. Now that he has been in the position for a little while and is doing an incredible job of helping grow the Airport’s influence by supporting City operations and the community at large, and after looking at salaries of similar positions, it was felt that an increase needed to be made to Mr. Inbody’s salary. The City’s capped increase for next year is eight percent (8%), so with Mr. Inbody’s proposed eighteen percent (18%) salary increase, it had to come before City Council. It is very much in line with the position, the responsibilities, and the value that he is adding to the City in that role. Councilwoman Frische asked if the additional increase that was approved across the board is on top of the salary increase for Mr. Inbody’s request. Mayor Muryn replied no, this would be separate of that. Councilwoman Frische asked if Mr. Inbody will get both increases. Mayor Muryn replied yes. Mr. Inbody’s total increase would be eighteen percent (18%) which would include the six percent (6%) increase across the board.

Councilman Russel clarified that when the position was created, the initial salary structure was that of Mr. Inbody’s Zoning salary structure, and when he moved over to the Airport, a salary survey would be conducted, so now that the value of his position is known and the salary survey has been done, what is being proposed is the conclusion of all that. Mayor Muryn replied that is correct. His salary increase is a total of eighteen percent (18%), and not eighteen percent (18%) plus six percent (6%).

Councilwoman Frische asked if the job description and experience is still new to Mr. Inbody. Mayor Muryn replied no. He has an aviation background and obtained his pilot’s license at age 17. He has been passionately involved in the aviation industry locally. He had wanted to get involved with the Airport when he joined the City of Findlay team, but didn’t have the opportunity then. Councilwoman Frische asked if Mr. Inbody was under the impression that he would be seeing a significant change when he transitioned. Mayor Muryn replied that there was no guarantees at that time, but with the understanding that staying at his existing salary was under the market value of the role. Filed.

City Engineer Kalb – Washington Avenue Storm Sewer Upgrade, Project No. 35512100

The City of Findlay Engineering Department is continuing the design of the storm sewer upgrades for Washington Avenue that will take place between Sixth Street and Olive Street on Washington Avenue. As part of the design process, the City of Findlay Engineering Department will be working with a consultant to draft the construction plans for the project so that the plans will be ready for construction in 2023. Legislation authorizing the Mayor, Service-Safety Director, and/or City Engineer to advertise for bids and enter into contracts for construction, as well as appropriate and transfer funds is requested. Ordinance No. 2022-143 was created.

FROM:	Sewer Fund – Stormwater Restricted Account	\$ 20,000.00
TO:	Washington Avenue Storm Sewer Upgrade, Project No. 35512100	\$ 20,000.00

Filed.

City Auditor Jim Staschiak – year-end items to transfer/appropriate

The following accounts require an appropriation or a transfer for this budget year so that the City may remain in compliance with ORC and audit. It is important that the rules be suspended and the legislation for these transfers be passed at the December 20, 2022 City Council meeting in order to remain in compliance.

Transfer Resolution:

FROM:	Treasurer #21004000-other	\$	200.00	
TO:	Treasurer #21004000-personal services			\$ 200.00
FROM:	Service-Safety Director #21020000-other	\$	10,000.00	
TO:	Service-Safety Director #21020000-personal			\$ 10,000.00
FROM:	Parking #25075000-other	\$	1,000.00	
TO:	Parking #25075000-personal services			\$ 1,000.00

REASON: the transfers deals with moving already appropriated funds between the department’s personal services (wages and related benefits) and other (operational expenses) accounts to be able to finish the rest of the year.

Emergency legislation for the above listed items is requested to be adopted on an emergency basis during the December 20, 2022 meeting. Resolution No. 033-2022 was created.

Appropriation Ordinance:

FROM:	General Fund	\$	10,000.00	
TO:	Law Director #21005000-personal services			\$ 10,000.00

REASON: Due to increased personal services, there is a need to appropriate additional funds in order for the department to be able to finish out the rest of the year.

FROM:	CR 236 TIF Fund	\$	40,514.48	
TO:	CR 236 Widening Debt Service #23060310-other			\$ 40,514.48
FROM:	CR 236 Widening Debt Service #23060310-other	\$	40,514.48	
TO:	CIT – Capital Improvement Restricted Account			\$ 40,514.48

REASON: the CR 236 debt payments were appropriated and paid initially by CIT Fund-Capital Improvements money for 2022. \$40,514.48 has been received in 2022 of TIF revenue to offset a portion of the 2022 debt payment. These appropriations allow the TIF Fund money to be used for the debt and reimburse the Capital Improvements Restricted Account.

FROM:	County Permissive Fund	\$	352,295.00	
TO:	CR 236 Widening Debt Service #23060310-other			\$ 322,944.02
TO:	CR 236 Land Debt Service #23060210-other			\$ 29,350.98
FROM:	CR 236 Widening Debt Service #23060310-other	\$	322,944.02	
FROM:	CR 236 Land Debt Service #23060210-other	\$	29,350.98	
TO:	CIT – Capital Improvements Restricted Account			\$ 352,295.00

REASON: The CR 236 debt payments were appropriated and paid initially by Capital Improvements money for 2022. \$352,295.00 of County Permissive Fund money was withdrawn to pay the 2022 debt payments as an allowable use of the money. These appropriations allow the County Permissive money to be used for the debt and reimburse the Capital Improvements Restricted Account. Unlike in past years, there was not enough County Permissive Funds available to cover all of this debt in 2022; it was short by \$5,567.02.

FROM:	Energy Bonds Series B #23056100	\$	12,655.96	
TO:	CIT Fund – Capital Improvements Restricted Account			\$ 12,655.96
FROM:	CIT Fund – Capital Improvements Restricted Account	\$.01	
TO:	Energy Bonds Series B #23056100			\$.01

REASON: The City had to appropriate the entire amount of the interest payment for the Energy Bonds for the 2022 debt payments. However, the Series B bonds are federally subsidized and the City received a portion of the subsidy payment. Due to the federal mandated sequester, the City did not receive the entire subsidy. There is a federally established process with the IRS to request the payments that must be followed twice a year. Also, the interest amount that was due on the bonds ended up being \$.01 more than was shown on the amortization schedule and was originally budgeted. These transactions take care of the shortage and the return of the fronted appropriation to CIT Fund – Capital Improvements Restricted Account.

FROM:	Police Pension Fund	\$ 20,017.66
TO:	Police Pension #27078000-761400	\$ 20,017.66
FROM:	Fire Pension Fund	\$ 20,017.66
TO:	Fire Pension #27079000-761400	\$ 20,017.66

REASON: A portion of the amount received from the assorted property taxes from the County tax settlements is deposited into Police and Fire Pension Funds by law. The cash balance is then transferred to the General Fund at the end of the year. Although the revenue budgets for 2022 were estimated very closely, the transfers out of these funds were budgeted low. The County revises their revenue estimates after adoption of our annual appropriation ordinance, and in order to avoid potentially over-budgeting the fund on the certificate filing, the transfer out is budgeted lower than expected.

FROM:	City Income Tax Fund	\$ 5,235,663.00
TO:	City Income Tax #27047000-other	\$ 5,235,663.00

REASON: Based on current projections, the actual income tax collections will be more than the original estimate. The tax is allocated to the CIT Fund – Capital Improvements Restricted Account and the General Fund based on actual collections. It is anticipated that the City will be able to transfer more money than currently budgeted and will need the appropriation increased by this amount in order to complete the transfer to the General Fund as part of the 2022 transactions.

FROM:	Cemetery Trust Fund	\$ 20,272.16
TO:	Cemetery Trust #27086000-other	\$ 20,272.16

REASON: The amount of interest earned on the Cemetery Trust investment has come in higher than the original budgeted estimate. This appropriation allows for the total amount of interest earned to be transferred to the General Fund to support the current operations of the Cemetery as intended.

FROM:	Severance Payout Reserve Fund	\$ 10,000.00
TO:	Severance Payout Reserve #22090000-personal services	\$ 10,000.00

REASON: There have been several retirements that have already occurred and some that are scheduled to occur this year that were not included in the original budget figures because the City did not have written notification of the retirements at the time of budget development last fall. An appropriation of funds is needed to cover the expense of the retirement settlements.

FROM:	General Fund	\$ 101,000.00
TO:	Self-Insurance Fund	\$ 101,000.00

REASON: The Self Insurance Fund earns interest that is supposed to pay for the expenses related to the fund, however, the expenses are larger than what earned as interest at this time. In order to pay the expenses of this fund, part of the principal of the fund will have to be used. This fund should always have an ending principal fund balance of at least \$1 million. The appropriation above allows for this to occur.

Emergency legislation for the above listed items is requested to be adopted on an emergency basis during the December 20, 2022 meeting. Ordinance No. 2022-145 was created. Filed.

Fire Chief Eberle – Emergency repairs for Fire Engine 1

Findlay Fire Engine 1 is currently in a repair facility to replace a head gasket which was a planned repair with a purchase order already in place, however, once the repair work began, additional problems were found that are necessary to fix immediately. A cylinder head is warped and needs replaced, and the EGR cooler is leaking and also needs replaced. Currently, there are insufficient funds in the Fire Department operational budget to secure a purchase order for these additional repairs. The total estimate for these repairs total fifteen thousand nine hundred eighty-nine dollars and thirty-one cents (\$15,989.31) (see enclosed estimate). An allocation of seventeen thousand (\$17,000.00) into the Fire Department R&M Vehicles line item (331200) for these repairs, plus any additional items found, is requested. The apparatus will be out of service until these repairs are completed. Ordinance No. 2022-146 was created. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from First United Church of Christ to rezone 0 Greendale Avenue (parcel no. 210001032996) from R1 Residential to O1 Offices/Institutions.

We recommend approval as requested. Legislation will be created upon approval of this committee report.

Councilman Bauman moved to adopt the committee report, seconded by Councilman Palmer. All were in favor. The committee report is adopted. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Mayor Muryn and Hancock Regional Planning Commission Director Cordonnier to discuss potential zoning code amendments.

We recommend review of proposed zoning code changes by the PLANNING & ZONING COMMITTEE and further discussions in January 2023.

Councilman Russel moved to adopt the committee report, seconded by Councilman Slough. All were in favor. The committee report is adopted. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss the annexation plan.

We recommend continued planning of rollout of annexation efforts

Councilman Bauman moved to adopt the committee report, seconded by Councilman Slough. All were in favor. The committee report is adopted. Filed.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 033-2022 (year end transfers) **requires one (1) reading** **first reading - adopted**
A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Resolution, seconded by Councilman Greeno. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, 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. 2022-110 **requires three (3) readings** **tabled after 2nd reading during the October 18, 2022 City Council meeting,**
then removed from the agenda during OLD BUSINESS of the December 20, 2022 City Council meeting

(amendments to Findlay Zoning Code (dollar/thrift stores)

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.

ORDINANCE NO. 2022-127 **requires three (3) readings** **third reading - adopted**

(Reservoir Transfer Line Rehab Water & Wastewater Infrastructure Grant)

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-127 and is hereby made a part of the record.

ORDINANCE NO. 2022-128 **requires three (3) readings** **third reading - adopted**

(Mardic Investments, Inc. annexation (020001025344 south of CR 99) – accept & approve the annexation) **requires three (3) readings**

AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF ALLEN, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF SECTION 36, T2N, R10E, A TRACT OF LAND CONSISTING OF 3.978 ACRES OF LAND, MORE OR LESS (HEREINAFTER REFERED TO AS THE MARDIC INVESTMENTS, INC. ANNEXATION).

Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-128 and is hereby made a part of the record.

ORDINANCE NO. 2022-129 **requires three (3) readings** **third reading – tabled during the 12/20/22 City Council meeting**
until 2/7/23 6:50pm public hearing

(Mardic Investments, Inc. annexation (parcel no. 020001025344 south of CR 99) – rezone

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY AS M-2 MULTI-FAMILY HIGH DENSITY (HEREINAFTER REFERRED TO AS THE MARDIC INVESTMENTS, INC. ANNEXATION).

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Bauman.

Discussion:

Councilwoman Frische asked if a public hearing is needed for this. Council Clerk DeVore replied that is correct. There needs to be a Public Hearing for this and that it was overlooked and not scheduled.

The motion to adopt the Ordinance was recanted.

Councilman Russel moved to table the Ordinance, seconded by Councilwoman Frische. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno. The Ordinance was declared tabled. Filed.

ORDINANCE NO. 2022-132 (amendment to DORA hours) requires three (3) readings

second reading

AN ORDINANCE AMENDING ORDINANCE NO. 2021-009 TO CHANGE THE HOURS OF OPERATION FOR THE DESIGNATED OUTDOOR REFRESHMENT AREA (D.O.R.A.), AND DECLARING AN EMERGENCY.

Discussion:

Councilman Bauman asked if this should be given its third reading and passed tonight being that the New Year's Eve and New Year's Day holidays will take place before this Ordinance would be up for adoption at the next City Council meeting. Councilwoman Frische requested a point of order in that a motion needs to be made in order for discussion. President of Council Harrington replied that discussion takes place all the time without a motion.

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

Second reading of the Ordinance.

ORDINANCE NO. 2022-134 (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 noted that City Engineer Kalb informed him that there are some requirements from the State of Ohio to accept the funding in this fiscal year, so this needs to be passed yet tonight as there are no more City Council meetings this year.

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

Discussion:

Councilwoman Frische asked City Engineer Kalb for more information. City Engineer Kalb replied that ODOT's timeline is thirty (30) days after the bid opening date to get contracts to the central office. His timeline started as soon as the bid was opened including getting all contracts fully signed, money appropriated and purchase orders in place. It is ODOT's requirement that the money has to be appropriated into the project leaving enough time to get all contracts signed and sent down to the central office. The same process is done for resurfacing projects. Councilwoman Frische asked what date the project was started and what the total dollar amount is for the project. City Engineer Kalb replied that \$2,200,000.00 was received from ODOT and the City's portion is \$660,000.00, for a total project cost of \$2,749,000.00. Councilwoman Frische asked when the bid for the project was. City Engineer Kalb replied November 2022, the second City Council meeting in November. Bids were opened the same day as that City Council meeting, but would have been very difficult to get a letter out, ensure proper funding, and coordinating the project details with the City Auditor's Office.

Ayes: Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-134 and is hereby made a part of the record.

ORDINANCE NO. 2022-136 (HPD Community Park Improvement Program grant) requires three (3) readings

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2022-137 (S Main St and Crawford St intersection upgrade) requires three (3) readings

second reading - adopted

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

Discussion:

Councilman Russel asked if this Ordinance, Ordinance No. 2022-138, and Ordinance No. 2022-139 need to be adopted yet tonight. City Engineer Kalb replied that he would prefer that they are adopted tonight because of the nine to ten (9-10) month out timeframe on poles, not counting the other equipment needed. Quotes are valid for so long, so he would like to get the projects moving, especially the Cory Street project, so that the traffic pole that was struck by a truck can be fixed as soon as possible. All the poles in these projects need repaired. Councilman Russel asked if there is any thought of purchasing any inventory for projects like this. City Engineer Kalb replied that the design of the full intersection needs to be known and have to obtain shop drawings for each intersection.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Greeno. Ayes: Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-137 and is hereby made a part of the record.

ORDINANCE NO. 2022-138 (South Main Street and Hardin Street intersection upgrade) requires three (3) readings

second reading - adopted

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

Councilman Greeno moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Palmer. Ayes: Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-138 and is hereby made a part of the record.

ORDINANCE NO. 2022-139 (*West Main Cross Street and Cory Street intersection upgrade*) **requires three (3) readings** **second reading - adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Palmer moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Wobser. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman. The Ordinance received its third reading. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-139 and is hereby made a part of the record.

ORDINANCE NO. 2022-140 (*Hancock Public Health contract renewal*) **requires three (3) readings** **first reading**
AN ORDINANCE AMENDING ORDINANCE NO. 2021-037 AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE HANCOCK COUNTY PUBLIC HEALTH TO CONTINUE TO PROVIDE BACKFLOW TESTING AND REPAIR OF ALL CITY-OWNED FACILITIES, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if this Ordinance needs adopted yet tonight. Service-Safety Director Martin replied that the contract expires at the end of the year and is a renewed contract, so it would be beneficial to have it passed yet tonight. The delay in getting it before Council is because the Administration had been working through some of the details and edits of the contract.

Councilman Wobser asked what would happen if it is not adopted yet tonight. He struggles with approving something like this in one reading and asked that since it is an existing contract up for renewal if it will just roll over until a new one is approved. Service-Safety Director Martin replied it will. It is a standardized process that the City is in a good position if Council chooses to give it more than one reading as it will roll over.

Councilwoman Frische asked if businesses are required to have backflows tested every year and if so, why Hancock County Public Health maintains the database of the backflow system and inspections. Service-Safety Director Martin replied because the City's water department has the capability and have a certified Plumber on staff that is capable of doing the backflow testing, which is a mutually agreed upon service. It is a specialized process. Councilwoman Frische added that there are other contractors available as her businesses have Plumbers that are certified through the City. She asked why Hancock County Public Health employees are doing this and not other Plumbers that are bonded through the City. She asked what the difference in cost is. Service-Safety Director Martin replied that he does not have that information with him tonight. This request is an established contract that the City pays fifty-seven and seven tenths percent (57.7%) of the budget for Hancock Public Health. Councilwoman Frische interrupted stating that the City only does twenty-four and sixty one-hundredths percent (24.60%). She asked if 2021 was the first time this was done. Service-Safety Director Martin replied no, it is a process that has continued from the past. Mayor Muryn added that a couple of years ago, Hancock Public Health started maintaining the database and provided communications with contractors in town making sure that the existing database is correct. This renewal contract is looking at the structure of how backflows are managed in the City. The City of Findlay currently maintains that database that generates reports and notifications to the properties as part of maintaining our system with a backflow in place. It will have to be tested and will be required to provide the City with the necessary paperwork. The contracts currently in place with Hancock Public Health is for them to check our system and not for us to be checking our own paperwork, making sure that the relationship is in place with Hancock Public Health being the entity that ensures they are following the proper process. Hancock Public Health already has a certified Plumber on their staff. The cost is not for them to be providing the service and is for our understanding of how we are managing the system. She will provide Council a write up of how the structure works and what the funds are for. Councilwoman Frische would like to know what their cost is compared to having a Certified Bonded Plumber. Mayor Muryn replied that there is no rush on this contract renewal and that she does not know the Plumber's cost, but have looked at that in the past and determined that this was a savings for the City. Typically, someone pays one hundred dollars (\$100.00) per backflow, and that the City has a significant system.

Councilman Niemeyer noted that it is very expensive to have backflow testing done and that this request has to be saving the City money.

First reading of the Ordinance.

ORDINANCE NO. 2022-141 (*Emergency Management Services contract renewal*) **requires three (3) readings** **first reading**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT WITH THE HANCOCK COUNTY EMERGENCY MANAGEMENT AGENCY TO MAINTAIN AN EMERGENCY OPERATION PLAN THAT WILL ENCOMPASS ALL POLITICAL SUBDIVISIONS OF HANCOCK COUNTY, PURSUE A PROFESSIONAL DEVELOPMENT TRAINING PROGRAM, AND COORDINATE THE EMERGENCY MANAGEMENT ACTIVITIES OF ALL THE POLITICAL SUBDIVISIONS ACCORDING TO THE DUTIES AND REQUIREMENTS OF SECTION 5502.27 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2022-142 (*Airport Operations Coordinator pay increase*) **requires three (3) readings** **first reading**
AN ORDINANCE APPROVING THE REQUEST OF THE CITY OF FINDLAY, OHIO ADMINISTRATION TO GRANT AN ADDITIONAL TEN PERCENT (10%) SALARY INCREASE TO THE AIRPORT OPERATIONS COORDINATOR POSITION, WHICH WOULD EXCEED THE ALLOTTED EIGHT PERCENT (8%) OF CURRENT CODIFIED ORDINANCE NO. 2022-081 AS AMENDED, OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE SALARY ORDINANCE, TOTALING AN EIGHTEEN PERCENT (18%) PAY INCREASE FOR THE 2023 WAGE YEAR, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2022-143 (*Washington Avenue Storm Sewer Upgrade*) **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 ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE CREATION OF CONSTRUCTION PLANS FOR THE WASHINGTON AVENUE STORM SEWER UPGRADE, PROJECT NO. 35512100, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if City Engineer Kalb would like to speak on the timing of this project and the need for legislation tonight. City Engineer Kalb replied that he is not in a rush for this, but with costs going up, it would be nice to get it done tonight. The City is doing the design work in-house and the consultant is doing the drafting. His preference is to get everything out early to lock in the cheapest price, but that this can go another reading if Council wants it to. If Council passes this tonight, he can get the drafting services started soon. Councilman Russel asked if this will include curbs and gutters on Washington Avenue. City Engineer Kalb replied it will not include curbs and gutters. It was looked at, but with the elevation of the roadway and waterline there, it would be a major undertaking to include lowering all waterlines, etc., but they are addressing residents' concerns in that area about low spots, wet spots, etc.

First reading of the Ordinance.

ORDINANCE NO. 2022-144 **first reading – removed from the agenda during the 12/20/22 City Council meeting**

(*Indigent Services Agreement renewal*) **requires three (3) readings**

~~AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT FOR CALENDAR YEARS 2023 THROUGH 2025 WITH THE HANCOCK COUNTY PUBLIC DEFENDER COMMISSION, AND THE HANCOCK COUNTY COMMISSIONERS FOR A TOTAL OF ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000.00) PER YEAR FOR SAID CALENDAR YEARS, AND DECLARING AN EMERGENCY.~~

ORDINANCE NO. 2022-145 (*year-end appropriations*) **requires three (3) readings**

first reading - adopted

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Greeno. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-145 and is hereby made a part of the record.

ORDINANCE NO. 2022-146 (*emergency repairs to Fire Engine 1*) **requires three (3) readings**

first reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT WITH W. W. WILLIAMS – TOLEDO LOCATED IN LEMOYNE, OHIO, FOR EMERGENCY REPAIRS TO FIRE ENGINE 1 UTILIZED BY THE CITY OF FINDLAY FIRE DEPARTMENT, APPROPRIATING FUNDS THERETO, AND DECLARING A REAL AND PRESENT EMERGENCY.

Discussion:

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

Discussion:

Councilwoman Frische asked what year Fire Engine 1 is. Fire Chief Eberle replied 2015. Councilwoman Frische noted that one of the Findlay Firefighters maintain Fire Department vehicles and asked if he was not able to do these repairs. Fire Chief Eberle replied that repairs like these are too big for a local repair shop. Repairing a head gaskets requires tearing apart a lot of the motor just to get to it. He relies on mechanics to inform him on what repairs can be done in-house and what ones have to be done otherwise. It was known that there was a significant leak. The warped cylinder head is the cause of the gasket problem. The Findlay Fire Department could see the result of it, but could not see the root cause.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Wobser. Ayes: Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer. The Ordinance received its second and third readings. Councilwoman Warnecke moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-146 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS:

Councilman Russel noted that with the new zoning code changes working its way through the PLANNING & ZONING COMMITTEE, Ordinance No. 2022-110 becomes unnecessary as anything in it would be included in the new zoning codes.

Councilman Russel moved to remove Ordinance No. 2022-110 from the agenda, seconded by Councilman Palmer.

Discussion:

Councilwoman Frische noted that a moratorium was already done, so to remove this appears to be forever. She asked if the moratorium that was already passed will fall off and will go back to normal. She asked for an explanation of Councilman Russel's motion and asked if the moratorium that was already passed will fall off at the end of the year. President of Council Harrington replied that would not be the case as all legislation that is not passed tonight rolls over into next year. Councilwoman Frische asked if this Ordinance is removed from the agenda if the 6-month moratorium will fall off in six (6) months for small box businesses and then will require new legislation to remove it. Councilman Bauman replied that they are two (2) separate items. The moratorium was a separate ordinance from this one and does not negate the other because they were separate.

Councilman Russel added that Ordinance No. 2022-110 sets specific amounts for the number of game parlors of small box retailers and has nothing to do with a moratorium. Ordinance No. 2022-110 would be in the new zoning code and is therefore unnecessary.

Councilwoman Frische agreed that they are two (2) separate and asked if the hope is to have the new zoning code done and not need this.

Ayes: Slough, Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel. Nays: Frische. The Ordinance is removed from the agenda and is hereby made a part of the record.

Councilwoman Frische pointed out that about a month ago, there was a committee report regarding carriage walks that was tabled. She does not recall it being untabled and there are Findlay citizens still hanging in limbo about it. It was tabled for Councilman Palmer to obtain additional information from the Administration. She asked for the status of it and if the committee report is still tabled as she does not see it on the agenda as still being tabled. She has not heard or seen anything further on it from when it was tabled. She is on the committee and should be kept up to date on it.

Discussion:

Councilman Palmer *unable to hear the audio.*

Councilman Bauman added that there is already someone contracted to review the ADA guidelines which is why it was untabled and thought it could be resolved through that process that was already in place. The ADA policies are currently being reviewed. Mayor Muryn added that it was removed and adopted. Additional information was shared with Committee Chairman Palmer that the ADA is reviewing everything and that they would not be looking at the carriage walks policy. Based off all the information that was provided and the discussion that took place, the City is going to continue with the practice as is with the City not putting carriage walks back in place. If someone wants to put something else in place, it would be their responsibility and their legal burden to carry.

Councilwoman Frische would appreciate communications that have taken place with the Committee Chair be communicated to all committee members. She asked the Council Clerk to check the vote on the committee report being untabled and the recommendation that the City would not be replacing carriage walks as she does not recall it and would have voted against it. Council Clerk DeVore replied that she will check and will email Council tomorrow her findings on it.

NEW BUSINESS:

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on Thursday, January 5, 2023 at 12:00pm in the first floor Council Chambers of the Municipal Building (CC).

PLEASE NOTE: This is a week earlier than the normally scheduled monthly meeting (usually the second Thursday of each month).

agenda: zoning code changes

Councilman Wobser: **STRATEGIC PLANNING COMMITTEE** meeting on Monday, January 23, 2023 at 5:00pm in the third floor conference room beside the Mayor's Office of the Municipal Building (CR1).

agenda: review all current strategic plan categories & sub bullets

Councilman Niemeyer asked Councilman Palmer (Chair of the STREETS, SIDEWALKS & PARKING COMMITTEE) if the untabling of the committee reports on carriage walks was voted on. Councilman Palmer replied *unable to hear the audio.*

Councilman Russel noted that the **AD HOC COMMITTEE** met today to discuss Council's Rules of Procedure. One issue raised was that the committee wanted feedback concerning the start time for future Council meetings. It was suggested to move the meeting start time up to 6:00pm or 6:30pm in which he asked Councilmembers and the Administration if they have an opinion one way or the other on an earlier start time to let him know by emailing him individually and then he will report back to the Ad Hoc Committee. President of Council Harrington asked if that was proposed so that responses could be either yah or nay, or if it was proposed to keep it at 7:00pm unless a majority states they would like to change the start time. Councilman Russel replied it is simply a discussion item that the committee is seeking input from Council and interested parties. The committee did not have enough information to make a recommendation to full Council without getting more input. This is the easiest way to ask for that in a public setting.

Mayor Muryn asked Councilmembers to reach out to their contacts and constituents as weather updates are received. The Mayor's Office will put notices out on social media and will start plowing on primary 4-lane roads first and then will work their way out from there. This storm will most likely be difficult for the Findlay team to manage because it is going to be so cold, and salt on the roadways does not work at such cold temperatures. There will be a transition from rain into ice, so there will be in communications with AEP and other agencies to address power outages as they arise. She asked everyone to be safe and cautious. If the roads do not look good and you can stay home, please do so to give City crews time to address the roads appropriately. The City's 24-hour plows are ready to go and the Findlay team is ready to spend their holiday clearing the streets. Councilman Slough asked when the bad weather is predicted to hit. Mayor Muryn replied earlier predictions indicated that it is supposed to start early Friday morning with rain starting Thursday evening with the possibility of it turning into ice mid-afternoon, but those predictions have now been moved up. The best estimate is between five to eight inches (5-8") of snow. The hope is that it changes to snow quickly as ice is the main concern. There will be warming stations available (i.e. City Mission even for those not currently staying there, Trinity Lutheran Church, Salvation Army, etc.). Available warming stations will be communicated as the information is provided to the Administration.

Councilman Palmer gave a shout out to Findlay High School who provided a choir concert last Thursday. The kids were amazing. His son is part of the freshman choir. Also, Findlay High School hosted the third (3rd) largest girls wrestling tournament in the country. The girls wrestled great. Both he and Councilman Russel volunteered to work the tables and thoroughly enjoyed the experience. Nate Weihauch, Ben Kirian and their staffs hit it out of the park. President of Council Harrington added that there were teams as far as Washington State at the tournament. There are plans to do it again in the future which is a win-win for the area. Councilman Russel added that there were two (2) teams from Washington, one from South Central, another from Arizona, Chicago Illinois, Kentucky, etc. There were over three hundred (300) wrestlers, and forty plus (40+) teams. It was a first time event with a large competitive turnout. All comments he heard from out of state and out of town coaches were very favorable. Findlay did very well.

Councilman Slough moved to adjourn City Council at 8:09pm, seconded by Councilman Palmer. All were in favor.

CLERK OF COUNCIL

COUNCIL PRESIDENT