

They continue to be enforced as criminal offenses without any appeals process which is a violation of the fourteenth amendment of the Constitution. She brought copies of the constitution with her tonight and offered to hand them out to anyone who wants one. She asked Councilmembers that as elected officials, if they swore to uphold the U.S. Constitution. She asked what the fourth and fourteenth amendments. She asked what an unwarranted search and seizure of private property. She asked what is due process and asked what happens when there isn't an appeals process. She asked if Council thinks they should rescind ordinances that are in direct conflict with the Constitution of the United States, as well as the Ohio Constitution. She asked if Council thinks they are immune to the very laws they swore an oath to uphold. Each Councilmember should reflect on their oath and do their duty and obey the Constitution and stop perverting the Constitution. She asked Council if they would like her to read the fourth and/or fourteenth amendment of the Constitution because Council is going against the U.S. Constitution with City Ordinances.

Discussion:

Councilwoman Frische asked Ms. Leguire to read the fourth and fourteen amendments. President of Council Harrington pointed out that Ms. Leguire's allotted time is up. Councilwoman Frische moved to extend Ms. Leguire's allotted time to speak, seconded by Councilman Palmer. All were in favor.

Ms. Leguire read the fourth and fourteen amendments.

Fourth: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Fourteen:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Representatives shall be appointed among the several states according to respective numbers counting the whole number of persons in each state, excluding Indians. Filed.

WRITTEN COMMUNICATIONS:

Deborah Peterson – June Pride Month

As a follow up to Ms. Deborah Peterson's ORAL COMMUNICATIONS given during the May 16, 2023 City Council meeting regarding June Pride Month, she has submitted two (2) letters including a list of the civil liberties and freedoms given in the Constitution for each United State's citizen including the freedom of Conscience that is embedded in our First Amendment rights. She is opposed to the homosexual Pride month observance, and believes it violates her (our) freedom of conscience. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Treasurer's Reconciliation Report – April 30, 2023. Filed.

Service-Safety Director Martin – insurance payment for repairs of a fire engine from an accident

The City of Findlay received payment for the repair of a fire engine from an accident from the other insured's insurance company in the amount of six thousand eight hundred twelve dollars and seventy-four cents (\$6,812.74) that has been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2023-057 was created.

FROM:	General Fund (insurance proceeds)	\$ 6,812.74
TO:	Fire Department #21014000-other	\$ 6,812.74

Filed.

Mayor Muryn - infrastructure investment

Mayor Muryn has frequently mentioned over the last few years that it is her goal to look for areas for strategic investment while prioritizing the City's existing assets and infrastructure. An appropriation of funds for strategic investment in infrastructure in support of economic development is requested. Ordinance No. 2023-058 was created.

FROM:	Sewer-Stormwater Restricted Account	\$ 500,000.00
TO:	Project Hat Trick #35631500	\$500,000.00
FROM:	General Fund	\$ 700,000.00
TO:	Project Hat Trick #35631500	\$ 700,000.00
FROM:	Sewer Fund	\$ 900,000.00
TO:	Project Hat Trick #35631500	\$ 900,000.00
FROM:	Water Fund	\$ 900,000.00
TO:	Project Hat Trick #35631500	\$ 900,000.00

Discussion:

Councilman Wobser asked if the money will be spent if this does not go through and asked if language should be put into the Ordinance to make sure that does not happen. Mayor Muryn replied language could be added to specify that, but it was already discussed that it would not make sense to continue to move forward with the investment in that area to support economic development if this does not happen and would be a conversation at that point to see if it would be worth it to take these steps with other businesses, or the funds could be de-appropriated which was also a part of the conversation. If it doesn't move forward, at least the City showed their commitment and then the funds can be de-appropriated. Councilman Wobser asked if once the legislation is passed, if the money can be spent and would be up to the Administration if the money could be de-appropriated. Mayor Muryn replied that is correct. Council would be putting their faith in that.

Councilwoman Frische moved to read the letter in its entirety, seconded by Councilman Wobser. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Slough, Warnecke, Wobser. Nays: Russel. The Council Clerk read the letter in its entirety.

Councilwoman Frische appreciated Councilman Wobser's comment on how to alter the Ordinance, but is surprised that the request is not being sent to a committee for discussion especially since the City has been working on strategic planning for such a long time and that this is the perfect item to be discussed because it is talking about what the community wants and needs to move forward. Having a shovel-ready location is great, but does not put any stipulations on what the City wants to see developed in that area besides this one business. Warehousing is not the avenue the City should be going to and should instead be looking for higher paying jobs, manufacturing jobs, sustainable jobs. Every time a project is done in the community the terms "port authority" or "CRA" are heard, and are now hearing that that the City is giving three million dollars (\$3,000,000.00) to attract a business. There are more questions to be had. With strategic planning, it needs to be addressed what the City wants to see there, how they want to see it in the future, and how to set guidelines with strategic planning to make sure what is being done is what the community wants done to move forward instead of having a quick reaction such as Project Hat Trick in order to bring a company here by giving away money. It does not set a standard of what the City wants by considering non-profits and how the City can support them and support housing. All of those pieces feed into this when there was no mention of a three million dollar (\$3,000,000.00) project discussion during capital discussions for this year. While she would like to see something happen for this request, there needs to be more meat and potatoes, more grit on what the City wants to see the community be. Mayor Muryn appreciates Councilwoman Frische bringing up her concerns tonight and that there were significant conversations during the Executive Session at the end of the May 16, 2023 City Council meeting. Ideally, it would be great to have everything be public conversations, but when businesses are looking to locate somewhere and are working through the site selection process of identifying areas that may meet their needs, the City informs them of the services we are able to provide, and they are then able to narrow it down and identify their finalists and start working with the City to see how the City can help incentivize it which turns into a very downhill process. Historically, because of the Community Reinvestment Area (CRA), TIFF, etc. businesses have been able to locate here and put in the infrastructure expansion that was necessary with very limited and direct investment from the City. Strategic Planning has talked about what makes sense and how the City incentivizes different things, if the community wants to start being more forward-looking and proactive in being willing to offer things for this. It is an action item for a conversation they will have when moving forward with the framework and then will revisit it as it will be an extensive in-depth conversation that needs to occur. She was able to share more details for this project with the committee as a whole with the option now to determine if it is worthwhile to invest in. They offer professional jobs with higher degrees that are above the current average pay, as well as, manufacturing and also entry level positions in logistics. It is a family-owned company that would serve Findlay very well. When looking at the initial income tax collections water and sewer estimates in a conservative fashion, not including the business income tax expectations, the payback period on the City's investment is six (6) years which is something the City needs to consider. It will open up some additional properties that gives the City an opportunity to balance working with some of the properties that may be interested in attracting businesses who are willing to bring individuals to their property that the City is willing to invest in it. By the City making these investments, it is saying to the businesses that the City thinks it is wise to do and is going to be beneficial. This company offers a lot of different incentives such as pet insurance. They offer a unique benefit package on top of their pay to ensure they are community-minded employers. She is comfortable with changing language specific to this project and then re-evaluating it. It sends a good message that the City is willing to make investments if it warrants the payback to the community. This is one where the information that has been shared with Council as representatives of the City will hopefully make that case, and then as it moves forward in the process and will be able to share more with the public allowing the public to know they can trust the City to make those decisions on their behalf in situations like this when the City cannot yet share as much information as they may like. Councilwoman Frische clarified that she is not against bringing this company to Findlay nor feels it is a bad company, but with Strategic Planning, there is more than one lot and more than one parcel, so the City should be planning for that. It is not always about giving away things and is about bringing people here because they know Findlay has a strong public safety system and great infrastructure that has a low tax rate which are incentives that are just as important as having a shovel-ready property. The City wants to annex this property to allow for a Community Reinvestment Area (CRA). That CRA affects Findlay schools. It was just stated in the local newspaper that Findlay City Schools are in panic mode. The County, with the Port Authority, has an impact because of sales tax. If the City is moving forward on this project, the City also needs to be looking at the other sites, the City needs to be planning for it and advocating for businesses with sixty thousand dollar or higher (\$60,000.00+) pay white collar jobs with certain criteria because the community deserves it. Strategically, Council should be having those in-depth discussions, specifically on this three million dollar (\$3,000,000.00) project. Mayor Muryn agreed that the City can have those conversations, but have to make the decision on appropriating the funds given the current situation. The City should not just state that they want to have that conversation and not take action on this. The reason the City has gotten to this point where they are asking for this investment is because it is now in the final round. This company chose Findlay as a potential site because of all the incentives that Councilwoman Frische has already mentioned, which is how they got to this point. No discussion has taken place on some of the other items Councilwoman Frische has mentioned because they are not to that point yet. This investment is an opportunity for the City to pay dividends. As other businesses hopefully come into the City's community, it would escalate the City's return on investment.

City Auditor Staschiak noted that as the City's Fiscal Officer, he appreciates this discussion. His comments are pointed to both Council generally, and specifically to Councilman Wobser as head of the APPROPRIATIONS COMMITTEE in that he agrees with his comments that if this money is appropriated, it will be set aside. If it is spent without Council specifying in some form that the money is only to be used if this project happens, he cannot stop that from happening. Some of the Mayor's additional comments had indicated that promises have been made on what is going to be there or what is likely to be there, however, there is nothing in the legislation that states that promises made shall be promises kept. The State takes steps in their agreements when they bring corporations in and make concessions to ensure promises made are promises kept. He suggested Council consider that in this piece of legislation. Mayor Muryn clarified that no promises by her has been made related to this project. She is fine with amending this Ordinance to add that specifically to Project Hat Trick which would then provide some of those additional assurances given that Project Hat Trick already has State required benchmarks that they have to meet in order to receive the funding that JobsOhio is providing in order to receive State incentives that they have to meet of their employee information operational standards for a number of years.

Councilman Bauman asked what the deadline on this is. Mayor Muryn replied that the company to receive the JobsOhio money has to make a decision by mid-July which is why this request is being expedited in order to give them the assurances that the City is able to complete this as they would not be able to move forward with the project if the infrastructure improvements are not able to be made.

Councilman Russel asked when appropriating funds to a project such as Project Hat Trick #35631500 if City Auditor Staschiak will spend money out of that fund regardless if it is for Project Hat Trick or not. He asked if the money should stay in that fund until it is de-appropriated if Project Hat Trick doesn't happen. City Auditor Staschiak replied that if Council appropriates this in a manner that is generically defined for Project Hat Trick, when it occurs, there is nothing to stop it. For example, if the sewer portion of this project starts tomorrow showing that Project Hat Trick is on the path to occur, but hasn't occurred yet, and then starts the water portion of the project but that two-thirds (2/3) of the way in, for an economic reason similar to COVID occurs and they stop, he cannot stop the money from continuing to be spent as it was for Project Hat Trick and Project Hat Trick is happening. There are numerous examples where that has happened. It needs to be specific in that if they do not accept this and do not agree to move forward, that money is not going to be spent. Those are the conditions under which that money will or will not be spent. Also, there are no clawbacks, so once the City commits these funds, the City is committing three million dollars (\$3,000,000.00). He provided an example of where the City was going to be in an excess of one hundred fifty (150) jobs with a newer employer. Only a few actually were reviewed by that employer. There is time to committee this and time to consider it. It will continue to be his position to ensure Council has dotted their I's crossed their T's and done the best job they can for the taxpayer. As the City's Fiscal Officer, those are two (2) things Council ought to consider. Mayor Muryn replied she is fine with having a committee meeting on this, but will not be able to share much beyond what has already been shared. While that is not ideal, it is the way these types of deals play out. Until she receives approval from the business to share additional information, the City will working be off of that. She asked City Auditor Staschiak if verbiage could be added to the current legislation to state something related to Project Hat Trick as defined by JobsOhio or execution based upon the project not to begin until receiving a copy of the JobsOhio contract because right now, they have the offer and the project would not move forward and bind them to the State restrictions until they counter execute. The City could request to see documentation from the State when that has occurred. It would provide the City additional support.

Councilman Wobser agrees that taking this to the APPROPRIATIONS COMMITTEE is not out of the question, but with what Mayor Muryn just stated, it is exactly what he would have gone after. Two (2) things he would suggest be added to this legislation is if this project doesn't go forward, that the money is de-appropriated immediately, and to add in the clawback clause that JobsOhio has on their money. It is appropriate that the City's legislation have something similar if not exactly the same thing. If the City spends this three million dollars (\$3,000,000.00), then there should be a way that the City gets a portion of it back if they do not perform over the period of time that they should and what they told the City they would do. Mayor Muryn replied that the City would have to evaluate the clawback provision so as not to deter them especially given that the area that has been discussed would still provide an economic benefit if this specific project does not occur. Language could be put in to hold them accountable while also making sure that the City is not dangling a rotten carrot in front of them on that provision. She would be happy to go back and talk with them and bring something back for discussion.

Councilwoman Frische asked if a Memorandum of Understanding (MOU) or something spelling out over the next sixty to ninety (60-90) days listing the commitment and that the City has to have the document from JobsOhio about their investment in, and that once the City has that, we can fund it. She asked if the City can put a commitment hold on this without moving it into a project. City Auditor Staschiak replied that Councilwoman Frische is asking the right things. The reason he suggested this go to committee is to consider the language of the legislation so it is correct. There is value in whether or not Council wants to debate that on the Council floor during the next meeting or in a committee prior to the next meeting. He is looking for the definition of when it is/is not allowable for him to pay for that expenditure, and when Council is clear when this happens, that the money is out the door.

Councilman Hellmann concurs with some of the remarks made tonight about the City protecting itself, but also wants to remind the Administration and Council to not overlook the fact that the City is in competition with another state . . . (livestream skipped to) Mayor Muryn replied that the company is interested in moving forward with the appropriation, however, a letter of intent to complete the work based off of them moving here would also be acceptable. She does not need the money appropriated today, but would like a commitment that the City is willing to make the investment. The legislation for this can be tabled or just receive its first reading tonight, and if Council gives her the approval for her to provide a letter of intent defining that it is tied directly to Project Hat Trick as defined by JobsOhio would clarify that.

Councilwoman Frische likes what the Mayor's has stated about a letter of intent as it is a smart way to go. Any company that wants to know that the City is doing its due diligence knows that the City does its best for the community. By providing a letter of intent instead of appropriating right away would allow the same goal to be accomplished. Mayor Muryn replied that she was not expecting this legislation to be passed tonight. Tonight's discussion allows her to go back to the company and be able to work through what they are willing to do to show what their expectations and game plan is which would be beneficial. She will work with them to gain some feedback on what may be able to work.

Councilman Wobser noted that no one has asked for this to be passed by suspended rules. There are three (3) meetings ahead including this one, June 20th and July 5th which is enough time. He suggested this go to the APPROPRIATIONS COMMITTEE which gives Mayor Muryn a week or so to work through some issues and work on some language, and vet it with Project Hat Trick representatives to see if they are okay with that to provide some ideas at the APPROPRIATIONS COMMITTEE and then can come back to Council with amended language and be able to go forward from there.

Councilman Russel concurs with Councilman Wobser's plan for this moving forward and that there is too much argument on where the money is coming from and where it is going to with it being the first reading tonight. There will be two (2) more readings with an amended ordinance, hopefully for the next meeting. The message Council is sending to those working on this project is that the City is committed to making the infrastructure improvements that make this project viable. The City sends that message by passing this legislation during City Council's first meeting in July. Filed.

City Engineer Kalb – third Capital Improvement appropriation of 2023

The third Capital Improvement allocation of the year is to transfer funds into Capital Projects so that projects may continue that have been bid out for construction with funds readily available for City crews to start various projects that were scheduled to be completed this year. Legislation authorizing the Service-Safety Director or City Engineer to advertise for bids and enter into contracts, as well as appropriate and transfer funds is requested. Ordinance No. 2023-059 was created.

FROM: CIT Fund – Capital Improvements Restricted Account	\$ 1,255,000.00
TO: 2023 Annual Street Resurfacing/Curb Repairs #32830400	\$ 460,000.00
TO: 2023 Street Preventative Maintenance #32830300	\$ 280,000.00
TO: 2023 City Sidewalk/Ramps #32831000	\$ 25,000.00
TO: Airport Fuel Farm Repairs #35231700	\$ 100,000.00
TO: Airport Snow Removal Equipment Building #35232300	\$ 250,000.00
TO: Replace Backup Server & Network Equipment #31932400	\$ 45,000.00
TO: Remote Offices Door Locks #31932200	\$ 75,000.00
TO: Dark Dispatch Upgrades #31932100	\$ 20,000.00

Filed.

City Engineer Kalb – Community Development Block Grant application for Cross Ave/Hemphill Blvd waterline upgrade

The City of Findlay Engineering Department is working with the City's Water Distribution Department to submit an application to the Community Development Block Grant (CDBG) program to fund the replacement of the existing waterline on Cross Avenue and Hemphill Boulevard. Currently, there is a six inch (6") mainline that runs from Blanchard Street to Berry Lane that has experienced multiple breaks in the past couple of years. Along with the multiple breaks, the water services taps that come off this six inch (6") are the only remaining lead services in Findlay needing to be removed in order to be compliant with the Environmental Protection Agency (EPA) regulations. Over the past couple of years, the City of Findlay has made great strides to remove any known or suspected lead services off of the water distribution system, and this line is the final section that is needing replaced. Legislation authorizing City representatives to execute the necessary grant application(s) and/or agreement(s) to receive the grant funding is requested. Ordinance No. 2023-060 was created. Filed.

Mayor Muryn – Phase 2 Benching Project

Ordinance No. 2023-043 (property transfers for the Phase 2 Benching Project) was tabled after the third reading during the May 16, 2023 City Council meeting. Mayor Muryn is requesting it remain tabled while she works with the Maumee Watershed Conservancy District and the Hancock County Commissioners to prepare a Memorandum of Understanding (MOU) similar to what was executed in 2018 for the Phase 1 Benching Project that will be specific to the Phase 2 Benching Project. The MOU will be provided to City Council in the coming weeks in order to continue to move forward with flood mitigation and the property transfer requested. Ordinance No. 2023-043 was tabled after the third reading during the May 16, 2023 City Council meeting.

Discussion:

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

City Income Tax Monthly Collection Report – May 2023. Filed.

City Auditor Staschiak – Ordinance No. 2023-043 (Phase 2 Benching Project)

On May 12, 2023, Mayor Muryn submitted a letter to City Council in support of Ordinance No. 2023-043 stating that based on upon her review of the information “discussions with Steve Wilson and various consultants” she was “confident there is extremely limited, if not no risk, to the City of Findlay related to environmental issues . . .” however, the information provided and made available to him and Council, per her email dated 5/16/23, appears to contradict that that statement and there is potentially significant risk to the City in taking ownership of these properties at this time. The Phase 1 reports by American Structurepoint Inc. dated May 2011 states:

- There is a CERCLIS (aka superfund) record identified in the area of 100 Jefferson Street
- A significant portion of the area to be benched was “created with fill materials when the river was relocated to the south”. Undocumented emplacement of fill is considered “a recognized environmental condition”
- “The presence of potentially contaminated subsurface fill material, related to the relocation of the Blanchard River, is considered a recognized environmental condition”
- “Additional Investigation Recommended” for at least one of the parcels listed for transfer to the City of Findlay There is “potential for subsurface contamination from adjacent commercial facilities”
- There is “potential for subsurface contamination from adjacent commercial facilities”
- Parcels already accepted by the City and recorded by the county Auditor listing the owner as City of Findlay as of 10/6/21 are subject some of these findings. City Auditor Staschiak has been unable to locate any associated City Ordinance.

City Auditor Staschiak regularly shares with City Council that the City has no insurance coverage for environmental liability, however, the City has a Self-Insurance Fund that was set up for environmental issues. Recently, Council and the Administration decided not to add additional monies to this fund that is expected to end the year with a balance of less than \$1,000,000.00. The unknowns in this instance put a portion, if not an excess of these monies at risk.

Due to this potential significant financial liability to the City, and since the reports provided are more than a decade old, as the City Auditor/Fiscal Officer of the City of Findlay, he is recommending that the City not take deed to these remaining properties in the benching area until significantly more due diligence is complete, including: a Phase II environment assessments throughout the benching area, and the CERCLIS (aka superfund) records are obtained and fully understood by Council. Alternatively, the benching could be completed under County ownership and a clean area handed to the City of Findlay, however, since some property was already transferred to the City in the benching area (without such a review), it would not alleviate the potential environmental liability on the property the City already owns. Filed.

Discussion:

Councilwoman Frische moved to read the letter in its entirety, seconded by Councilman Wobser. All were in favor. The Council Clerk read the letter in its entirety.

Mayor Muryn noted that she made all the documents available to the City Auditor that he has referenced tonight. A lot of them have been completed over the last decade. The County Commissioners have also been working to complete the remediation work over that past decade taking over the various properties whether it has been removing underground storage tanks, doing spot treatment and removal of hazardous materials or working to get the RaNik property Brownfield grant work that should be going on any day now. As stated in her letters with the County Commissioners, she suggested this be tabled and wait because one of the reasons this initially came up to request the properties be transferred sooner rather than later was to get documentation of the County wanting to make the transfer and to have documentation after the benching, the City would have ownership of them to be able to do improvements of the area if the City moves forward with this. She already has that documentation from the County Commissioners who have already passed the Resolution transferring the properties to the City, so it is now waiting for the City to accept it. During her discussions with them, she was informed that they already did a Memorandum of Understanding (MOU) in 2018 that defined a bunch of different things between the Conservancy District, the County, and the City to get it fully executed which is currently being prepared. Once she receives a copy of that, she will be able to bring it back to City Council. She will follow up on the statement related to the RaNik property as it was addressed through an ordinance where the City accepted the donation from Mr. Nichols, but nothing specific from the County. She has all the environmental documentation if anyone would like to review it. She is comfortable with the City’s position on this and that the properties will be appropriately cleaned up in that work will happen regardless if it is with the County or the City. She will work with the County to get the MOU fully executed that would address any of the environmental liabilities.

Councilman Wobser asked if this will continue on with Phase 2 testing of these properties and if not, how it will be known what is there beyond what is currently known. The documents that have been received are old, some being Phase 1, and some had some hot spots that probably should be looked at further. Mayor Muryn replied that all of the environmental remediation that is necessary to be completed on those properties is going to be addressed as part of benching. If the City is to do all the benching on this project in Phase 1, after all the work, there would be an understanding of the property so the project can be priced out because the necessary environmental work that has been done, even though it has been done over the last decade, but do not have every detail on what was done. They removed underground storage tanks, have worked on some hotspots and are doing the Brownfields, so each of those are being addressed. As they move forward with the benching project, all of those items will be sufficiently addressed. As mentioned by Law Director Rasmussen, there will be an environmental report at the end of the benching process that was going to be completed regardless of the ownership because it is associated with the project. Instead of accepting the projects now, she will obtain a MOU that defines all of the I’s and T’s. It will help the City determine when to accept the properties. Councilman Wobser asked if the MOU will address costs involved with any issues found like what happened with the Brandman property where issues were found that were not known. He asked if the MOU for this will address where those costs lie. Mayor Muryn replied that is correct. It will define that any work that is done as part of the Phase 2 benching would be born by the Conservancy District/County Commissioners.

Councilwoman Frische asked if all the properties listed on this ordinance are in the Conservatory District benching project or if some of them are outside of the benching. Mayor Muryn replied that she has not looked at it recently, but believes there were a couple that were north of Clinton Court or the west side of Main Street with no benching completed on them. They are the properties that are awkwardly around Snyder's Auto Mart, Inc. in which work would not be done on them and would just be a parking lot or green space. They are a lot on the list that are not a part of benching, but are a part of the potential development area.

Councilman Wobser asked if anything further has been heard from Norfolk Southern on their bridge expansion project. Mayor Muryn replied yes. She met with some representatives of Norfolk Southern headquarters a couple of weeks ago when she was in the area for personal travel and was able to set up a meeting with them. They are working on it and expect to have the final approvals to the City in the coming months. The City has the Federal grant to support that and are discussing some financial support from Norfolk Southern for that project. She expects approval on the final designs both from Norfolk Southern and the Federal Rail Administration in the next two (2) months. Councilman Wobser replied that is great news. He thanked Mayor Muryn for taking time out of her vacation to talk with the railroad company. He asked if that event should be linked with the rest of this because that bridge does not get changed. All the benching in the world is not going to change what happens downtown. Mayor Muryn replied that from a prioritization, that is being discussed with the County Commissioners. When it comes to the level of projects that provide benefit, the basin provides the most significant benefit with approximately a foot and a half (1.5 ft) of impact. The Norfolk Southern Railroad bridge is approximately a half foot (.5 ft), and the benching is very similar. If the benching is complete and the railroad bridge is not improved, it provides less benefit. At this point in time, the City is in a position to move forward with both projects and plan on moving forward. Both these projects are moving in tandem at this point, and should know from Norfolk Southern and the Federal Rail Administration prior to these projects being bid out for benching. Norfolk Southern has come to an agreement that they will be overseeing the construction and bidding it out, so the City will be working through an agreement with them for them to receive the City's grant dollars. The meeting with the railroad was well worth her time.

City Auditor Staschiak appreciates the comments, questions and discussion on this matter. With the comments the Mayor has made, it would be worthwhile to assemble a parcel by parcel checklist as to what was identified in Phase 1, if anything was or was not done and when. He provided Council with a copy of the original riverbed and a picture of the map attached to this letter which is from 1903. The second map is a topographic map from Phase 1 showing the riverbed in 1983. The river was moved in 1934 and 1935. The Phase 1 report states that when the river was moved, the City inherited some of the fill that was excavated and moved to the new location which is where the City wants to bench, but also stated that the City was in the habit of placing municipal waste in open pits in areas where it was filling in, so it was unknown what was used to fill in the original location of the river which runs directly along the line behind the houses that were there. If the City does the parcel by parcel assessment, he believes there are some areas that are identified as risky in that there hasn't been a Phase 2 in those areas. If the County does accept full liability of the Conservancy District, that is great if they are willing to do that for all the cost, but if not, there should be some discussion along those lines as to what the best way to move forward is. Filed.

City Planning Commission agenda June 15, 2023 – minutes - May 11, 2023. Filed.

COMMITTEE REPORTS:

The **WATER AND SEWER COMMITTEE** met on May 31, 2023 to review the progress on the internal control evaluation for the City Utility Billing Department.

We recommend that the Utility Billing Department continue to implement improvements for the internal control evaluation.

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

LEGISLATION:

RESOLUTIONS: none

ORDINANCES:

ORDINANCE NO. 2023-043 (Phase 2 benching project) **requires three (3) readings** **tabled after third reading on 5/16/23**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ACCEPT PERMANENT OWNERSHIP OF PROPERTIES IN ORDER FOR THE BOARD OF COMMISSIONERS OF HANCOCK COUNTY, OHIO, TO TRANSFER THE PARCELS LISTED ON THE ATTACHED EXHIBIT TO THE CITY OF FINDLAY, OHIO AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2023-046 (315 N Blanchard St rezone) **requires three (3) readings** **third reading – adopted**

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

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 315 NORTH BLANCHARD STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R-3 SMALL LOT RESIDENTIAL" TO "C-1 LOCAL COMMERCIAL".

Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeier, Palmer, Russel, Slough, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-046 and is hereby made a part of the record.

ORDINANCE NO. 2023-047 (*continue Workers Compensation programs*) **requires three (3) readings**

third reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKERS' COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-047 and is hereby made a part of the record.

ORDINANCE NO. 2023-048 (*replacement Parking Enforcement vehicle*) **requires three (3) readings**

third reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT(S) FOR THE PURCHASE OF A REPLACEMENT VEHICLE FOR THE CITY OF FINDLAY PARKING ENFORCEMENT DEPARTMENT, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische informed Council that she talked with Parking Enforcement Office Chase and looked at this vehicle. Council was given the impression that this vehicle was not operable and in terrible shape, but that she learned that the only thing wrong with it was the that the air conditioning needed replaced. She asked for future communication for a better explanation of what is going on with the vehicle. While she understands the reason for getting an updated vehicle because approximately ten thousand (10,000) miles are put on them a year and that it would be good to have something with a warranty, but it is unfortunate that the only thing wrong with the vehicle is that it needs air conditioning. Mayor Muryn replied that is not exactly accurate. The Administration works with City departments to ensure that they are both maintaining their vehicles as necessary and rotating them around among the departments. If there is a vehicle that is working fine, it will be moved to another department, and if there are repairs that need to be made, those will be made. She will work with that department to better understand why that was the impression given to Councilwoman Frische.

Councilman Bauman noted that it was not just the air conditioning that needed fixed, but there are also markings and safety lights that need to be added to the vehicle, in that this new vehicle would achieve all of that so that those driving it would be safe and able to do their job out on the street. Service-Safety Director Martin clarified that the vehicle that is being replaced is a late 1990s model Escape. Councilwoman Frische replied that she was under the impression that the vehicle is a Ford Taurus that had been sitting over at the Parker Lumber lot, but that Parking Enforcement Officer Chase is currently driving . . . Service-Safety Director Martin replied that there are certain maintenance requirements and does not know the extent of the replacement. He agrees with Mayor Muryn in that the Administration trusts City Department Heads to bring up what vehicles need to be replaced. During his employment with the City, late model vehicles have been repurposed to other departments. There is more than just air conditioning needing fixed for this vehicle.

Councilwoman Frische pointed out that there needs to be a better understanding and better discussions on vehicle replacement as it was stated that this is a jalopy of a vehicle and when Councilman Slough asked how many miles are on the vehicle, no one knew the answer. There needs to be better communication.

Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-048 and is hereby made a part of the record.

ORDINANCE NO. 2023-050 (*CR 212/CR 236 road widening*) **requires three (3) readings**

third reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT(S) WITH HOHENBRINK EXCAVATING, INC. FOR THE COUNTY ROAD 212/COUNTY ROAD 236 ROAD WIDENING PROJECT NO. 32864600, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-050 and is hereby made a part of the record.

ORDINANCE NO. 2023-056 (*WPC Clarifier Rehab & Oxidation Ditch Repairs*) **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 ENTER INTO A CONTRACT(S) FOR REPAIRS ON OXIDATION DITCHES AT THE CITY OF FINDLAY WATER POLLUTION CONTROL CENTER, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-057 requires three (3) readings

first reading - adopted

(insurance funds from structure fire at 824 South Main Street insurance payment for repairs of a fire engine from an accident)

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilwoman Frische will make a motion to suspend rules and give the Ordinance its second and third readings tonight since it is for insurance proceeds.

Councilwoman Frische moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Niemeyer. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann. The Ordinance received its second and third readings. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-057 and is hereby made a part of the record.

ORDINANCE NO. 2023-058 (infrastructure investment) requires three (3) readings

first reading

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR STRATEGIC INVESTMENT INFRASTRUCTURE IN SUPPORT OF ECONOMIC DEVELOPMENT, APPROPRIATING AND TRANSFERRING FUNDS THERETO.

First reading of the Ordinance.

ORDINANCE NO. 2023-059 (3rd 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. 2023-060 requires three (3) readings

first reading - adopted

(Community Development Block Grant application for Cross Ave/Hemphill Blvd waterline upgrade)

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO EXECUTE THE NECESSARY GRANT APPLICATION(S) AND/OR AGREEMENT(S) WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (HEREINAFTER REFERRED TO AS CDBG) TO FUND THE REPLACEMENT OF THE EXISTING WATERLINE ON CROSS AVENUE AND HEMPHILL BOULEVARD, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel noted that he will make a motion to suspend rules and give the Ordinance its second and third readings because this authorizes the City to apply for a grant and also deals with the remediation of a lead pipe.

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

Discussion:

Councilwoman Frische noted that she discussed with City Engineer Kalb how to better locate where this is at because some of Findlay roads have a mixture of names. She asked City Engineer Kalb if this is going to be one hundred percent (100%) covered. City Engineer Kalb replied that is correct. Councilwoman Frische asked if this will make a loop and the waterline for fire hydrants will go from a four inch (4") to a six inch (6"). City Engineer Kalb replied that is correct. There are three (3) fire hydrants part way down Clinton Court that are on four inch (4") lines, so upgrading them to a six inch (6") line will be killing two (2) birds with one stone on this project.

Ayes: Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-060 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS:

Councilman Russel pointed out that the description for Ordinance No. 2023-057 is incorrect. It talks about funds for a structure fire and a vehicle being hit, so when editing the minutes for the other item, please correct this too. Filed.

NEW BUSINESS:

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on Thursday, June 15, 2023 (*third Thursday*) at 12:00pm in the Council Chambers of the Municipal Building (CC). *Barnyard animal ordinance will not be discussed.*

- agenda: 1. 0 W McPherson Ave rezone
2. 219 Hurd Ave rezone
3. 609 W Foulke Ave rezone
4. zoning code changes

Note: This is the third Thursday of June vs the usual second Thursday meeting date. This is because the CITY PLANNING COMMISSION had to push their usual second Thursday meeting back a week and the PLANNING & ZONING COMMITTEE needs to meet after them which is the reason for this schedule change. The barnyard animal ordinance will not be discussed during the June 15th meeting. There are a couple of rezones on the agenda, so depending on how much work the CITY PLANNING COMMISSION does will determine the possibility of the discussion of the zoning code if it is sent to the PLANNING & ZONING COMMITTEE. There will not be a discussion of the barnyard animal ordinance, and discussion on the rezones and possibly the zoning code only.

Filed.

Councilman Wobser: **APPROPRIATIONS COMMITTEE** meeting on Tuesday, June 13, 2023 at 5:00pm in the third floor conference room of the Municipal Building beside the Mayor's Office (CR1).

- agenda: Ordinance No. 2023-058 (infrastructure investment)

Filed.

City Auditor Staschiak sent Council an email as the first step of the public process for citizen initiatives language for three (3) different initiatives that was filed in the City Auditor's Office. It is the step that has to be filed by the public if they want to create law prior to circulation of the language. One was for an initiative to subjective building and zoning code changes for voter approval. The second was an initiative to mandate public speaking time at Council meetings, and the third was an initiative to prohibit water shutoffs for property code violations. Those have been dully filed at the City Auditor's Office and that petitions are currently being circulated. Filed.

Mayor Muryn informed Council that Police Captain Mathias will soon be sworn in as Chief. The swearing-in ceremony will be on Monday, June 12, 2023 at 10:00am in the City's Training Center. Filed.

Mayor Muryn noted that on South Main Street, there is a variety of road torn up in that area due to a water main break that caused significant damage to the road. The water went between the old brick road and the new asphalt road, causing it to heave up. She thanked City crews who had been out there diligently working to make those repairs. The road is expected to be fully reopened on Thursday evening. Filed.

Mayor Muryn announced that there was a fire on Defiance Avenue/Pine Avenue early this morning. She thanked City teams for responding to it. They did a great job. Everyone was safe which is always the top priority. Crews were able to limit the damage from other homes beyond the couple of properties that were initially impacted. She thanked Liberty Township and Allen Township Fire Firefighters who also provided mutual aid. Teams have been very busy keeping the community safe. Filed.

President of Council Harrington pointed out that the first City Council meeting in July will be on Wednesday, July 5, 2023 because the normal date of July 4, 2023 (Tuesday) is a holiday. Filed.

Councilman Bauman thanked Officer White and the bicycle rodeo last Saturday, June 3, 2023. It was a great event and fun had by all. Filed.

Councilman Bauman moved to adjourn City Council at 7:15pm, seconded by Councilman Slough. All were in favor.

CLERK OF COUNCIL

COUNCIL PRESIDENT