

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

MARCH 21, 2023

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 March 7, 2023 Regular Session City Council meeting minutes as amended, seconded by Councilman Bauman. All were in favor. Filed.

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

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS:

Zoning amendment request – 315 North Blanchard Street

Daniel Maciejewski of Maciejewski Insurance Agency, Inc., would like to change the zoning of 315 North Blanchard Street to C1 Local Commercial. It is currently zoned R3 Small Lot Residential. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

ORAL COMMUNICATIONS:

Eric VanRenterhem – YMCA

Mr. VanRenterhem started out by stating that he meets in the Council Chambers once a month with the Design Review Board. He is before City Council tonight to speak on behalf of his neighbors. He and his wife have had the Jones Mansion for a dozen years and have invested more than half a million dollars in the property, so the property behind it is important to him as all the neighborhoods are important to him. When he found out over the last three to four (3-4) years following the YMCA's buying the properties up, he followed them but didn't see anything on paper, but then about two years ago, he saw that they added two million four hundred thousand dollars (\$2,400,000.00) to the property they bought in that they must have plans for something big that he was not sure of what it is. He has nothing against the YMCA as he was a member for years. He was a member in 1964 when they built the new YMCA, played basketball and baseball there. He remembers the old YCMA when it burned down. The mission statement from that organization states that the YMCA values are guided by core values of caring, honesty, respect and responsibility dedicated to giving people of all ages, background, and walks of life, opportunities to reach their full potential with dignity. Mr. VanRenterhem agrees with it. He provided a quote from the Vice President stating that is all about feeling part of something in the community, but that in order to be a part in the community, citizens have to be responsible and transparent. There is no transparency until the City decides to change the zoning from residential to commercial and level houses, and then have a big empty lot. He is unsure if funding is in place, but feels they have the cart before the horse. It would have made more sense to buy those properties, secure them, and maintain them in which they haven't, and kept the income coming in, in case it just didn't work. Those properties are blighted now in which the City wants to use Federal money to demolish them which is wrong. Federal fund money should not be used for the YMCA. They were not very good at taking care of their properties. He has called the Police on numerous occasions after seeing people coming in and out of a house in the area, and there has been an abandoned car in the back of a property for three (3) years with no license plate in which they finally got the house boarded up, but can still walk into it any time someone wants to. Furniture has been left inside. It is a hazard that no one has seemed to care about, but all of a sudden, the YMCA cares about that property. There is a little bit of anger in the community as this is viewed as poor planning. Poor planning on their part does not constitute an emergency on his part which is exactly what he sees. He taught school for twenty-four (24) years, so he sees how poor planning, progress, principles and politics are all involved in this mix right now and the possible outcomes of those is going to be pretty amazing. It is a step in the wrong direction. He has talked with several Board members on this who have told him it is a done deal and that there is not much anyone can do about it. The City is not going to stop them from doing what they need to do. He feels they need to be looking into this whole idea. He compared this to what he used to tell his students in that he is not going to reward poor behavior by allowing them to cheat and give extra time because it does not work in the real world. The YMCA should be held accountable and put their feet to the flame. This is not the way business is done in Findlay, Ohio. Property values are going to drop. Residents on Lincoln Street, as well as others across the street that are here tonight who are representing the whole neighborhood, are upset and cannot keep going through neighborhoods and do spot zoning and nibble away at neighborhoods.

President of Council Harrington informed Mr. VanRenterhem that his allotted four (4) minutes were up. Filed.

David Hindall – East Hardin – YMCA

Mr. Hindall has lived at 308 East Hardin for forty-five (45) years in a historical home in a well-maintained neighborhood all of those years. It has been a pleasant and convenient place to live. He is aware that the YMCA has quietly bought almost all of the homes on the south side of East Hardin Street, but never disclosed their plans to the neighborhood or the general public. They have not maintained them very well, and now the YMCA CEO is calling them dilapidated, which he finds insulting, and wants to use Federal funds not intended for this purpose, to destroy these historic homes. Apparently, at some future date, the YMCA plans to build a new facility, but currently doesn't have the funds to do so, so this would just be green space like what was done on Lincoln Street.

His father worked at Marathon, and as a young man, he had a YMCA membership that Marathon promoted. Unfortunately, those that are middle class could not afford the YMCA, so it just didn't happen, which is still true today. It serves the privileged few, or those that have financial backing or commercial backing. It is his hopes that wiser heads will prevail and this historic neighborhood will be saved. He asked why not repair and upgrade these homes. Supposedly there is a housing shortage that would generate significant income for the YMCA for future plans. They have been sneaky about the whole thing and have never been upfront. There has only been speculation, but now realize that they own the properties. It is his hopes that someone else thinks about this rather than destroying substantial homes. They are not shabby homes, or at least they weren't. He is proud of his home at 308 East Hardin Street that is a large home that he has put a lot of money into it. These demolitions make him very sad. He does not know if the demolitions can be stopped, but that he hopes that wiser heads will prevail.

Robert Tong – YMCA and Hardin Street

Mr. Tong has been a local Hancock County resident all his life. He spent twenty-five (25) years on the Board with the Historical Museum and loves Findlay history. His family owned the Bellinger Addition, basically everything on Country Club Drive was owned by his family. They owned the Bellinger Bank where the War Memorial is currently on Center Street, so he goes way back in Findlay history. It makes him very sad when he hears stories about the YMCA. When they started before the turn of the century, it was to get the kids off the streets and get them working. They have done so many good things over the years, but he is not seeing that today. He started a social media site called lovefindlayhistory that has had almost seven thousand (7,000) followers in just a year and a half. Many Councilmembers and the Administration are on that site who see the couple hundred negative comments that have come into play. There were four thousand (4,000) negative hits about the YMCA just on the first post. This is something that needs to be handled. He knows big money gets involved and politics get involved, but when looking north of the bridge, the entire north end of Findlay is gone. He asked what would happen if big money came up to buy up all the house from Robert Sprague's house on the corner of South Main Street all the way to Councilman Russel's house and then leveled them. Look at what Findlay has leveled and Council cannot do anything about it. This is something that needs to be handled. There is a lot of hard feelings on this. The YMCA is a fantastic company and Findlay, Ohio is a fantastic town. He would like to see something handled here.

Discussion:

City Auditor Staschiak was asked at the last meeting if ARPA funds were allowed to be used for demolition of these homes to which he replied he would make sure that the funds would be used properly according to the rules in that every penny would be spent properly. He clarified for City Council so that there would be no ambiguity in their minds that the City is fully transparent and that this is from the state and local or in the ARPA Fund rulings. The money received required a one-time standard allowance of ten million dollars (\$10,000,000.00) to spend (aka revenue replacement) with this money. That was the way the money was receipted as revenue replacement which gave the City more flexibility from a reporting standpoint and more flexibility from a spending standpoint, however, when it was done by Council, all the funds were put into a fund to take a project approach. In order to be fully transparent and taking on the project approach, he believes Council is able to do this request and pass the Ordinance and pay for the demolition of properties as it specifically states on page 20 of this document that improvements to vacate and abandoned properties, including rehabilitation, maintenance, renovation and remediation of environmental contaminants, demolition, deconstruction, greening vacant lot cleanup, and conversation to affordable housing is allowable. At the bottom, there is a footnote that says to see the final rule for further details which includes the treasury's presumption that the demolition of vacant or abandoned residential properties that result in a net reduction in occupiable housing units for low and moderate income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLRF funds. A lot of comments have been made by the public that they did not think this was a legal use of the funds. From a fiscal standpoint for auditing purposes, the comment is here and is valid, however, the money has been receipted in as a revenue replacement that gives Council something to think about when considering to pass the Ordinance or not.

Councilman Wobser noted that City Auditor Staschiak brought this up in the middle of a Council meeting for a reason, so he should give Council his opinion on what it means. City Auditor Staschiak replied that it means what it says. The reason he brought it up was because Councilman Russel put him on the spot and asked him at the last meeting about it, so he is doing his due diligence and brought those words to Council. He and Deputy Auditor Sampson are in agreement that because those funds were receipted, they are revenue replacement and believes it is allowable to use the funds for demolition of these properties, however, as Councilwoman Warnecke brought up at the last meeting, it is the committee's understanding that the City would follow the rules and not demolish them and have some consideration per one of the rules that the City is not to reduce the housing stock per the words he read a few moments ago. Councilman Wobser asked City Auditor Staschiak to read the first part again. City Auditor Staschiak re-read: this includes the Treasury's presumption that the demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low and moderate income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLRF funds. If doing a true project base, this would not be allowed to be done. Councilman Wobser replied that the relevant term is "that in an area where such things are needed". City Auditor Staschiak replied that he will not speak to that and only to what he read.

Councilwoman Frische asked for a legal opinion and if City Auditor Staschiak is talking about the YMCA or if he is talking about the entirety of any property that is submitted for housing. She asked if the footnote is talking about the YMCA only or the entire four hundred thousand dollars (\$400,000.00) the committee approved to do demolitions with. Law Director Rasmussen replied that he cannot give Council an opinion through this discussion as there is a lot there, nor has he been asked to give Council an opinion. Councilwoman Frische replied that she is asking the City Law Director to give one before Council votes on something. She cannot vote on something now when there is a footnote for it. Mayor Muryn added that the Administration will follow up on the reference of how the allocation of funds can legally be done. Given the concerns of City Auditor, the Administration will address this because when dealing with State and Federal dollars, there needs to be an additional follow up process. They will reach out to the Department of Housing and Development (HUD) because it also references low and moderate incomes and may be specific to census tracts where LMIs are defined. The Administration will follow up and can do additional research to ensure Council has all of the appropriate details that will apply to all of the properties that were submitted.

Law Director Rasmussen noted that this is the first discussion he has been involved with for this and he has not been requested to provide Council a written opinion. If Council wants a written opinion, he will do so in his time and cannot list a specific timeframe of when that will be available.

City Auditor Staschiak clarified that he is not advocating one way or the other and is just making sure Council is fully informed per Councilman Russel's question at the last meeting.

Councilwoman Frische informed Law Director Rasmussen that she would like a legal opinion in writing, but is concerned that it will not be available for the next Council meeting as that will be the third reading of the Ordinance for this. Law Director Rasmussen replied that it is possible that it wouldn't be done by then as there is a lot of information there.

Councilman Wobser noted that if Law Director Rasmussen's legal opinion is not available before the next Council meeting, the Ordinance could be tabled until the opinion is available. He moved to request a written ruling on this situation from Law Director Rasmussen, seconded by Councilwoman Frische. All were in favor. Filed.

WRITTEN COMMUNICATIONS:

Email from President/Principal Broker at Coldwell Banker Flag City Brian Whitta – Blanchard River green space *(typed verbatim)*

I am aware that some citizens are in vocal opposition to a proposal of developing a green space along the Blanchard River in downtown Findlay. I'm also aware of at least one elected official who seems to be opposed to the idea (providing the media correctly reported). I write to you in ardent support of the exploration of such a concept, and ask you to consider the long-term impact of an investment in an under-utilized area of our downtown. When companies look to locate or expand, they consider aspects such as quality of life, educational institutions, infrastructure, and housing. Companies want the workforce to be happy and have reason to live nearby. A possible green space on the Blanchard River could not only contribute to quality of life for our workforce, but could also further solidify a connection between downtown Findlay and the University of Findlay. I am well aware of situations where businesses have bypassed a neighboring community because of the rating of its school system, and because of a perceived lacking in quality of life opportunities. Fortunately, Findlay has strength in its educational offerings, and can only realize an increase in the already nice offerings our citizens enjoy. I implore you to consider the transformational nature of the Scioto Mile in downtown Columbus. While admittedly a much larger project, it has quickly become a destination in what was previously an under-used and well-worn part of that city. *(It would be false dichotomy should anyone say "Findlay is not Columbus" as we are considering the overall impact.)* Neighboring Tiffin is planning an outdoor green space. Communities like Charlevoix, MI have transformed their waterfront into a destination where children play in a splash pad, and citizens and visitors eat ice cream on the lawn while enjoying the waterfront. While our Blanchard River is a far cry from Lake Charlevoix, the potential to enhance downtown should not be dismissed on the premise of the cost of design work, nor upon the premise of the potential cost of the scope of the project. The National Association of REALTORS® has grant money available that could assist in a number of ways. Said grants require a local association to make the application. The real estate community is one of many who could be a part of a project like this. Our community has many needs, and by no means am I suggesting that we overlook those, nor am I suggesting that we prioritize our needs in any certain way. Rather, I'm respectfully asking as a business owner, property owner, taxpayer, and a father, that you consider the long-term effects of an investment in a project like this. I have watched what happens when other communities do not place a great enough emphasis on quality of life as part of their economic development strategy. Such short-sighted steps create a trickle-down impact on families, businesses, tax collection, housing, and the overall health and viability of a community.

Discussion:

Councilman Hellmann moved to read the letter in its entirety, seconded by Councilman Slough. All were in favor. The Council Clerk read the letter in its entirety. Filed.

Email from Cathy Weygandt – American Rescue Act *(typed verbatim)*

Ever since the American Rescue Act funds of \$4.3 million were brought forth to our city, I have been following all of the plans to spend it. According to a February 2022 article in The Courier: "According to the Ohio Mayors Alliance, the American Rescue Act allocated over \$1.5 billion to 28 cities within the alliance. The alliance said the money is being used to balance city budgets, fund critical infrastructure projects, support public health and the administration of vaccines, boost food banks, and bring critical resources to neighborhoods and populations most adversely impacted by the COVID-19 pandemic." Little did I know that a plan to tear down a neighborhood of critically needed homes have been in the works for twenty years by the YMCA, and that taxpayers would help to fund this demolition! I am trying to comprehend how this demolition fits into: 1. Public health and economic impact. 2. Premium pay. 3. Investment in water, sewer and broadband infrastructure and 4. Revenue loss, as mentioned in another Courier article. What will be next? The entire row of homes south of Lincoln school? Reading how other cities have utilized these funds to stimulate exactly what these funds were to be utilized for makes me cringe how we can so skillfully tune the funding to fit Findlay's certain needs. The end of today's article suggested we contact the YMCA with our concerns; city planners and their behind-the-scene planning needs to stop! And today's Courier article on absentee landlords starring Findlay's auditor, with the subsequent reporting of the items removed from the Strategic Plan, protecting such landlords was quite telling as well. Same old, same old . . . Accountability & transparency is not just about expenses and revenue after all. Attached are some articles from other cities, doing what we need to do! Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Municipal Court Activities Report – February 2023. Filed.

Findlay Police Department Activities Report – February 2023. Filed.

A set of summary financial reports as of February 28, 2023:

- Summary of Year-To-Date Information as of February 28, 2023
- Financial Snapshot for General Fund as of February 28, 2023
- Open Projects Report as of February 28, 2023
- Cash & Investments as of February 28, 2023

Filed.

Treasurer’s Reconciliation Report – February 28, 2023. Filed.

City Engineer Kalb – WTP Generator Replacement, Project No. 35725300

Over the past couple of years, the City of Findlay team has been working on the replacement of the emergency generator at the Water Treatment Plant. The design of the generator and its components is finalized and are ready to purchase the necessary equipment. Water and American Rescue Plan Act (ARPA) funds are now being requested to be appropriated to purchase the generator and components for the automatic transfer switch. The current lead time for both of these items are in the eighty to ninety-five (80-95) week range. Through a previously authorized cooperative purchasing program named Sourcewell, the City will be able to directly purchase both of these items without the need of going through the competitive bid process. Three hundred thousand dollars (\$300,000.00) was previously appropriated to this project and an appropriation is now needed to cover the cost of the generator and the automatic transfer switch. Legislation authorizing the Mayor, Service-Safety Director and/or the City Engineer to enter into contracts for the purchase of the equipment, as well as appropriate and transfer funds is requested. Ordinance No. 2023-032 was created.

FROM:	Water Fund	\$ 785,000.00
TO:	WTP Generator Replacement #35725300	\$ 785,000.00
FROM:	ARPA Fund	\$ 600,000.00
TO:	WTP Generator Replacement #35725300	\$ 600,000.00

Discussion:

Councilman Wobser asked for the reasoning of going to Sourcewell for the purchase of this equipment when there is a switch for this that does not work all of the time and asked if someone from Cleveland has to come in to repair it. City Engineer Kalb replied that there is an automatic switch at both the Water Pollution Control Center (WPCC) and also the Water Treatment Plant (WTP). WPCC is where the main problem is and WTP has more to do with the generators themselves. With upgrading to one generator, it also affects the automatic transfer switch making it a complete package. Councilman Wobser asked why this part of it would not go out for a competitive bid and be compared against Sourcewell’s bid as another choice. City Engineer Kalb replied that they have a competitive bid as a corporate agreement where the City reaches out to make sure they are getting the best price available. It is an avenue that the City has used in the past via legislation authorizing the City to do so for these types of bigger purchases in order to get the purchase of the equipment rolling since it is a eighty to ninety-five (80-95) week lead time. It is a nationwide competitive bid system. Councilman Wobser replied that it takes the opportunity away from local businesses who might be able to bid on it to provide this equipment and might be able to get better pricing from them or from another state, but are not looking in our local area of who might be able to do the same thing. He asked if Sourcewell will also install it if purchased from them. City Engineer Kalb replied that there will be a bid process for the installation. The generator being purchased will be through CAT which is out of their Perrysburg, Ohio plant. For this size generator, a CAT design is needed which is the closest local area available with support in the future. The ATS for this size is a larger system where an EDEN system works great with CAT generators. This has been successfully used in the past for these large type of equipment purchases. Councilman Wobser replied that while he does not disagree with City Engineer Kalb’s choices, it is unknown if there is anything similar, cheaper, or better out there and will never know if somebody locally could provide this equipment to the City at a better price and keep the money local if it is not bid out.

Councilwoman Frische asked if there were contracts for vehicle purchases that can go through State bid (i.e. police vehicle) but went ahead and used Warner Buick-GMC because of the shortage in vehicles. She asked the difference between that situation and what Councilman Wobser is referring to now. City Engineer Kalb replied that they are similar in that they are state bid contracts where they submit a request for proposal (RFP), but have to be part of the Sourcewell group to be included in that pricing. It is a competitive bid similar to a state bid, but is a nation-wide one for different types of components.

Councilman Wobser noted that Council has already approved three hundred thousand dollars (\$300,000.00) of ARPA funds for this project and are now adding in another one million three hundred eighty-five thousand (\$1,385,000.00) making it just short of two million dollars (\$2,000,000.00). City Engineer Kalb replied that is correct. Councilman Wobser asked if that is the total for the whole project including the generator and switch. City Engineer Kalb replied that is correct. Councilman Wobser feels that it might be an oversight on the City’s part to not potentially give the opportunity to someone in the local area that might be able to provide this equipment for such a large project.

Councilman Bauman slightly disagrees in that this is highly concentrated equipment. There are industry standards for this type of equipment to purchase it from the CAT manufacturer. City Engineer Kalb agreed, but that it is ultimately Council’s decision. In talking with the City Water Treatment Superintendent Jason Phillips, the Administration felt that was the best route to take in order to get the equipment moving with such a long lead time.

Councilwoman Frische sees Councilman Wobser’s point in that when the City needed to obtain departmental vehicles, the City was able to get a better competitive deal locally. She asked Councilman Wobser if he knows of a local company who would be able to bid for this. The City obtained an electrician out of Cleveland for the other facility, assuming he was just an electrician and not a firm that works with this equipment or if he works with anything on the higher voltage side. City Engineer Kalb replied that there are a selective few companies that can do this kind of work.

CAT dealer in Perrysburg is the first company he thought of for this size project, but there are probably thousands out there that could be used for this which could be looked into.

Councilman Wobser is not debating that City Engineer Kalb did not make the right choices and that CAT might be the right fit which is fine. He asked if he understands correctly that a CAT generator was specked out for this and found that Sourcewell will have people bring bids to City Engineer Kalb meeting that spec. City Engineer Kalb replied that it wasn't specked out fully to be a CAT. They were the only ones that could fit our needs. Councilman Wobser asked if this will be purchased directly from the CAT manufacturer. City Engineer Kalb replied it will be purchased through CAT because they are part of the Sourcewell cooperative agreement at the Sourcewell price including discounts. This does not need to be passed tonight, so he will obtain additional information and background on it for Council to see what the price is and what Sourcewell's discount is. Councilman Wobser replied that additional detail would be appreciated. The issue is not what City Engineer Kalb is specking out as he is sure it is what is needed to allow City plants to work. These items are not cheap items and there will be a fair amount of markup in an almost two million dollar (\$2,000,000.00) project. The question is if the City has the ability to keep the business local and having the profit coming back in as tax revenue. Filed.

City Engineer Kalb – ARPA Fund 2nd appropriation of 2023

Along with the 2nd Capital Improvement appropriation, it is desired to appropriate American Rescue Plan Act (ARPA) funds to various projects that have been discussed through various committee meetings. All of the projects and equipment listed below are included in the 2023 Capital Improvement Plan. 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. 2023-033 was created.

FROM:	ARPA Fund	\$ 380,000.00
TO:	Disaster Recover Generator #31923000	\$ 165,000.00
TO:	Reservoir Docks #31931800	\$ 70,000.00
TO:	CO2 Tanks Replacement #35790800	\$ 100,000.00
TO:	Technology Improvements #31925400	\$ 45,000.00

Filed.

City Engineer Kalb – 2nd Capital Improvement appropriation of 2023

Funds are being requested to be transferred into Capital Projects for startup money, and to various City departments so that they can order equipment that have long lead times or are readily available for use for the 2nd Capital Improvement allocation of this year. Legislation authorizing the Service-Safety Director and/or City Engineer to advertise for bids and enter into contracts, as well as appropriate and transfer funds is requested. Ordinance No. 2023-034 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 353,600.00
TO:	Police #21012000-other	\$ 18,600.00
TO:	Income Tax #27047000-other	\$ 10,000.00
TO:	Park Maintenance #21034000-other	\$ 73,000.00
TO:	Recreation Functions #21044400-other	\$ 27,000.00
TO:	Cemetery #21046000-other	\$ 52,000.00
TO:	Street Department #22040000-other	\$ 45,000.00
TO:	Traffic Lights #22043200-other	\$ 90,000.00
TO:	Airport #25010000-other	\$ 38,000.00

Filed.

Hancock Regional Planning Commission Director Cordonnier – moratorium amendment

Hancock Regional Planning Commission (HRPC) is requesting City Council to amend Ordinance No. 2022-119 which created a six (6) month moratorium on the creation of games of skill businesses. The moratorium was put into effect October 18, 2022 and expires on April 18, 2023. HRPC requests that Ordinance No. 2022-119 be amended to extend the moratorium an additional twelve (12) months with a new ending date of April 18, 2024. HRPC would like additional time to investigate methods of regulating games of skill. In light of recent criminal investigations, HRPC would like to investigate more aggressive forms of regulations. Ordinance No. 2023-035 was created. Filed.

COMMITTEE REPORTS:

The **STRATEGIC PLANNING COMMITTEE** met on March 7, 2023 to discuss the community organization list for an invitation to present to the committee.

We recommend that the committee solicit input from the list of the thirteen (13) organizations attached via email and not in person. Due date for input is March 17, 2023.

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

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

We recommend to split the farm animal ordinance from the rest of the code changes and move forward with a finalized revision of the rest of the changes, and to continue discussions on farm animal ordinance.

Councilman Slough moved to adopt the committee report, seconded by Councilman Russel. Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. Nays: Frische.

Discussion:

Councilwoman Frische voted against the recommendation. Before Council votes to approve the committee report, there needs to be clarification from the committee chair on what is moving forward on this. She had a citizen reach out to her about a change in the zoning code proposal that was on the City website and was not in the packet that was provided to Council, so she is unsure if this is moving forward with the City website changes or with the book that is in front of Council. There needs to be clarity on this situation. Councilman Russel replied that the recommendation from the committee is to move forward with all zoning code changes other than the farm animals section as has been discussed by the committee over the last handful of months. The committee has asked the Hancock Regional Planning Commission to come back with a draft finalized version of the new zoning code which takes the entire zoning code and presents it in a new format with a new proposed agricultural section. For example, its agricultural zoning districts and other proposed changes for the committee to review in its entirety at the next meeting which is a process that has been done for many months. The committee recommend that it move along on its process, then the Hancock Regional Planning Commission reviewed it, and then it came to City Council. The recommendation is to accept the zoning code changes, other than the farm animals section, so that everyone can enjoy the benefits of the new zoning code changes. Animals will be split from the farm animal section because the farm animal section still needs some discussion and formulation before the PLANNING & ZONING COMMITTEE feels comfortable to recommend to full Council for consideration of that specific part of it. Councilwoman Frische pointed out that there are two (2) different documents going on. The community has seen one that has proposed changes to it, and the two hundred plus (200+) document that have been worked through for the last several months which are not the same. She asked if there are additional changes in that document that they did not compare to, and that Councilman Russel is recommending to move forward with what has been discussed for the last several months. She asked which version Councilman Russel is moving forward with. She asked if the committee is moving forward with the public comment version on the City's website that does not match with what has been discussed in the meeting, or if the committee is moving forward with the one that has been discussed in the meeting.

Councilman Bauman called the question, seconded by Councilman Slough. Ayes: Bauman, Greeno, Hellmann, Palmer, Russel, Slough, Warnecke, Wobser. Nays: Frische, Niemeyer. The question was called.

Motion and second to accept the committee report:

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss Ordinance No. 2023-029 (first Capital Improvement appropriation of 2023).

We recommend the approval of the 2023 Capital Plan as presented. Ordinance No. 2023-029 received its first reading during the 3/7/23 City Council meeting.

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

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 008-2023 (CR 220 annexation (2 parcels) 64.941 acres) **requires three (3) readings** **second reading - adopted**

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN ALLEN TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 36, T2N, R10E, A TRACT OF LAND CONSISTING OF 64.941 ACRES OF LAND, MORE OR LESS.

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

Discussion:

Mayor Muryn reminded Council that as Council previously received communication from Attorney Laura Comek for this annexation, this is a resolution stating that if this property is annexed, what services the City of Findlay is willing to provide to it. Under Ohio Revised Code (ORC), it can be suspended, which was requested at the last meeting to be done at this meeting because the public hearing with the County Commissioners is scheduled for April 25, 2023 and per ORC, this should be in the County Commissioner's hands twenty (20) days before their public hearing. City's Council's next Regular Session City Council meeting is on April 4, 2023, so if not passed until then, the Council Clerk would only have twenty-four (24) hours following that City Council meeting to get it notarized and appropriately documented into the Commissioners for their public meeting. If Council would reconsider this, it would be much appreciated. That documentation was provided to Council. This Resolution is not accepting the annexation. It is simply stating, as Council always does, what services would be provided.

Councilman Russel noted that because he voted in the majority on the call to the question, he has standard to ask for reconsideration of the motion to suspend statutory rules and give the Resolution its third reading, seconded by Councilman Hellmann. Ayes: Greeno, Hellmann, Palmer, Russel, Slough, Warnecke, Wobser, Bauman. Nays: Frische, Niemeyer. The Resolution is reconsidered.

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

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

RESOLUTION NO. 009-2023 (*CR 220 annexation (2 parcels) 73.077 acres*) **requires three (3) reading** **second reading - adopted**
A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN ALLEN TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 25, T2N, R10E, A TRACT OF LAND CONSISTING OF 73.077 ACRES OF LAND, MORE OR LESS.

Discussion:

Councilman Bauman noted that Resolutions 008-2023 and 009-2023 are for the same annexation request, just two (2) different parcels.

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

RESOLUTION NO. 010-2023 (*no PO*) **requires one (1) reading** **first reading - adopted**
A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

Councilman Wobser moved to adopt the Resolution, seconded by Councilman Slough.

Discussion:

Councilwoman Frische asked what the one hundred twenty-nine thousand three hundred seventy-five dollars (\$129,375.00) for utility services is for. Mayor Muryn replied it is for the Utility Billing's service agreement that was discussed at the prior meeting. It is just the timing of the POs, payments and agreements that Council approved.

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

ORDINANCES:

ORDINANCE NO. 2023-019 (*approve 2022 ordinances & resolutions changes*) **requires three (3) readings** **tabled after third reading on 3/7/23 then removed from the agenda during OLD BUSINESS of the March 21, 2023 City Council meeting**
AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2023-020 **requires three (3) readings** **third reading - adopted**
(*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.

Councilman Slough 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 2023-020 and is hereby made a part of the record.

ORDINANCE NO. 2023-023 (*City Income Tax Administration Fund*) **requires three (3) reading** **third reading - adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-023 and is hereby made a part of the record.

ORDINANCE NO. 2023-027 (*ARPA Demolition Program*) **requires three (3) readings** **second reading**
AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR DEMOLITION SERVICES RELATED TO THE AMERICAN RESCUE PLAN ACT (ARPA) DEMOLITION PROGRAM, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-028 (STRICT Center – GMP4) requires three (3) readings

second reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A GUARANTEED MAXIMUM PRICE PHASE AMENDMENT NO. 4 (GMP4) WITH CLOUSE CONSTRUCTION CORPORATION FOR SITE UTILITY/CONCRETE AND FINAL BUILDOUT, INCLUDING FINISHES, MECHANICAL, ELECTRICAL, AND PLUMBING OF THE STRICT CENTER PROJECT, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel noted that per Assistant City Engineer Rausch's email to Council, the reasons he states he will make a motion to give this its third reading tonight.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its third reading, seconded by Councilman Palmer. Ayes: Warnecke, Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough. Nays: Frische. The Ordinance was given its third reading. Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-028 and is hereby made a part of the record.

ORDINANCE NO. 2023-029 (first Capital Improvement Appropriation of 2023) requires three (3) readings

second reading - adopted

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ADVERTISE FOR BIDS, WHERE REQUIRED, AND ENTER INTO CONTRACTS FOR VARIOUS PROJECTS, APPROPRIATING AND TRANSFERRING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel informed Council that per City Engineer Kalb's email request and so that it can go out to bid and start taking advantage of better pricing, he will make a motion to give this Ordinance its third reading.

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

Discussion:

Councilman Hellman noted that these are requested often and asked if it is possible to provide these to Council ahead of time so that they do not have to be rushed through each time. City Engineer Kalb replied that for this one, he was waiting until it got closer to Capital so that Council could see the Capital Plan first. These are normal annual projects that are done every year, but did not want to request this before the Capital Plan was given and wanted it to go through the proper channels first which is why it was not adopted after the first reading. He had the contractor call him last Friday about the resurfacing portion of it stating that he has crews ready and can get started as soon as it gets rolling. These projects are scheduled per the weather and the contractor's schedule.

Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-029 and is hereby made a part of the record.

ORDINANCE NO. 2023-030 (ARPA Fund appropriation of 2023) requires three (3) readings

second reading

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS SO THAT AMERICAN RESCUE PLAN ACT (ARPA) FUNDS MAY BE UTILIZED TO PURCHASE VARIOUS ITEMS FOR DESIGNATED VARIOUS PROJECTS LISTED BELOW, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-032 (WTP Generator 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 ENTER INTO CONTRACTS FOR THE PURCHASE OF A REPLACEMENT GENERATOR FOR THE CITY OF FINDLAY WATER TREATMENT PLANT, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2023-033 (ARPA Fund 2nd appropriation of 2023) 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 CONSTRUCTION OF VARIOUS PROJECTS LISTED BELOW, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2023-034 (2nd Capital Improvement appropriation of 2023) requires three (3) readings

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ADVERTISE FOR BIDS, WHERE REQUIRED, AND ENTER INTO CONTRACTS FOR VARIOUS PROJECTS, APPROPRIATING AND TRANSFERRING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2023-035 (*moratorium amendment*) **requires three (3) readings**

first reading

AN ORDINANCE AMENDING ORDINANCE NO. 2022-119 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO TO EXTEND THE CURRENT MORATORIUM ON THE ESTABLISHMENT OF ANY SKILL-BASED AMUSEMENT BUSINESSES IN ORDER FOR THE CITY OF FINDLAY, OHIO TO CONSIDER INCORPORATING THE PROPOSED ADDITIONS INTO THE CURRENT ZONING CODE AS OUTLINED BELOW BEFORE ENACTING THEM AS PART OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS:

Councilman Russel moved to lift Ordinance No. 2023-019 from being tabled, seconded by Councilman Bauman. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. The Ordinance was lifted from the table. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Palmer.

Discussion:

Councilman Russel informed Council that this is the annual syncing of the Codified Ordinances with the changes that happened with the State of Ohio. This generally is a mundane process, but was tabled this year because Hancock Regional Planning Commission Director Cordonnier noticed that they had included in their changes an ordinance that Findlay City Council did not pass, requiring Walter H. Drane Co. to republish the proposed updated Codified Ordinance of the City of Findlay which is what is before City Council tonight via this Ordinance. This is an annual routine process that deserves a positive vote. Councilman Wobser noted that this was tabled waiting for something to be changed that has now been changed and asked if the Ordinance needs to be amended. Law Director Rasmussen replied that Walter H. Drane Co. provides this Ordinance that includes the authority to replace the old from before. Mayor Muryn added that the language of the Ordinance did not specifically include the language that needed to be modified and simply authorizes the publication and the draft version has been update.

Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-019 and is hereby made a part of the record.

Councilwoman Frische asked Councilman Wobser for a follow-up from when he wanted to change the bidding process to allow better transparency with projects that are fifty thousand dollars (\$50,000.00) or less. Councilman Wobser replied that he still does not have a proposal put together on it. Councilwoman Frische has asked twice on this now, so he welcomed her to help him with it.

Councilwoman Frische asked President of Council Harrington for clarification on calling the question situations. She asked what the rules are for calling the question when in the middle of a discussion and are waiting respectfully for an answer. President of Council Harrington replied that he is not the City's attorney, so Councilwoman Frische's question will need to be directed to him. Councilwoman Frische replied that she is directing her question to the Council President because it falls under Council's rules. President of Council Harrington replied that the question will have to be directed to Law Director Rasmussen for an answer. Law Director Rasmussen asked Councilwoman Frische to repeat her question. Councilwoman Frische asked when someone calls the question what the rules are to be able to call the question when in the middle of a discussion and are waiting for an answer from someone else, especially from a person who wasn't at the committee meeting to call the question. She asked for clarification if she is out of line asking for questions on the record to be answered. She asked if someone can call the question on another Councilmember and end the discussion. Law Director Rasmussen replied that someone can be asked to call the question and will have to wait until he/she is recognized and then discuss it. Councilwoman Frische asked if someone can call the question in the middle of a discussion. She understands doing so when there is no discussion and there is no one waiting for an answer and no question on the table, but if there is a question on the table if someone can call the question and not answer it according to Council's rules and Robert's Rules and Regulations. Law Director Rasmussen replied he will provide that answer when he provides the other written legal opinion that was requested earlier tonight. Councilwoman Frische asked that it be provided in writing.

NEW BUSINESS:

Councilman Wobser informed Council that there will be STRATEGIC PLANNING COMMITTEE meetings each first and third Tuesdays of each month at 4:00pm in the Council Chambers until finishing this process, which coincides with City Council meetings. The committee just approved this during tonight's committee meeting.

Councilman Greeno explained why he is wearing the t-shirt he is wearing tonight. Today is World Down Syndrome Day which is the extra chromosome that Down Syndrome individuals have. His grandson has Down Syndrome, so he wanted to wear the shirt he has on in honor of him because he is one of the lucky few to have someone like him.

Mayor Muryn informed Councilwoman Frische that she would be happy to discuss off line what the discrepancies are between the Zoning Code versions so that she can understand what the discrepancies are between the online version and what the Hancock Regional Planning Commission Office is working on to combine all of the versions together to ensure there is an updated version.

Mayor Muryn noted that the Capital books are in Councilmember mailboxes in the Council Office. They look a little different than in years past. She thanked City Engineer Kalb for putting them together. The Capital discussion was very insightful with a lot of great things going on. The Capital Plan for this year, as well as the next ten (10) years, provides more detail than others. There is also individual project sheets for the projects in Capital books, and also a facilities assessment that Department Heads have been working on so that when Capital improvements are brought to Council related to the existing facilities, Council has an understanding of the reasoning behind why they are being brought forward in more detail, as well as keep an eye on the existing facilities in order to continue to plan out. It will also be available on the City website by tomorrow. Direct any questions to the Administration.

Councilman Russel moved to adjourn City Council at 7:06pm, seconded by Councilman Bauman. All were in favor.

CLERK OF COUNCIL

COUNCIL PRESIDENT