

# FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

FEBRUARY 21, 2023

COUNCIL CHAMBERS

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

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

**ABSENT:** Niemeyer

President of Council Harrington notified Council that Councilman Niemeyer informed him that he would not be in attendance tonight. Councilman Russel moved to excuse Councilman Niemeyer, seconded by Councilman Palmer. All were in favor. Filed.

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 February 7, 2023 Public Hearing meeting minutes for the zoning of the Mardic Investments LLC (CR 99) annexation via Ordinance No. 2022-129, seconded by Councilman Greeno. All were in favor. Filed.
- Councilman Slough moved to accept the February 7, 2023 Public Hearing meeting minutes to rezone 0 Greendale Avenue (parcel no. 210001032996) via Ordinance No. 2023-003, seconded by Councilman Greeno. All were in favor. Filed.
- Councilman Slough moved to accept the February 7, 2023 Regular Session City Council meeting minutes as amended, seconded by Councilman Greeno. All were in favor. Filed.

**ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:** none

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

**PETITIONS:** none

**ORAL COMMUNICATIONS:** none

**WRITTEN COMMUNICATIONS:**

**Director of Development Geoff Milz, Pennrose Bricks & Mortar\Heart & Soul – Eastern Woods Senior II**

Blanchard Valley Health System and Pennrose, LLC, plans to be the general partners of a residential rental development located in or within a one-half (1/2) mile radius for our political jurisdiction and will submit an application to utilize the multifamily funding programs of the Ohio Housing Finance Agency (OHFA) for the development of this property. Eastern Woods Senior II will be the second phase of senior affordable housing located adjacent to the existing Continuing Care Retirement Community (CCRC) campus of Birchaven Village, just off Birchaven Lane. These additional forty-five (45) units will build off the success of the first phase that recently completed construction at the end of 2021. The proposed development will be financed with Low-Income Housing Tax Credits, a conventional first mortgage, Ohio Capital Corporation for Housing CDFI Funds, Ohio Finance Agency Housing Development Loan funds, and Deferred Developer Fee.

**Development Team:**

General Partners:	Penrose Holdings, LLC, Blanchard Valley Health System
Developers:	Pennrose, LLC
Contractor:	The Douglas Company
Property Manager:	Wallick Properties Midwest
Project address:	0 Birchaven Ln, Findlay, OH 45840
Number of units:	45
Program(s) to be utilized in the project:	Low-Income Housing Tax Credits, OHFA's Housing Development Loan Program
Right to submit comments:	You have the right to submit comments to OHFA regarding the proposed project's impact on the community. Any objection to the project must be submitted in writing and signed by a majority of the voting members of the legislative body. Comments must be received by OHFA within 30 days of the mailing date of this notice.

The person to be notified at OHFA and their address is:

Mr. David Foust, Director of Multifamily Housing  
Ohio Housing Finance Agency  
57 E. Main Street  
Columbus, OH 43215

OHFA will provide a written response to any objections submitted under the terms outlined above.

Filed.

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

**City Planning Commission Staff Report** – February 9, 2023. Filed.

**Mayor Muryn – Cooperative Fishing Agreement renewal for Findlay Reservoir #2**

The City of Findlay entered into a cooperative fishing agreement at Findlay Reservoir #2 with the state of Ohio, Department of Natural Resources, Division of Wildlife for the period of September 1, 2012 through September 1, 2022. The State of Ohio would like to renew this agreement (copy attached) for a period of twenty-five (25) years being effective from March 1, 2023 through March 1, 2048. Legislation authorizing the Mayor to enter into a renewal agreement with the State of Ohio is requested. Resolution No. 006-2023 was created.

Discussion:

Councilman Hellmann asked if the agreement includes the State stocking the Reservoir with fish. Mayor Muryn replied no. This agreement is just to allow citizens to utilize the Reservoir for fishing. The Reservoir already contains a large fish population. Filed.

**Findlay Fire Department Activities Report** – January 2023. Filed.

**Findlay Police Department Activities Report** – January 2023. Filed.

**Findlay Municipal Court Activities Report** – January 2023. Filed.

**A set of summary financial reports for January 31, 2023:**

- Summary of Year-To-Date Information as of January 31, 2023
- Financial Snapshot for General Fund as of January 31, 2023
- Open Projects Report as of January 31, 2023
- Cash & Investments as of January 31, 2023

Filed.

**Treasurer’s Reconciliation Report** – January 31, 2023. Filed.

**Income Tax Administrator Price – Ohio Attorney General’s Office contract for municipal income tax collection services**

The City of Findlay Income Tax Department currently utilizes Scott Basinger of Samuel W. Diller Co., LPA and Hal Burke of Scheer, Green and Burke, LPA for the City’s third party collection attorney services. These attorneys are utilized after the City Income Tax Department has filed a small claims court case, judgment has been rendered, garnishments have been attempted, but the City Income Tax Department is still unsuccessful with receiving payment owed. In addition to utilizing these local attorneys, it would be in the City’s best interest for the City Income Tax Department to enter into a contract with the Ohio Attorney General’s Office to take advantage of their municipal income tax collection service.

Some benefits of utilizing the Ohio Attorney General collections service includes:

- Collection fees in-house are eleven percent (11%) compared to the City of Findlay’s current twenty-five percent (25%) fee
- Capability of offsetting Federal and State tax refunds to collect on past due municipal income taxes
- Capability of collecting on past due taxes for the Village of Carey since the Findlay Municipal Court does not have jurisdiction in Wyandot County

The Income Tax Board authorized the City Income Tax Department to enter into a contract with the Ohio Attorney General’s Office for collection services for actual past due collections. Current third party collection attorneys will continue to be utilized to bring estimated liability cases to legitimate conclusions. Ordinance No. 2023-020 was created.

Discussion:

Councilman Russel asked if the intent is to go through the Ohio Attorney General’s Office as the first round of trying to collect or if it is just part of the overall strategy for collections. Mayor Muryn replied it will be used in conjunction with other collection services, however, the key differentiator is that the Ohio Attorney General’s Office requires it to be based off of actual past due amounts and cannot be based off of estimates. For instance, if the City estimates what is owed for someone that has not filed, the City of Findlay can continue to use their collection attorneys. As stated in the next to last paragraph, the Income Tax Board approved to utilize the Ohio Attorney General’s Office and see how it works as they have heard good things from other communities. One of the other key benefits is that once it is known how much they owe, it is forwarded to the Ohio Attorney General who can hold refunds that would be due to them at the State or Federal level which would be in conjunction with, but is a different process. Filed.

**City Engineer Kalb – Ohio Rail Development Commission grant to widen CR 212 & 236**

The City of Findlay has recently been notified that there is a possible grant opportunity through the Ohio Rail Development Commission (ORDC) for railroad projects. This grant would provide one hundred percent (100%) funding for railroad development and/or improvement projects. If awarded, the ORDC grant funds will be available for construction this fall. For this application, the City of Findlay Engineering Department will be submitting the County Road 212 and County Road 235 road widening project for additional funding to accommodate for additional lanes. This railroad crossing would be a potential choke point for the new roadway if the crossing arms are not relocated. If awarded, the grant will provide the necessary funding for Norfolk Southern to perform the work. Legislation authorizing the Mayor, Service-Safety Director and/or City Engineer to apply for the funds and sign any applicable agreement(s) or related documents for the Ohio Rail Development Commission grant. Ordinance No. 2023-021 was created. Filed.

**City Auditor Staschiak – storm water fees**

During the February 8, 2023 WATER AND SEWER COMMITTEE meeting on the request for a paradigm shift in the method for billing storm water fees and a corresponding rate increase, City Auditor Staschiak expressed concern and encouraged a full review of the components of the request. Since that meeting, it has become clear that in the late 1990’s, there was significant research that went into the creation of the current stormwater billing process. Prior to and throughout that 1999 legislative process, City of Findlay personnel, including the City Auditor, Service-Safety Director, outside consultants, and the Environmental Protection Agency (EPA) were involved. Although it may appear simple on the surface, it is a complex matter. As part of the WATER AND SEWER COMMITTEE’s due diligence, it might be wise to consider options including, but not limited to:

- Obtaining a legal opinion and review of case law pertaining to the collection of money for stormwater by an Ohio Municipality. Also, research the question: Can an Ohio Municipality charge when stormwater is being collected by the City’s system for real property outside the corporation limits?
- A full review covering all aspects for consideration by an Ohio Municipality, including fee/rate/tax structures on future potential debt issuances.
- Completion of incorporating the current known data into the City’s water and sewer model(s) to show impacts on the long-term system planning and Findlay City Ordinance required 5-year Operations Proformas.
- Completion of the Capital Plan for the projects known to be part of the stormwater control plan and compliance with Federal MS4 and/or other requirements.
- Preparation of a proper business cost benefit and needs analysis fully detailing the revenue needed at this time using known data for the City of Findlay. This should be completed in a manner easily understandable by the general public.

City Auditor Staschiak appreciates that the committee paused and did not approve the initial request. It is his hope that Council will find his suggestions helpful and he anticipates there may be other necessary considerations that come to light as part of a review.

**Discussion:**

Councilman Hellmann asked why Council is receiving this letter and why it didn’t go through the committee. City Auditor Staschiak replied that in committee, and based on how the committee reports are written, he wanted to make sure his entire view of the process and things that needed explored were put in a checklist fashion for consideration either by the committee or Council. There is a significant amount of history and a significant amount of work that went into the original setting up of collecting stormwater fees based on what was proposed as a potential paradigm shift and how those fees would be billed. In doing his due diligence as the City’s Fiscal Officer, he felt that this was the clearest way to present the information because of the concerns and the observations he had obtained.

Councilman Greeno feels there are some good points in City Auditor Staschiak’s letter that will be taken into consideration. The conversations the committee had on this was tabled or continued because it still needed to be vetted by the committee, so there will still be a lot of discussion on this to come on stormwater rates which is why nothing was presented to Council.

Councilman Bauman pointed out that a lot has changed since the 1990s technologically speaking and the way in which we do things. He will leave it up to the committee and how they see fit to continue discussion. Filed.

**City Auditor Staschiak – City Income Tax Administration Fund**

One of the primary roles of the City Auditor is to monitor receipts and appropriations throughout the year to ensure the City complies with State Budgetary Law. Last year, income tax receipts came in higher than expected and projected, primarily due to a large influx in business net profit tax receipts. This increase in revenue necessitates an appropriation of money within the City Income Tax Administration Fund to the General Fund. This appropriation will have the effect of increasing the transfer thereby increasing the projected General Fund year end balance by the amount listed below and has no impact on CIT operations or the CIT-Capital Improvements Fund Restricted Account. This process happens annually as part of the budget process. Legislation to appropriate funds to include the emergency clause is requested. Ordinance No. 2023-023 is created.

FROM:	City Income Tax Administration Fund	\$ 3,003,952.81
TO:	City Income Tax Administration #27047000-other	\$ 3,003,952.81

Filed.

**Police Chief Ring – Ohio Office of Criminal Justice Services (OCJS) body worn camera grant**

The Ohio Office of Criminal Justice Services (OCJS) has awarded the City of Findlay ninety-one thousand nine hundred twenty-six dollars and eighty-one cents (\$91,926.81) from the 2023 Body-Worn camera grant. OCJS is administering the grant process and is awarding funds to Ohio law enforcement agencies who are implementing body-worn camera programs. There is no required match for the grant and this is a reimbursement grant. The City of Findlay Police Department conducted trial demonstrations of body-worn cameras in 2022. It is the goal of the Police Department to establish a Body Worn Camera (BWC) program this year. The grant funding can be utilized for body-camera purchases related to hardware/software, data storage, and redacting software. Legislation to accept grant funding to help offset the cost of the program implementation is requested. Ordinance No. 2023-024 was created.

**Discussion:**

Councilman Russel noted that when Council started looking into this grant, it was the thought that there would be a better overall financial picture of the body cams and asked if that information is now available. He asked if this should go to the APPROPRIATIONS COMMITTEE to be looked at from a total fiscal standpoint. He wants to be sure of total cost figures and asked what committee(s) should review it and give consideration to it. Service-Safety Director Martin replied that the timing of this is different in that the City was awarded this grant, which is a reimbursement grant, in that the balance that the City is going to owe will come out of the Capital Plan that has not yet come to the APPROPRIATIONS COMMITTEE or City Council yet to be vetted. It did not cover all the expenses. There is a forty-five (45) day window after the City is awarded this dollar amount with the realization that it is a reimbursement grant. Even if the City chooses to move forward, they do not have to take the money. The timing of the City having to accept it versus the timing of spending it is off. Mayor Muryn added she does plan to have a conversation about the total overall expense in an APPROPRIATIONS COMMITTEE meeting. The City is provided with the paperwork for these types of grants and then the grant funds are provided with a specific timeframe, so getting Council’s approval within the OCJS’s timeline is difficult. The City is not bound to it yet. The initial cost was one hundred fifty thousand plus dollars (\$150,000.00+) which is outside of the ninety thousand dollar (\$90,000.00) request. Service-Safety Director Martin added that it is one hundred sixty-seven thousand dollars (\$167,000.00) for year one minus the grant funds making the total year one cost of the body cams for the City as seventy-five thousand dollars (\$75,000.00). Mayor Muryn added that during budget hearings, shift personnel was figured in to be able to cover what was addressed in the operating budget. Councilman Russel asked if he is correct that this is a reimbursement grant and that once the City accepts the grant, the City has forty-five (45) days to spend it. Service-Safety Director Martin replied no. The City has forty-five (45) days from the letter of award that was received a week or so ago to say yes that we want to proceed with this grant that was awarded to us. The City will not receive any money unless we pay for the body cameras and then be reimbursed for what we are awarded in the grant. Councilman Russel asked if this is something Council should suspend rules on and accept this grant tonight. The importance of body cams was mentioned during a STRATEGIC PLANNING meeting and that Council has made it clear that it was one of the goals to get them, and have worked together in order to move forward on this. He does not want to seem ingenuous, but since the offer has been made, if Council should suspend readings and accept this tonight. Mayor Muryn added that it was put on tonight’s agenda so that it would not have to be passed on just one reading and it is preferred to go to the next City Council meeting so that it receives two (2) full readings and then consider suspending the third reading so that the paperwork can be turned in, but will not commit the City to utilizing it. If at any point the City decides to not utilize it, the State will need to be notified so that the money can be allocated to another community.

Councilwoman Frische asked if there will be a capital discussion between now and then. Mayor Muryn replied she is unsure and cannot commit to that at this point in time because she and City Auditor Staschiak plan to sit down in advance of that in which he is still currently reviewing it. She hopes to have a better sense of when a Capital discussion can take place in another week or so. That discussion has gotten pushed back because of the different resources out there and trying to put the bigger pieces of the puzzle together to determine how to best to utilize those dollars and where the priorities are. Some parts of the project may end up being pulled out that are annual items in order to get funds moving if it continues to be delayed. Councilwoman Frische asked if more insight could be given on what is to be budgeted in Capital for body cams compared to the offset. Service-Safety Director Martin replied that the balance after the grant award will be approximately seventy-five thousand dollars (\$75,000.00) for year one with that dollar amount being put in the operating budget for the next four (4) years. Year two (2) would be approximately one hundred forty-seven thousand dollars (\$147,000.00), year three (3) at one hundred fifty-three thousand dollars (\$153,000.00), year four (4) at one hundred fifty-nine thousand dollars (\$159,000.00), and year five (5) at one hundred sixty-six thousand dollars (\$166,000.00) and plan to apply for the same grant funds on an annual basis, if it remains available, to help offset costs year after year. Filed.

**Service-Safety Director Martin – insurance funds from structure fire at 824 South Main Street**

The property located at 824 South Main Street suffered a devastating fire on May 1, 2022 that the City of Findlay received insurance funds for the structure’s demolition. The City of Findlay Zoning Department has completed the proper correspondence with the property owner’s on the demolition of this structure. Legislation to appropriate and transfer received insurance funds that have already been deposited into the City’s Guaranteed Deposits Fund to the City of Findlay Zoning Department to cover the expenses of demolition of the property, including to waive statutory rules of Council and give the Ordinance all three (3) readings and adoption during the February 21, 2023 City Council meeting to become effective upon passage enabling the structure to be removed at the earliest possible date, tentatively scheduled for March 1, 2023 is requested. Ordinance No. 2023-025 was created.

FROM: Guaranteed Deposits Fund \$ 18,000.00  
TO: Zoning Department Fund #21032000-other \$ 18,000.00

Discussion:

Councilman Wobser asked why the City is tearing this structure down and asked if the City owns the property. Service-Safety Director Martin replied no the City does not own the property. Councilman Wobser asked how the City obtained the money to tear it down. Service-Safety Director Martin replied the money is actually in an escrow account, which is a process that happens with fires, where property owners sometimes have the means to demolish, and sometimes do not. The City has been working with this homeowner since the fire on the structural integrity. The homeowners have worked with the historians to remove valuables and have made the decision to tear down the structure, in which the City informed them of this opportunity of having an escrow account for it and can take care of the demolition because the homeowners were unsure who to utilize, in which they agreed and authorized the City to utilize the escrow account dollars. Councilman Wobser asked where the escrow money is coming from. Service-Safety Director Martin replied from the homeowners insurance. It is not City money, but that the City had to request to pull the money out of the escrow account that is associated with the house fire in order to pass it on to the business/person that is doing the demolition. Councilman Wobser asked if the City assumes any liability for the demolition. Service-Safety Director Martin replied no. Councilman Wobser asked whose liability it would be if something were to explode, falls and if someone were to get hurt. Service-Safety Director Martin replied he believes it would be the property owner's liability, but is not sure. Councilman Wobser asked if that could be looked into. Service-Safety Director Martin replied yes, he will. Councilman Wobser asked if someone is going to be contracted for this. Service-Safety Director Martin replied yes, contracted with a licensed contractor to demo it which is what they do.

Councilman Bauman asked if the impetus for this is that there have been multiple deadlines missed by the property owner and when this opportunity to take it down for them came up, the City decided to that it was the best action going forward because of the inaction on part of the property owner and that it is an eyesore on South Main Street. Service-Safety Director Martin replied that is correct. Mayor Muryn added that the safety concern has been the City's primary focus in making sure the structure is secure and is not causing a hazard to the surrounding area. It is not an unprecedented process and has been utilized before such as the Argyle building and the Sandusky Street property. This is part of the process that ensures the properties are torn down. The house on North Blanchard Street is also in the process to get it removed.

Councilman Greeno asked that after the demolition is complete and it becomes a green space if the owner will be responsible to maintain it, keep it clean and mowed. Service-Safety Director Martin replied that he cannot speak to that, but that the homeowners will be held accountable through the City's Zoning enforcement office. It is still the property owner's property and will be a green space for them to do what they choose to do with it, but like all fire situations, the homeowners are held accountable with any issues that arise.

Councilman Russel pointed out that the City did not invent this process. It is laid out in Ohio Revised Code that homeowner's insurances pay into escrow accounts to ensure that the properties are razed and made into a safe manner. Debris has come off this property from the last couple of wind storms and is in a dilapidated state. The timeline to demolish it on March 1, 2023. Because the neighbors are ready to see this taken care of because of the hazards of the debris and it being an eyesore, he is going to make a motion to have this passed tonight because of the March 1, 2023 deadline.

Councilman Hellmann hopes this lot does not end up being a dirt pit with chain like fencing around it like the Argyle lot is as it would be an embarrassment to the City. The property owner hasn't taken much responsibility for it in quite a few years. Mayor Muryn replied that the City will follow up with the property owner. There is a difference in this situation and the Argyle lot in that the chain link fence was put up at the request of the City because of other issues. Filed.

**COMMITTEE REPORTS:**

An **AD HOC COMMITTEE** met on February 7, 2023 to continue discussion from their December 20, 2022 meeting on reviewing Council's Rules of Procedures.

*We recommend changes proposed including:*

- *Start time at 6:00 pm*
- *No meetings on election days*
- *Lower non-public speakers time limit to five (5) minutes from ten (10) minutes*
- *Draft proposal to be attached*

Discussion:

Councilman Russel moved to adopt the committee report and proposed changes to Council's Rules of Procedure, seconded by Councilman Bauman.

Councilwoman Frische asked that if Council accepts the committee report if that also accepts the changes to Council's Rules of Procedure or if it has to go to legislation. Law Director Rasmussen replied that once everything is to the satisfaction of Council for their rules, yes. Councilwoman Frische asked if Law Director Rasmussen's response of yes means that legislation is needed. Law Director Rasmussen replied no, to Council's satisfaction. Councilwoman Frische asked if this committee report tonight is all that is needed. Law Director Rasmussen replied that is correct.

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

The **WATER AND SEWER COMMITTEE** met on February 8, 2023 to discuss stormwater rates.

*We recommend continued discussions of storm water rates and effects on long-term storm water revenues.*

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

The **PLANNING & ZONING COMMITTEE** met on February 9, 2023 to continue January 5, 2023 discussions on Zoning Code changes.

*We recommend further discussion of zoning code changes at the March PLANNING & ZONING COMMITTEE meeting.*

Councilman Russel moved to adopt the committee report, seconded by Councilman Bauman.

Discussion:

Councilman Russel pointed out that rules of the zoning code changes continue to get flushed out during discussions on specific areas, one being farm animals with citizens reaching out to discuss it in greater detail, which is very much appreciated. The goal of the committee is to have this ready for final review at the March PLANNING & ZONING COMMITTEE meeting and be able to recommend it to full Council for approval via legislation. He asked if an open house for this is being planned or if it will be published for public comment. Mayor Muryn replied that the committee report will go to Council for approval before legislation is created and will go back to the committee for formal discussion. A draft of it will be on the website. A public meeting or some sort of event to go through the presentation can be held if the committee desires to have one. A substantial summary document is currently available to the public. It will be up to the committee if they want to have a public meeting to review it. A formal public hearing is required by law to be held prior to adoption of legislation. Councilman Russel asked if legislation is anticipated to be before City Council in late March or early April that will be given three (3) readings and then will have a referendum period of thirty (30) days after its adoption. Mayor Muryn replied that it will probably be later than that because it won't be going to the CITY PLANNING COMMISSION until at least April.

Councilwoman Frische does not understand why a timeline is attempting to be established now, but are getting a lot of good input from the community on different issues especially with the current mass annexations and that those issues that are feeding the zoning changes. She does not have a desire to rush this in any way. She wants to give ample time in case changes need to be made from public input that has been given. She was under the impression that this would not be ready until June and does not think Council should be discussing it via a committee report with dates at this time. Mayor Muryn replied that Councilman Russel's desire to go through those dates is to let the community know that there is still plenty of opportunity for them to engage in the process as stated from the very beginning. It was put out there and feedback was sought before starting the formal process and that citizens are encouraged to review it and provide feedback, especially if there is specific language that will help address some of their concerns. All were in favor. Filed.

The **STRATEGIC PLANNING COMMITTEE** met on February 9, 2023 to review sub bullet points in the plan.

*We recommend continuing discussion.*

Councilman Wobser moved to adopt the committee report, seconded by Councilman Palmer.

Discussion:

Councilman Wobser thanked Jaclynn Hohman for transcribing the minutes from the YouTube video on this committee meeting. The community had said they wanted more details behind the inner workings of how the strategic plan is being formed. Mayor Muryn added that it is not Ms. Hohman's intention or plan to transcribe in such a detailed manner every time. Since she is still getting acclimated to the process, she wanted to re-listen to the meeting. Meetings are livestreamed which is the intent of the committee moving forward so that it is visible, and like all committee meetings, is open to the public. There will be more detailed reports, but not to this extent. All were in favor. Filed.

#### **LEGISLATION:**

##### **RESOLUTIONS:**

**RESOLUTION NO. 006-2023** (*cooperative fishing agreement renewal w/State of Ohio*) **requires three (3) readings** **first reading - adopted**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A COOPERATIVE FISHING AGREEMENT WITH THE STATE OF OHIO.

Discussion:

Councilman Russel asked if this does not get approved tonight if an Officer will be going out to the Reservoir and stop anyone from fishing and asked what the timeline on it is. Mayor Muryn replied that Findlay's police resources are going to be spent elsewhere, but it would be appreciated if this is adopted tonight as it is a standard operating item, but is not the end of the world if it is not adopted tonight.

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

##### **ORDINANCES:**

**ORDINANCE NO. 2023-010** (*Lakota Park final plat*) **requires three (3) readings** **second reading**

AN ORDINANCE ACCEPTING THE FINAL PLAT AS SHOWN ON THE LAKOTA PARK ROADWAY DEDICATION PLAT, AND DECLARING AN EMERGENCY.

*Second reading of the Ordinance.*

**ORDINANCE NO. 2023-011** (*Bricker & Eckler LLP invoices (STRICT Center, water service extension)*) **requires three (3) readings** **second reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.  
*Second reading of the Ordinance.*

**ORDINANCE NO. 2023-012** (*transmitter annual maintenance fees*) **requires three (3) readings** **second reading**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.  
*Second reading of the Ordinance.*

**ORDINANCE NO. 2023-013** (*ODOT FY23 Resurfacing – Bright Rd Phase III*) **requires three (3) readings** **second reading - adopted**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Bauman asked what the reasoning is behind wanting to have this passed tonight. City Engineer Kalb replied that since this is an ODOT project, there is a timeline on it to include contracts fully executed within the forty-five (45) day period in which he would not be able to meet that deadline if this were to wait until after the bid opening. He would like this to be passed tonight.

Councilman Bauman moved to suspend the statutory rules of Council and give the Ordinance its third reading, seconded by Councilman Hellmann. Ayes: Greeno, Hellmann, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische. The Ordinance received its third reading. Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Hellmann, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-013 and is hereby made a part of the record.

**ORDINANCE NO. 2023-014** (*Innovative Software Solutions, Inc. contract*) **requires three (3) readings** **second reading**  
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT WITH INNOVATIVE SOFTWARE SERVICES, INC. FOR INCOME TAX SOFTWARE TO BE UTILIZED BY THE CITY OF FINDLAY INCOME TAX, PROJECT NO. 319250000, AND DECLARING AN EMERGENCY.  
*Second reading of the Ordinance.*

**ORDINANCE NO. 2023-016** (*GMSTEK, LLC agreement*) **requires three (3) readings** **second reading**  
AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO AN AGREEMENT WITH GMSTEK, LLC FOR THE IMPLEMENTATION OF AN INVENTORY MANAGEMENT SOFTWARE SYSTEM, PURCHASE OF REQUIRED DEVICES, THREE (3) YEAR SUBSCRIPTION, AND ANNUAL DATA AND INFRASTRUCTURE TO BE UTILIZED BY THE CITY OF FINDLAY OHIO AIRPORT, AND DECLARING AN EMERGENCY.  
*Second reading of the Ordinance.*

**ORDINANCE NO. 2023-019** (*approve 2022 ordinances & resolutions changes*) **requires three (3) readings** **second reading**  
AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.  
*Second reading of the Ordinance.*

**ORDINANCE NO. 2023-020** **requires three (3) readings** **first reading**  
(*Ohio Attorney General's Office contract for municipal income tax collection services*)  
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT WITH THE OHIO ATTORNEY GENERAL'S OFFICE TO PROVIDE MUNICIPAL INCOME TAX COLLECTION SERVICES TO THE CITY OF FINDLAY INCOME TAX DEPARTMENT, AND DECLARING AN EMERGENCY.  
*First reading of the Ordinance.*

**ORDINANCE NO. 2023-021** (*Ohio Rail Development Commission grant to widen CR 212 & 236*) **requires three (3) readings** **first reading - adopted**  
AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY TO APPLY FOR GRANT FUNDS, AND IF AWARDED, ENTER INTO AN AGREEMENT(S) WITH THE OHIO RAIL DEVELOPMENT COMMISSION FOR THE WIDENING, RELOCATION, AND/OR IMPROVEMENTS TO RAILROAD CROSSING ARMS LOCATED AT COUNTY ROAD 212 AND COUNTY ROAD 236.

Discussion:

Councilman Russel noted that City Engineer Kalb has expressed interest in getting this moving and since it is to just to apply for a grant, Council traditionally passes them during one meeting.

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

Discussion:

Councilman Wobser pointed out that this request does not directly affect this project, but that the widening and renovation of that intersection does and that the County Commissioners had some issues with this project of who owns the property and who is able to do the improvements. He asked if that has been worked out and if the Commissioners are up to speed on this and are in approval of it. City Engineer Kalb replied that this is going through the annexation process with Council seeing it within the upcoming weeks after it is finalized through the County Commissioners Office. It will be annexing a portion of County Road 212 and County Road 236 into the City corporation limits to allow the City to do the work. The City will not put a bucket in the ground until everything is finalized and annexed in. This is a great opportunity to obtain some grant funding to pay for the crossing arms as they have to be widened out. Councilman Wobser agreed that this project does need to get done as it is a bottleneck at the railroad crossing because the project could not be done fast enough and asked if this should speed up the process. City Engineer Kalb replied yes. This will provide the necessary funds to widen them out. Capital Funds are budgeted to pay to widen the arms out, but this grant opportunity just came along so the City decided to apply for it. This project will be done regardless if the City is awarded the grant or not.

Councilwoman Frische asked what the cost of the project is without grant funds and where the City will be on the widening and extension of the crossing arms with grant funds, and if the grant helps with anything else. City Engineer Kalb replied no, this grant is strictly for railroad work only. It is through the Railroad Commission

Ayes: Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-021 and is hereby made a part of the record.

**ORDINANCE NO. 2023-022** (*Opioid settlement*) **requires three (3) readings** **first reading**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO INDIVIDUALLY ENTER INTO ANY PARTICIPATION AGREEMENT(S) IN RELATION TO THE NATIONAL OPIOID SETTLEMENT PROGRAM THAT HAVE BEEN AGREED TO BY THE STATE OF OHIO, DECLARING A REAL AND PRESENT EMERGENCY.

*First reading of the Ordinance.*

**ORDINANCE NO. 2023-023** (*City Income Tax Administration Fund*) **requires three (3) reading** **first reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if there is a timeline on this and if it needs passed tonight. City Auditor Staschiak replied no it does not need to be passed tonight. This is typically taken care of either at the beginning of the year, after the mid-year review, or at the very end. The amount of business tax that came in at the end of last year was so large that he had a conversation with Councilman Wobser to suggest separating it off which is why Council is seeing it as a standalone ordinance early this year.

*First reading of the Ordinance.*

**ORDINANCE NO. 2023-024** (*Ohio Office of Criminal Justice Services (OCJS) body worn camera grant*) **requires three (3) readings** **first reading**

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO AN AGREEMENT FOR THE PURCHASE BODY-WORN CAMERAS THROUGH THE OHIO OFFICE OF CRIMINAL JUSTICE SERVICES GRANT PROGRAM, AND DECLARING AN EMERGENCY.

*First reading of the Ordinance.*

**ORDINANCE NO. 2023-025** (*insurance funds from structure fire at 824 South Main Street*) **requires three (3) readings** **first reading - adopted**

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY

Councilman Bauman moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Palmer. Ayes: Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Palmer, Russel. The Ordinance received its second and third readings. Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Palmer, Russel, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-025 and is hereby made a part of the record.

**UNFINISHED BUSINESS:**

**OLD BUSINESS:**

Councilman Hellmann asked for clarification on lowering non-public speakers' time and limit it to five (5) minutes as opposed to ten (10) minutes as listed on the AD HOC COMMITTEE report. President of Council Harrington replied that it is for City Councilmembers and not for public speakers. Councilman Hellmann replied that he did not know that it was ever an issue. Councilman Russel replied that it was a discussion in the committee meeting with the committee recommending that Councilmembers can make their point in five (5) minutes as easily as they can make their point in ten (10) minutes. President of Council Harrington added that per the rules, Council can always extend those remarks as much as they want by a simple majority which is part of the current rules of Council. Councilman Bauman added that the concern was the filibuster, so the committee is trying to prevent one or more members from talking at great lengths.

Councilwoman Frische pointed out that part of the reason she voted no on the committee report is because she does not think Council should be limiting Councilmembers. Council tries to control the rotating of asking of questions in which tonight was a perfect example of that not happening. Eliminating Councilmembers and/or Administration's speaking time is unfortunate for the public.

Councilman Bauman sees Councilwoman Frische's point because Council can always extend speaking time when it is necessary, but if it is not pertinent to the conversation, then the meeting should move on. Councilwoman Frische replied that she is an elected official and does not think that any elected official should be controlled by another member of Council.

President of Council Harrington informed Council that the tone of this conversation has gone in the wrong direction and will be moving on with tonight's agenda.

Councilman Wobser noted that even the National Government has limits on all their speaking time and feels that City Council's new rule is fair and will serve City Council meetings well.

**NEW BUSINESS:**

Councilman Slough had a conversation with a young lady who has been diagnosed with Parkinson's Disease who inquired if Council would be able to choose a month to recognize the disease. Mayor Muryn thanked Councilman Slough for bringing that to Council's attention and noted that her grandmother passed away from Parkinson's Disease a couple of years ago. The City frequently recognizes and designates via proclamation. She asked Councilman Slough to provide her with the contact information of the lady he spoke with to figure out a date/time that would either align with the National celebration or designate a local time to be able to bring awareness to it.

Councilman Russel mentioned that in Saturday's Courier newspaper, there was an outstanding article on school safety that heavily quoted a City of Findlay Fire Department Firefighter Matt Cooper, who is also the President of Findlay City School Board. He appreciated reading about Firefighter Cooper mention of the cooperation between the School District and the City of Findlay Safety Services Police, Fire, Dispatch with Hanco, the Hancock County Sheriff's Office, and State Highway Patrol of the response and planning across all these political lines with one single focus, which is the safety of kids. He encouraged Findlay citizens to read the article to gain an understanding of the planning that takes place on those efforts. He gave kudos to the organizations that provide good responses. Firefighter/President of Findlay City School Board Cooper well-voiced the information.

Councilman Wobser asked Mayor Muryn to let Council know when she is ready to have discussions on body cam funding for the APPROPRIATIONS COMMITTEE. Mayor Muryn replied that if Council would like to have a conversation about it, that can happen. It is pretty straightforward information on the initial equipment and maintenance. She was planning on providing City Council with a follow-up letter of the breakdown that Service-Safety Director provided outlining the overall cost, but an APPROPRIATIONS COMMITTEE meeting to discuss can also take place. If so, she would like to have it before the next City Council meeting. She can provide the APPROPRIATIONS COMMITTEE and/or City Councilmembers the letter tomorrow as she has all the information.

Councilman Wobser pointed out that there was no corresponding letter in tonight's packet for Ordinance No. 2023-022 (Opioid settlement agreement) and asked if these settlements will be in a continuing situation. Mayor Muryn replied that she was going to mention it tonight during OLD BUSINESS. The City of Findlay is part of the National Opioid settlement that the state has agreed to be a part of and have started receiving payments. They are continually talking and settling with different manufacturers, initially there were two (2) or three (3) main ones being Johnson-Johnson, and that there are now three (3) or four (4) smaller ones that are now being added. Deputy Auditor Sampson requested the language in the Ordinance be broadened to specify that the City would like to participate in any settlements that are agreed to by the State so that new legislation would not need to be created for any future settlements. If the State agrees to that settlement structure, then the City of Findlay would receive funding from them.

President of Council Harrington looked up Parkinson's Disease month on Google and found that April has long been observed as Parkinson's Awareness month and is also the birth month of James Parkinson, the London doctor that discovered that disease. He suggested having the proclamation for Parkinson's Disease month around that in April.

Mayor Muryn pointed out that there was an annexation meeting last week with good conversation and questions. A recording of that meeting and the presentation are available on the City of Findlay website. She will be sending out some additional follow up items to Findlay citizens and Councilmembers to clarify more.

Mayor Muryn thanked Deputy Auditor Sampson for her hard work on the GMSTEK contract with Airport Superintendent McGee who is excited to get that point of sale system implemented.

Mayor Muryn sent an invitation to Councilmembers for Public Works Superintendent Matt Stoffel's retirement party. He has been a great asset for the City of Findlay team.

Councilman Russel reiterated the new start time of 6:00pm will begin with the next Regular Session City Council meeting on March 7, 2023.

President of Council Harrington noted that tonight's meeting is the first meeting where Council and the Administration have gone back to original seating format for quite awhile and were spaced apart during COVID. It is good to get back to normalcy. He appreciates everyone's cooperation in getting back to normal seating.

Councilman Palmer moved to adjourn City Council at 7:55pm, seconded by Councilman Slough. All were in favor.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT