

## FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

JANUARY 17, 2023

COUNCIL CHAMBERS

### ROLL CALL of 2022-2023 Councilmembers:

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

**ABSENT:** Russel

President of Council Pro-Tem Wobser explained that Mayor Muryn is out of town and not in attendance tonight, therefore, Council President Harrington becomes Acting Mayor per Council's Rules of Procedure, and since President Pro-Tem Russel is also out of town who would be sitting in for Council President Harrington, Councilman Wobser instead becomes Acting President.

President of Council Pro-Tem Wobser opened the meeting with the Pledge of Allegiance and a moment of silence.

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 January 3, 2023 Regular Session City Council meeting minutes as amended, seconded by Councilman Palmer. All were in favor. Filed.

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

#### ADD-ONS:

1. Letter from Service-Safety Director Martin – Fire Station #2 roof replacement (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*).
2. Ordinance No. 2023-009 – Fire Station #2 roof replacement (*LEGISLATION section*).

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

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

**PETITIONS:** none

**ORAL COMMUNICATIONS:** none

**WRITTEN COMMUNICATIONS:** none

### REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

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

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

**Precipitation and Reservoir levels report** – fourth (4<sup>th</sup>) quarter October-December 2022. Filed.

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

**Findlay Police Department Activities Report** –December 2022.

Discussion:

Councilman Wobser pointed out that one question that was asked back when the new software system for the Police Dispatch, etc. was installed was if it would be able to generate more detailed reporting of Police Department stats and if that will be coming soon. Service-Safety Director Martin replied that this just includes December's stats, but that Police Chief Ring will eventually be vetting the whole year to compare it historically of where it is. The level of detail that the new software actually provides is so much more detailed and is hard to compare apples to apples because of the different categories, but is what he is vetting with his team to hopefully provide comparisons. He will request Police Chief Ring come to Council in February to provide an update. Filed.

### Mayor Muryn – appointment to Shade Tree Commission

Mayor Muryn is appointing Haley Belisle to serve on the Shade Tree Commission. Her appointment will be effective through December 31, 2025. This appointment does not require Council's confirmation. Filed.

**City Engineer Kalb – HAN-Lake Cascades & Sixth St improvements – 2023 TAP funds**

The City of Findlay has been invited to submit an application for this year’s Transportation Alternative Program (TAP) funds. The City of Findlay Engineering Department would like to submit an application to extend the existing multiuse trail on Lima Avenue south to Lake Cascades. Once on Lake Cascades, the trail will be located on the north side of the roadway and will extend to the east to the existing paths on Blanchard Street and Emory Adams Park. Construction of the project would be during the Ohio Department of Transportation’s (ODOT) 2023 fiscal year and is projected to be a 95-5 funding split with ODOT. Legislation authorizing the Service-Safety Director and/or the City Engineer to apply for the funds and sign any applicable agreement or related documents is requested. Ordinance No. 2023-008 was created.

**Discussion:**

Councilman Greeno asked City Engineer Kalb to provide details on this. City Engineer Kalb informed Council that this is the City’s yearly Transportation Alternative Plan (TAP) application plan that is submitted yearly to the Ohio Department of Transportation (ODOT). Some past projects such as the Greenway Trail I, II and recently III, are currently in the design phase. Blanchard/Lincoln pass and the downtown revitalization project have been very successful projects in the past. The due date for this grant is January 31, 2023 that requires Council’s approval to submit the grant application. The project that will be submitted this year is a multi-use trail that stops at Western and Lima Avenue stretching south down Western Avenue to Lake Cascades, and on the north side of Lake Cascades going to Emory Adams Park which will complete a nice loop for West Park residents. On the Western Avenue area, there are a lot of schools and grocery stores that will tie into some existing paths that have been done in past. This is a great project for that. The City of Findlay was invited by ODOT to apply for these funds. ODOT is funding ninety-five percent (95%) of the project with the City having to cover the design fees. The City is aiming to do the smaller multi-use paths in-house as much as possible. The City’s investment will be approximately one hundred twenty-five thousand to one hundred fifty thousand dollars (\$125,000.00-150,000.00). He is asking for Council’s approval on this tonight so that he can submit the application by the deadline of January 31, 2023.

Councilwoman Frische noted that there is a concreted path from Lake Cascades up to Sixth Street on the north side and asked if that will be getting redone or if it will stay as it is. City Engineer Kalb replied it will be evaluated to make sure it upholds to ODOT standards because it is ODOT’s project. He would like to tie into it, but if it needs updated for any kind of ADA requirement or any kind of code or specs that ODOT has, then the City would have to renovate it to make sure it fits. Councilwoman Frische asked if the road and bike path will be also done and if the shared path will be in the street. City Engineer Kalb replied no, it will be a ten foot (10’) hard surface (most likely asphalt) on the north side of the egress. Councilwoman Frische asked if it will connect at the roundabout. City Engineer Kalb replied that at the intersection, there are signals going across for that. It dead ends at the Ohio Department of Natural Resources (ODNR) office and will be picked up there and taken south.

Councilman Wobser asked if this is a 2026 project. City Engineer Kalb replied yes it is a few years out, but with ODOT’s schedule, the City’s part of the project starts this year. Filed.

**Board of Zoning Appeals minutes – December 8, 2022. Filed.**

**Fire Chief Eberle – Fire Station #2 roof replacement, project no. 31930200**

Included in the 2023 Capital Improvement Plan is the replacement of the original roof covering at Fire Station 2. The quote received last year in preparation for the Capital Plan was \$54,750.00 from Harold Shuck Inc. This local company does all the City’s roof repairs, completed the roof replacement a number of years ago at Fire Station #3. Last week, Harold Shuck, Inc. called and stated they had a reduction in material cost due to the production facility getting caught up on orders and provided a new quote reflecting the lower price, however, cautioned that price fluctuations may occur throughout the year. The new quote is \$49,950 which is good for thirty (30) days. SSD Martin would like to take advantage of the new price in order to obtain a purchase order ahead of the overall Capital Plan presentation. With an approved purchase order, Harold Shuck, Inc. can then order materials and schedule the work. 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. 2023-009 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 50,000.00
TO:	FFD No. 2 Roof Replacement, Project No. 31930200	\$ 50,000.00

**COMMITTEE REPORTS:**

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss Zoning Code changes.

*We recommend:*

- *Make changes per conversations of today’s meeting*
- *Continued discussion of zoning code updates*
- *Non-content cleaning up of code continues*
- *Publish code on website for public comment*

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

**LEGISLATION:**

**RESOLUTIONS:**

**RESOLUTION NO. 004-2023** (no PO/over PO amount) **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).

**Discussion:**

Councilwoman Frische asked for the Service-Safety Director to fill Council in on what the Utility Billing and Water Pollution portions of these amounts are for and if they are normal requests. The dollar amounts are high. Law Director Rasmussen replied that these are railroad licenses in the right-of-way. The City started receiving some outrageous bills for the licensing back in 2017. He, along with Water Pollution Control Superintendent Dave Beach, went through all of the invoices that totaled forty-five thousand three hundred thirty-nine dollars (\$45,339.00), which is only half of what the City was offered to pay, and asked to pay. They also went back and negotiated with the Railroad informing them that the City cannot operate with huge spikes in payments and are working with them to restrict it to only a three percent (3%) increase per year. Councilwoman Frische asked for clarity of the Water Department and the Water Pollution Control Center's portion of the breakdown is and also asked for an explanation of the \$22,000 request for the Treasurer of State for the EPA. Law Director Rasmussen replied that these are for the railroad licensing of 2017 through 2021. Councilwoman Frische asked if this, as well as the additional \$22,000 comes back to the EPA. She asked if Council will continue to see these types of requests for the three percent (3%) increase. Law Director Rasmussen replied that he is trying to obtain only a three percent (3%) increase. At one point, the railroad only asked for a one and a half percent (1 ½%) payment, but has increased over the years. In order to pay the outstanding invoices, he and Mr. Beach negotiated with the railroad company. The negotiations started in 2016. This request will pay through 2021 invoices. Councilwoman Frische noted that it feels like the City is in some type of legal discussions. Law Director Rasmussen replied that is exactly what has been taking place. Councilwoman Frische asked if the legal discussions are because the railroad gets water from the City. Law Director Rasmussen replied no. it is because the City has lines within their right-of-way along the railroad. Councilwoman Frische asked if the City has to pay them to be in that right-of-way. Law Director Rasmussen replied yes, the City has to pay licensing payments.

Councilwoman Frische moved to adopt the Resolution, seconded by Councilman Hellmann. 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. 2022-129** **requires three (3) readings**

**third reading – tabled during the 12/20/22 City Council meeting**

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

**6:50pm public hearing is scheduled for 2/7/23 for this**

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).

**ORDINANCE NO. 2022-140** (Hancock Public Health contract renewal) **requires three (3) readings**

**third reading - adopted**

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.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-140 and is hereby made a part of the record.

**ORDINANCE NO. 2022-141** (Emergency Management Services contract renewal) **requires three (3) readings**

**third reading - adopted**

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.

Councilman Greeno moved to adopt the Ordinance, seconded by Councilwoman Frische. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-141 and is hereby made a part of the record.

**ORDINANCE NO. 2022-142** (Airport Operations Coordinator pay increase) **requires three (3) readings**

**third reading - adopted**

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.

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

Discussion:

Councilwoman Frische pointed out that she will be voting against this. While she believes Mr. Inbody is a good employee, his salary could have stayed within the allotted eight percent (8%) and does not need to go outside of that amount.

Ayes: Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser, Bauman, Greeno. Nays: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2022-142 and is hereby made a part of the record.

**ORDINANCE NO. 2023-003** (*0 Greendale Ave rezone*) **requires three (3) readings**

**second reading**

*6:55pm public hearing is scheduled for 2/7/23 for this*

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS GREENDALE AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R-1 RESIDENTIAL" TO "O-1 OFFICES/INSTITUTIONS".

*Second reading of the Ordinance.*

**ORDINANCE NO. 2023-008** (*HAN-Lake Cascades & Sixth St improvements – TAP funds*) **requires three (3) readings**

**first reading - adopted**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO APPLY FOR TRANSPORTATION ALTERNATIVE PROGRAM (TAP) FUNDS AND ENTER INTO AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE HAN-LAKE CASCADES AND SIXTH STREET IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Greeno noted that since City Engineer Kalb needs to get this project done by the end of this month, he is going to make a motion to adopt the Ordinance tonight.

Councilman Greeno moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Palmer.

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

Discussion:

Councilwoman Frische appreciates going over the capital budget and working to improve it, and that the Mayor had stated it will be another month out before it is final, but now there are two (2) items for it in this Ordinance and asked if they are part of the previous year's Capital Plan. She asked for clarity on that and also the replacement roof on Fire Station #2 for the next Ordinance (Ordinance No. 2023-009). City Engineer Kalb replied that this project (Han-Lake Cascades & Sixth Street improvements) was not part of the 2023 Capital Plan and will most likely be for the start of 2024, 2025 or 2026. The TAP application is only open in January of every year. The City was invited by ODOT to apply. Councilwoman Frische asked if it is standard procedure to apply for TAP Funds before the Capital Budget is approved. City Engineer Kalb replied it is. This Ordinance is just to apply for the grant.

Councilman Bauman asked if that is because there are no funds attached to this and that this Ordinance just gives City Engineer Kalb permission to apply for the grant. City Engineer Kalb replied that is correct.

Ayes: Palmer, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer. Ayes: Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser, Bauman, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-008 and is hereby made a part of the record.

**ORDINANCE NO. 2023-009** (*Fire Station #2 roof replacement*) **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 BID AND ENTER INTO CONTRACTS FOR THE CONSTRUCTION OF A ROOF REPLACEMENT AT FIRE STATION NO. 2, LOCATED AT 2610 NORTH MAIN STREET, FINDLAY, OHIO 45840, PROJECT NO. 31930200, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Palmer asked Fire Chief Eberle to come to the podium to speak about this request. Fire Chief Eberle informed Council that this project is included in this year's Capital Plan. When preparing for this year's Capital Plan last year, the estimate was approximately fifty-four thousand dollars (\$54,000.00) for this project, but then he received a call last week from local contractor Harold Shuck Roofing stating that their material costs have gone up slightly and wanted to revise the City's estimate, bringing it down a little over four thousand dollars (\$4,000.00). The total went from fifty-four thousand dollars (\$54,000.00) to now be forty-nine thousand nine hundred fifty dollars (\$49,950.00), but that there will be some price fluctuations throughout the year. They could not guarantee those price fluctuations, but that the new price given is good for thirty (30) days. The quicker a purchase order is obtained, the sooner materials can be ordered and scheduled for the work to be done. The quote was sent to him on 1/13/23 and is good for thirty (30) days. There will be another City Council meeting before Council's full approval is needed.

Councilman Wobser asked how long before the project can be started. Fire Chief Eberle replied he does not exactly know, but anticipates it to late spring. He is unsure how long it will take to get the materials in, but would like to get the project scheduled as soon as possible because there currently are some leaks.

Councilman Bauman asked Fire Chief Eberle if this is something he would prefer be adopted tonight. Fire Chief Eberle replied next Council meeting is fine.

Councilman Palmer noted that the legislation has a clerical error and that an amendment will be forthcoming during the next City Council meeting.

*First reading of the Ordinance.*

**UNFINISHED BUSINESS:**

**OLD BUSINESS:** none

**NEW BUSINESS:**

City Auditor Staschiak noted that he and Councilman Wobser had a conversation this morning about the strategic plan being looked at more closely by the committee next week. He encouraged the members of the Strategic Planning Committee to look at some of the summaries that are available in the word clouds and those types of avenues to review the data that are out there like the corporate summary surveys that were conducted, and the letters from the community and email comments, especially those in the last few weeks because there are a lot of concerns the community has that they would appreciate being addressed. It is now time for the Steering Committee to roll up its sleeves and do the hard work. The amount of money that has been paid for this has been well in excess of one hundred thousand dollars (\$100,000.00) with more potentially to be paid out. There has been a lot of time and effort given to it and a lot of community input that he compares to a high school term paper, but that a doctoral thesis is needed for the community when looking at its long-term planning. It is really up to the Steering Committee members, including himself, to move forward. He does not believe this will be doing a good job for the community if the data is not thoroughly dug into and looked at piece by piece. He looks forward to working with the committee on this. The more that is done to have round table point by point discussions in a positive, professional, respectful manner, the better it will be for the community long-term. The goal is to get it done quickly, but that the goal should be to get it done as wonderfully and as professionally as possible creating a world-class document that has been talked about from the very beginning of the process.

Councilman Bauman asked City Auditor Staschiak to elaborate on what emails he is receiving because he has not seen them. City Auditor Staschiak replied that many members have been receiving emails regularly. Councilman Wobser added that the Mayor had solicited certain areas of the community, more of the business side of things, with them responding back directly to the committee. All committee members have received emails back, some short, some very lengthy and detailed which is what City Auditor Staschiak was alluding to. City Auditor Staschiak added that he is aware that some of the committee members have not had an opportunity to really look at the plan, but that now is the time to do so. It is a good time to engage in the matter as the committee continues to develop the draft document for the beginning of what is ultimately going to be the end product which will allow for comments of those issues of concern to the individual committee members. There are very serious issues in the plan, as well as some very serious issues that are not in it. Long-term planning is near and dear to his heart.

Councilman Hellmann asked City Auditor Staschiak if there are any specific issues that he wants to draw Council's attention to. City Auditor Staschiak replied that the answer is no because he wants each Councilmember, as individuals, to bring their views to the table to have round table discussions.

Councilwoman Frische asked if there is a timeframe that this will be coming to Council. She asked where the final plan is at. She has been to some of the committee meetings, but does not always receive all the documents and would like to be carboned on all the information so that she can review everything. Councilman Wobser replied that there is no timeline set yet. He and City Auditor Staschiak talked about that this morning in that his timeline is stricter than City Auditor Staschiak's, but agree that their first and foremost goal is to do a very good job of the process. It takes time and is at the point where some tough decisions have to be made with some very in-depth conversations which will start on the 23<sup>rd</sup> which is an open meeting, so everyone is welcome to attend. He does not have a timeline at this point, and simply wants to do a good job first. He would like to have this done by July 1<sup>st</sup>.

Councilwoman Frische asked if the committee wants any feedback from individual Councilmembers yet. Councilman Wobser replied that at some point in time that will happen. Currently, it is down to a document that has been vetted through the public and went through the first vetting approximately three (3) weeks ago. The committee is now through that process and is down to the tougher part. When the committee receives the document, he will forward it to everyone for review. It will take a while to review it and that he anticipates having a future COMMITTEE OF THE WHOLE meeting to discuss it more in-depth.

Councilman Greeno: **WATER & SEWER COMMITTEE** meeting on Wednesday, February 8, 2023 at 4:30pm in the third floor conference room of the Municipal Building (CR1).

agenda: stormwater rates

Councilman Wobser: **STRATEGIC PLANNING COMMITTEE** meeting on Monday, January 23, 2023 at 5:00pm in the third floor conference room

agenda: review of draft document

He asked that committee members read emails and feedback that has been received on this and be ready for discussion.

Councilman Hellmann asked if the meeting will include representatives from the consulting firm PlanningNext. Councilman Wobser replied that would be a good idea. If they are unable to attend, he will get them via conference. Councilman Hellmann replied that zoom might be a good avenue for them.

Councilman Palmer moved to adjourn City Council at 7:39pm, seconded by Councilman Bauman. All were in favor.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT PRO-TEM